SENATE—*Tuesday, October 31, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 2:01 p.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:

O Gracious Father, all that we have and are is Your gift. Sharpen the memories of our hearts so that we may have an attitude of gratitude. You have been so faithful to help us when we have humbly asked that You would give us Your guidance and strength. May we be as quick to praise You for what You have done in the past as we are to ask You to bless the future. We have come to You in difficulties and crises and You have been on time and in time in Your interventions. Thank You, Lord, for Your providential care of this Senate as it deals with the immense challenges in completing the work of this 106th Congress. Grant the Senators a heightened sense of the dynamic role that You have given each of them to play in the unfolding drama of American history.

And Lord, the Senators would be the first to express gratitude for their staffs who make it possible for them to accomplish their work. Together we praise You for all of the people who enable this Senate to function effectively—all of those here in the Chamber, the parliamentarians and the clerks, the staff in the Cloakrooms, the reporters of debates, and the doorkeepers. We thank You for the Capitol Police, elevator operators, food service personnel, and those in environmental services. Help us to express our gratitude to all of them as essential members of the Senate family.

And today we share grief at the recent death of Betty Bunch, who served the Senate so faithfully for 23 years and was strategic in implementing the Sergeant at Arms' Postal Square facility.

Most of all, we are thankful for You, dear God, Sovereign of this free land, Source of all of our blessings that we have, and Lord of the future. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHARLES GRASSLEY, a Senator from the State of Iowa, 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 PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Iowa is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, for the majority leader, I wish to announce today's program.

The Senate will be in a period of morning business until 6 p.m. with Senators LOTT, REID, and WELLSTONE in control of the time. Today the Senate will agree by unanimous consent to the continuing resolution that funds the Government until tomorrow.

As a reminder, cloture was filed on the bankruptcy bill yesterday, and that vote will occur tomorrow morning possibly around 9:30 a.m. A vote on a continuing resolution will also take place during Wednesday's session. The President has vetoed the important legislative branch and Treasury-Postal appropriations bills. However, negotiations will continue to try to come to a consensus to fund all Government programs throughout the year.

I thank my colleagues for their attention.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from Iowa, the acting leader today, that, of course, we are very disappointed that the tremendous work done by all the participants, Republicans and Democrats, Senator STEVENS, Senator BYRD, Senator HARKIN—it was a bipartisan effort—yesterday morning we had an agreement on the very important Labor-HHS bill. As a result of the actions of the whip of the House, TOM DELAY, that bill fell through. It was a terrible disappointment for everybody. We hope that there is a way to complete action on these bills. Each day that goes by, I become less encouraged, but I hope that something can be worked out.

Yesterday, we had the makings of a very important compromise. I am disappointed that it fell through.

Mr. President, we are going into, as has already been announced by Senator GRASSLEY, 4 hours of morning business. On this side, we have 2 hours, or whatever part thereof remains from the brief statements of Senator GRASSLEY and I. The time was basically set aside for Senator WELLSTONE. He has another issue that he wants to speak about; namely, bankruptcy. But he graciously has consented to allowing Senators BOXER, BAUCUS, DORGAN, DURBIN, and HARKIN to have 5 minutes each during his time.

I personally express my appreciation to the Senator from Minnesota for allowing these Senators to speak. I again say that it is too bad we are not completing all of our work here today rather than figuring out some way to get out of town in the next few days.

So I would ask unanimous consent that those people—Senators BOXER, BAUCUS, DORGAN, DURBIN, and HARKIN—be allowed 5 minutes each during the time of morning business today.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the time until 4 p.m. shall be under the control of the Senator from Nevada, Mr. REID, or the Senator from Minnesota, Mr. WELLSTONE.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I will grant 5 minutes to the Senator from Montana.

I say to the Senator from Iowa, if I can get his attention, following the Senator from Montana, I think the Senator from Iowa wants to speak. So the Senator from Iowa will follow. I think he is going to take that time out of the Republican time.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I thank the Chair. I thank my good friend from Minnesota.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

Mr. BAUCUS. Mr. President, Mike Mansfield, Scoop Jackson, Richard Russell, Russell Long, Lyndon Johnson, Lloyd Bentsen, Bob Dole, John Chafee, DANIEL PATRICK MOYNIHAN,

who are these men? They were the giants in the Senate in the quarter of a century before and after our bicentennial. They are the models to whom we all aspire. They are the most recent generation of statesmen who helped lead our nation to the greatness of today.

I was elected to the Senate 2 years after PAT MOYNIHAN entered this body. I have had the honor, the pleasure, and the privilege of serving with PAT MOYNIHAN for 22 years.

In fact, I have spent two-thirds of my adult life working with PAT MOYNIHAN—watching this intellectual giant, listening to this scholar and visionary, learning from this teacher, this social critic, this political master.

Who is PAT MOYNIHAN? University professor, diplomat, Cabinet Secretary, fighter of poverty, social analyst, distinguished and prolific author, defender of worker rights everywhere, U.S. Senator, mentor, humanist, citizen, friend.

PAT published his first book in 1963. ''Beyond the Melting Pot'' looked at minority groups in New York City. Its conclusion was that the prevailing assumption at the time was wrong, that assumption being that minorities assimilated into the broader American culture.

PAT wrote his most recent book in 1998. ''Secrecy, the American Experience'' explained how secrecy in government deformed American values in the 20th century.

In between, he authored 16 other books—believe it or not; 16—on subjects that included poverty, family, ethnicity, and social policy.

In 1963, with ''Beyond the Melting Pot,'' PAT was at the cutting edge, as we were beginning to struggle more honestly with the problems of minority groups in this country. Thirty-five years later, with the publication of ''Secrecy, the American Experience,'' PAT is still at the cutting edge.

We are struggling to transform our institutions away from a culture that fought the cold war to a culture where the Internet thrives. Openness and transparency are valued again, and information is decentralized, distributed, and widely available.

During those intervening three and a half decades, PAT was always at the cutting edge in forcing us to rethink our fundamental assumptions about poverty, family, Social Security, ethnicity, and a wide range of domestic and global issues.

One area where PAT has made an enormous contribution to bettering our society—and yet is little recognized for it—is public architecture. He was one of the driving forces—in fact, the major driving force—to renovate Pennsylvania Avenue, to complete the Navy Memorial, Pershing Park, the Ronald Reagan Building, the restoration of Union Station, and the Thurgood Marshall Judiciary Building.

We, and our descendants, who visit our Nation's capital will have our lives enriched because of PAT MOYNIHAN's vision.

Let me conclude with a quotation from PAT. In 1976, he said: ''The single most exciting thing you encounter in government is competence, because it's so rare.'' I would change that to read: ''The single most exciting thing you encounter in government is greatness, because it's so rare.'' And that exciting thing, that exciting person, that greatness, for me, has been DANIEL PATRICK MOYNIHAN.

There is no higher calling than public service. PAT MOYNIHAN has been its embodiment for half a century.

We will all miss you, PAT, miss you very much.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I want to make sure that the time I use now does not come out of the Democrat time. So it will come out of the Republican time. And the Democrat time should be extended beyond 4 o'clock by the amount of time I speak.

The PRESIDING OFFICER. That is the understanding.

FAMILY OPPORTUNITY ACT OF 2000

Mr. President, I rise today to talk about the Family Opportunity Act, S. 2744. Senator KENNEDY and I introduced this bill in March of this year. Representatives SESSIONS and WAXMAN introduced the companion bill in the House of Representatives in August. It is a strongly bipartisan bill. There are 77 Senate cosponsors and 139 House cosponsors. This bill will make life easier for working American parents caring for a child with a severe disability.

Shortly after introducing this bill, I worked in a bipartisan way to secure a budget reserve fund in the budget resolution. Subsequently, the Senate Budget Committee convened a hearing on the bill. Then, in July, the President announced his support for the bill.

Logic would tell us that a bill with this kind of bipartisan support would stand a good chance of being approved by the Congress. Unfortunately, this bill is not among the final, end-of-year legislative packages. One likely explanation is that the families who would be helped by this bill do not have the same kind of political influence and clout that other powerful interest groups have. Working parents are not a powerful voice in Washington, even though they have every legitimate right to be a powerful voice in Washington.

Interestingly, today the bill was discussed on the House floor by a very powerful Member of the House of Representatives. The distinguished House Member was under the impression that the Family Opportunity Act is primarily a Democratic bill. In fact, the Family Opportunity Act has broad bipartisan support. In addition, it is based on strongly held Republican principles.

The Family Opportunity Act is, No. 1, pro-family, No. 2, pro-work, No. 3, pro-opportunity and, No. 4, pro-States rights.

Pro-family. When you are a parent, your main objective is to provide for your child to the best of your ability. Right now, our Federal Government takes this goal and turns it upside down for parents of children with special health care needs. In the worst cases, parents give up custody of their child with special health care needs or put their child in an out-of-home placement just to keep their child's access to Medicaid-covered services.

Pro-work. Federal policies today force these parents to choose between work and their children's health care. That is a terrible choice.

Many parents of children with disabilities refuse jobs, pay raises, and overtime just to preserve access to Medicaid for their child with disabilities. Thousands of families across the country are caught in this Catch-22.

Pro-opportunity. The Family Opportunity Act of 2000 was created to help parents have the opportunities they deserve. It does so by providing parents the opportunity to work without the fear of harming their children. Allowing parents to break free from constraints that force many of them to stay impoverished is a win-win. Parents who work are also taxpayers. That's good for the government and the economy. And, parents who work are better able to provide for their families. That's good for children.

Pro-States rights. Governor Huckabee from Arkansas said it best at the Senate Budget Committee hearing I chaired in July. He said:

> The Family Opportunity Act encourages progress for the family and places government on the side of the people where it should be. No child and no family should be the victim of a process which conspires against the very foundational principles on which we have existed for over 200 years. This Act will restore principled leadership from all of us as leaders who rightly see our roles as servants of the citizens, not the other way around.

I can't emphasize strongly enough how important a bill like the Family Opportunity Act is to working families across America. Everybody wants to use their talents to the fullest potential, and every parent wants to provide as much as possible for his or her children. The government shouldn't get in the way.

If this bill is allowed to die, that would be a missed opportunity of the highest level. I urge my colleagues to reconsider its status.

Winston Churchill once said:

> Never give in, never give in, never, never, never, never—in nothing, great or small,

large or petty—never give in except to convictions of honor and good sense.

Legislation to help families help themselves make good sense.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. First of all, I thank Senator GRASSLEY. I very much appreciate his effort, with Senator KENNEDY. He does not give in, especially when it is a matter of principle to him. I thank him for his good work.

BANKRUPTCY REFORM ACT CONFERENCE REPORT

Mr. WELLSTONE. Mr. President, as of today, we are scheduled to have a cloture vote tomorrow. It is going to be on the bankruptcy conference report. One would think that in the final days of this Congress—of this Senate—we actually would be talking about debating and passing legislation that would promote the economic security of families in our country.

We could focus on health security for families. We could focus on raising the minimum wage. We could focus on affordable child care. We could focus on affordable housing. We could focus on reauthorizing the Elementary and Secondary Education Act. Thank God people in the country are so focused on a good education for their children or their grandchildren.

Instead, we are spending our final days debating an unjust and imbalanced bankruptcy bill which is entirely for the benefit of big banks and the credit card companies. In one way, I am very sad to say this piece of legislation is truly representative of the 106th Congress. It is an anti-consumer, give-away-to-big-business bill, in a Congress which has been dominated by special interest legislation. And it is representative of the 106th Congress in another way, too: It represents distorted priorities. We could be doing so much to enhance and support ordinary citizens in our country. Instead, we now have this legislation before us.

I want Senators to know, if they are watching, I will, as they come to the floor, interrupt my remarks so others can speak in opposition. We have a lot of ground to cover. We intend to cover that ground because this piece of legislation deserves scrutiny. It should be held up to the light of day so citizens in this country can see what an ill-made, mishandled attempt this piece of legislation is. Other Senators need to understand what bad legislation this is, how terrible its impact will be on America's most powerless families, and what a complete giveaway it is to banks, credit card companies, and other powerful interests.

This is a worse bill than the bill we voted on earlier in the Senate. It is important for colleagues to understand that not only is this a worse piece of legislation, we had a provision in the bill that passed the Senate—albeit a flawed bill—the Kohl amendment, which said that while we are punishing low- and moderate-income people, families that have gone under because of bankruptcy, in 40 percent or 50 percent of the cases because of medical bills, you certainly don't want to enable millionaires to basically buy million-dollar homes in several States and in that way shield themselves from any liability. That provision was taken out. That is reason enough for Senators to vote against this bill.

In addition, Senator SCHUMER had a provision that said, when people are breaking the law and blocking people from being able to go to family planning clinics, they should not be able to shield themselves from legal expenses and other expenses by not being held liable when it comes to bankruptcy. The Schumer provision was taken out.

If that is not enough for Senators, the way in which the majority leader has advanced this bill makes a mockery out of the legislative process. If we love this institution and we believe in an open, public, and accountable legislative and political process, then I don't see how we can support taking a State Department conference report—I call it the ''invasion of the body snatchers''—completely gutting that so there is not a word about the State Department any longer and, instead, putting in this bankruptcy bill, far worse than the bill passed by the Senate.

I see Senator DURBIN on the floor. I can conclude in 5 minutes, if he is here to speak on this.

I will summarize reasons for opposing this conference report and then come back a little later on and develop each of these arguments.

First, the legislation rests on faulty premises. The bill addresses a crisis that does not exist. Increased filings are being used as an excuse to harshly restrict bankruptcy protection, but the filings have actually fallen sharply in the last 2 years. Additionally, the bill is based on the myth that the stigma of bankruptcy has declined. Not true. I will develop that argument later on.

Second, abusive filers are a tiny minority. Bill proponents cite the need to curb ''abusive filings'' as a reason to harshly restrict bankruptcy protection, but the American Bankruptcy Institute found that only 3 percent of chapter 7 filers could have paid back more of their debt. Even bill supporters acknowledge that, at most, 10 to 13 percent of the filers are abusive.

Third, the conference report falls heaviest on those who are most vulnerable. The harsh restrictions in this legislation will make bankruptcy less protective, more complicated, and expensive to file. This will make it much more difficult for low- and moderate-income citizens to have any protection. Unfortunately, the means tests and safe harbor will not shield from the majority of these provisions and have been written in such a way that they will capture many debtors who truly have no ability to significantly pay off this debt and therefore will be in servitude for the rest of their lives.

Fourth of all, the bankruptcy code is a critical safety net for America's middle class. Low- and moderate-income families, especially single parent families, are those who are most in need to make a fresh start—the fresh start provided by bankruptcy protection. The bill will make it very difficult for these families to get out of crushing debt. Again, in 40 percent of the cases, these are families who have gone under because of a medical bill.

Fifth of all, the banking and credit card industry gets a free ride. The bill as drafted gives a free ride to banks and credit card companies that deserve much of the claim for the bankruptcy filings in the first place, and the lenders should not be rewarded for this reckless lending.

Sixth of all, this legislation actually might increase the number of bankruptcies and defaults. Several economists have suggested that restricting access to bankruptcy protection will actually increase the number of filings and defaults because banks and these credit card companies will be even more willing to lend money to marginal candidates.

Seventh of all, the conference report, again, is worse than the Senate bill. We had a very reasonable provision; It was the Kohl amendment, which said, if you are going to go after women, and go after working families, and go after low- and moderate-income people, and go after families who are in debt because of a medical bill that is putting them under, then at least make sure you are not going to have wealthy Americans who are going to be able to go to several States and buy homes worth millions of dollars and shield themselves from any liability. That provision is knocked out.

This is a worse bill than that passed in the Senate. The Schumer amendment, again, said if people are blocking people from family planning services, they have broken the law; they ought not to be able to shield expenses they incurred from liability when it comes to bankruptcy. The Schumer amendment was taken out.

Finally, I say this one more time. This is a larger issue than bankruptcy reform. It is a question of the fundamental integrity of the Senate as a legislative body. Not one provision of the original State Department authorization bill, aside from the bill number, remains part of this legislation. To replace in totality a piece of legislation with a wholly new and unrelated bill in conference takes the Congress one step closer to a virtual tricameral legislature—House, Senate, and conference

committee. If you believe in the integrity of this legislative process, and if you believe we all ought to be in a position to be good legislators, you should vote against this cloture motion on those grounds alone.

I conclude this way. Other colleagues are on the floor. I will develop these arguments later on. At one point in time, the argument was suggested that only a tiny minority opposed this bill. Well, when I look at the opposition of labor unions, and I look at the opposition of every single consumer organization, and I look at the opposition from women and children's groups, and I look at the strong opposition from the civil rights community and a good part of the religious community, and when I see letters signed by bankruptcy professors, the academic community, judges, all the people who know this system well, who say this piece of legislation is egregious—it is one sided: it is imbalanced; it is unjust; it is too harsh—I realize that this piece of legislation should be stopped. I hope that tomorrow Senators, Democrats and Republicans, will oppose this on substantive grounds and also on the basis of the way in which this has been done. The way in which this has been done at the very end of this session is an affront to the integrity of this process. No Senator should vote for cloture who believes in an open, honest process with real integrity.

Before I launch into my first point, Mr. President, I'd like to observe that in July my friend from Iowa, the author of this bill, referred to the opposition to this bill as the ''radical fringe.'' Well, I'm pretty proud of the company I'm keeping no matter now dismissive my colleague. Because you know what? The labor unions all oppose this bill. The consumer groups all oppose this bill. The women and children's groups all oppose this bill. The civil rights groups all oppose this bill and the many members of the religious community oppose this bill. Indeed one of the broadest coalitions I have ever seen united together opposes this so-called bankruptcy reform.

I would say to my colleagues, you can tell a lot about a person—or a bill—by who its friends are. But you can also tell a lot about a bill by who its enemies are. The radical fringe? I see millions of working families who have nothing to gain and everything to lose under this legislation.

Now, Mr. President, you have to give the proponents of this bill credit for chutzpah: They still preach the urgent need for this legislation despite the fact that nearly all the evidence points to the contrary. In fact, in the months since the Senate passed bankruptcy reform, any pretense of necessity has evaporated. The number of bankruptcies has fallen steadily over the past year, charge offs on credit card debt are down significantly and delinquencies have fallen to the lowest levels since 1995. Now proponents and opponents agree that nearly all debtors resort to bankruptcy not to game the system but rather as a desperate measure of economic survival and that only a tiny minority of chapter 7 filers—as few as 3 percent—could afford any debt repayment.

And I have to congratulate my friends on another point, because they had almost convinced the Congress and the American public to view bankruptcy as a giant loophole for scam artists instead of a safety net. A key part of this argument is the belief—wholly unsubstantiated as far as any objective observer call tell—that the high number of bankruptcies in the 1990's is a result of a decline in the stigma of bankruptcy. In fact, my friend from Iowa said in July that ''With high numbers of bankruptcies occurring at a time when Americans are earning more, the only logical conclusion is that some people are using bankruptcy as a way out.''

With all due respect, while that has been a common assertion on the part of the bill's proponents that's all it is: an assertion. Virtually nothing backs it up. Indeed it's an assertion that flies in the face of all evidence that bankruptcy remains a deeply embarrassing, difficult and humbling experience for the vast majority of the people who file. I think my colleagues should actually talk to some folks who have filed for bankruptcy. Ask them how it felt to tell their friends and family about what they had to do, ask them how it felt to let down lenders to whom they owed money. Ask them how they felt about telling their employer.

In fact, it's a shame that when a group of my colleagues and I hosted some of the debtors profiled in Time magazine exposé of this legislation—''Soaked by Congress''—the bill's proponents attacked the credibility of the Time article but didn't bother to visit with Charles and Lisa Trapp, or Patricia Blake, or Diana Murray all who came to Washington to explain—from the perspective of people who have been there—what it's like to file for bankruptcy and why they were driven by that extreme.

A review of the academic papers on bankruptcy suggests that the evidence for a decline in the stigma of bankruptcy is slim. This was the conclusion of a September 2000 Congressional Budget Office report entitled ''Personal Bankruptcy: A Literature Review.'' In fact, CBO found some objective evidence that argues that the stigma of bankruptcy is a strong deterrent to filing noting a study that showed that while 18 percent of U.S. households could benefit from filing for bankruptcy, only 0.7 percent did—suggesting that stigma might hold some back.

In the book, ''the Fragile Middle Class'' by Theresa Sullivan, Elizabeth Warren and Jay Westerbrook—all academic bankruptcy experts—the authors argue that the stigma remains:

> Bankruptcy is, in many ways, where middle class values crash into middle class fears. Bankruptcy debtors are unlikely either to feel in charge of their destiny or to feel confident about planning their future. Discharging debts that were honestly incurred seems the antithesis of middle-class morality. Public identification as a bankruptcy debtor is embarrassing at best, devastating at worst. It is certainly not respectable, even in a country with large numbers of bankruptcies, to be bankrupt. Bankruptcy debtors have told us of their efforts to conceal their bankruptcy. Arguments that the stigma attached to bankruptcy has declined are typically made by journalists who are unable to find any bankrupt debtors willing to be interviewed for the record and by prosperous economists who see bankruptcy as a great bargain.

Of course the stigma argument isn't new. As early as the 1920's then Solicitor General of the United States Thomas Thacher argued that Americans were all too comfortable with filing for bankruptcy. Indeed, as David Moss notes in a 1999 American Bankruptcy Law Journal article, quote: ''those who today worry about declining stigma might be surprised to learn that the stigma associated with bankruptcy had, according to some observers, already disappeared by 1967.''

Of course there are other very logical explanations of why the filing rate in the 90's is quite high—they just aren't as convenient for the big banks and credit card industry.

Mr. President, we know why people file for bankruptcy. Bankruptcy is the only solution for families who find their debt and the interest on their debt outstrips their income. The question is, why do families find themselves in those circumstances? And when they do, what do we as a society do to keep those families solvent. Or if we don't help them to remain solvent, how do we at least let them pick up the pieces, get on with their lives, reenter productive society.

That's what this debate is about. That's exactly what's at stake in this debate; the solvency of the middle class.

But, Mr. President, one not-so-small footnote that overshadows this whole debate is the fact that the number of bankruptcy filings have been dropping like a stone for the past 2 years. My colleagues are driving this heartless bill with talk of a bankruptcy ''crisis,'' a dramatic increase in the number of filings, but with all due respect they are trying to scare us with yesterday's ghosts. A study released on September 8 of last year by Professor Lawrence Ausubel of the University of Maryland notes that the peak increase in bankruptcy filings came and went in 1996. In fact, filings in 1998 were barely an increase over 1997 and we now know that there were 112,000 fewer bankruptcies in 1999 that there were in 1998—a nearly

10 percent decline. And the numbers so far have continued the sharp decline in 2000.

We're being led to believe that it's the high number of bankrupts that are driving this legislation. And do you know what? They are, but for the wrong reasons. The credit card companies are counting on the United States Senate to overreact to the number of bankruptcies, they are counting on you to ignore their complicity in the huge debt burdens on most American families, the financial services industry is counting on the Congress to overlook the evidence that the bankruptcy crisis is self correcting. The problem may be abating, but they still want the fix to pad their profits. The high number of people filing for bankruptcy—most of whom have terrible circumstances that force them to do so—are an excuse, not a justification.

Still, regardless of how many people file or why they file, my colleagues continue to maintain that this bill is driven by necessity. To do this they would track more debtors into chapter 13 instead of chapter 7 through the use of a means test. But again, their goal flies in the face of the evidence. First of all, we know through independent studies of those who file for bankruptcy that only about 3 percent of all debtors who file for chapter 7 could afford to pay any of their debts and that in 95 percent of chapter 7 filings there were no meaningful assets to be liquidated to pay back creditors. This is in line with other evidence that nearly all debtors file for bankruptcy do so because of some sudden, drastic economic disruption which it often takes years to recover from.

Bankruptcy does not occur in vacuum. We know that in the vast majority of cases it is a drastic step taken by families in desperate financial circumstances and overburdened by debt. The main income earner may have lost his or her job. There may be sudden illness or a terrible accident requiring medical care. Certainly most Americans have faced a time in their lives where they weren't sure where the next mortgage payment or credit card payment was going to come from, but somehow they scrape by month to month. Still, such families are on the edge of a precipice and any new expense—a severely sick child, a car repair bill—could send a family into financial ruin. Despite the current economic expansion there are far too many working families in this situation. That is the true story behind the high number of bankruptcy filings in recent years and I want to make clear to my colleagues that the evidence shows that the very banks and credit card companies who are pushing this bill have a lot to do with why working families are in this predicament today.

The bankruptcy system is supposed to allow a person to climb back up after they've hit bottom, to have a fresh start. There is no point to continue to punish a person and a family once their resources are over matched by debt. The bankruptcy system allows families to regroup, to focus resources on essentials like their home, transportation and meeting the needs of dependents. Sometimes the only way this can occur is to allow the debtor to be forgiven of some debt, and in most cases this is debt that would never be repaid because of the debtor's financial circumstances.

The sponsors of this measure and the megabucks and credit card companies behind this bill don't like to focus on those situations. They paint a picture of profligate abuse of the bankruptcy system by irresponsible debtors who could pay their debt but simply choose not to. Such people do take advantage of the system, there is no question. But this bill casts a wider net and catches more than just the bankruptcy ''abusers.''

Again, a study done last year by the American Bankruptcy Institute found that only 3 percent of debtors who file under chapter 7—where debtors liquidate assets to repay some debt while the rest of the debtor's unsecured debt is forgiven—would actually have been able to pay more of their debt than they are required to under chapter 7. Even the U.S. Justice Department found that the number of abusive claims was somewhere between 3–13 percent. This means that the number of people filing abusive bankruptcy claims is astonishingly low. But this legislation seeks to channel many more debtors into chapter 13 bankruptcy—where the debtor enters a 3–5 year repayment plan and very little debt is forgiven. Yet in the pursuit of the few, this bill imposes onerous conditions, and ridiculous standards on all bankrupts alike. Additionally, under current law, 67 percent of the debtors in chapter 13 fail to complete their repayment plan often because they did not get enough relief from loans, and because economic difficulties continued. So this legislation would take individuals, the majority of whom desperately need a true fresh start, and force them into a bankruptcy process which two-thirds of debtors already fail to complete successfully. And my colleagues call this reform?

And yet when given the opportunity to target real, proven abuses by wealthy deadbeats and scofflaws, the sponsors took a pass. Again, Mr. President, the very small number of abusive filers are an excuse not a justification for this bill that falls most heavily on those most in need of fresh start relief. This conference report does not match it's rhetoric.

HOW THE BILL HARMS THE VULNERABLE

Mr. President, I want to take some time to talk about the effect this bill will have on low- and middle-class debtors. Remember, nearly all debtors file for bankruptcy are not wealthy scofflaws, but rather are people in desperate economic circumstances who file as a last resort to try and rebuild their finances, and, in many cases, end harassment by their creditors. And in particular I want to remind my colleagues of the May 15, 2000, issue of Time magazine whose cover story on this so-called bankruptcy reform legislation was entitled ''Soaked by Congress.''

The article, written by reporters Dan Bartlett and Jim Steele, is a detailed look at the true picture of who files for bankruptcy in America. You will find it far different from the skewed version being used to justify this legislation. The article carefully documents how low and middle income families—increasingly households headed by single women—will be denied the opportunity of a fresh start if this punitive legislation is enacted. As Brady Williamson, the chairman of the National Bankruptcy Review Commission, notes in the article, the bankruptcy bill would condemn many working families to ''what essentially is a life term in debtor's prison.''

Now proponents of this legislation has tried to refute the Time magazine article. Indeed during these final days of debate you will hear the bill's supporters claim that low and moderate income debtors will be unaffected by this legislation. But colleagues, if you listen carefully to their statements you will hear that they only claim that such debtors will not be affected by the bill's means tests. Not only is that claim demonstratably false—the means test and the safe harbor have been written in a way that will capture many working families who are filing for chapter 7 relief in good faith—but it ignores the vast majority of this legislation which will impose needless hurdles and punitive costs on all families who file for bankruptcy regardless of their income. Nor does the safe harbor apply to any of these provisions.

Now, you might ask why the Congress has chosen to come down so hard on ordinary working folk down on their luck. How is it that this bill is so skewed against their interest and in favor of big banks and credit card companies? Well, maybe that's because these families don't have million dollar lobbyists representing them before Congress. They don't give hundreds of thousands of dollars in soft money to the Democratic and Republican parties. They don't spend their days hanging outside the Senate Chamber waiting to bend a members ear. Unfortunately it looks like the industry got to us first.

They may have lost a job, they may be struggling with a divorce, maybe there are unexpected medical bills. But you know what? They're busy trying to turn their lives around. And I think it's

shameful that at the same time this story is unfolding for a million families across America, Congress is poised to make it harder for them to turn it around. Who do we represent?

So Mr. President, I'd like to take a few minutes to explain exactly what the effects of this bill will be on real life debtors—the folks profiled in the Time article. I hope the authors of the bill will come to the floor to debate on these points. There could be the opportunity for some real discussion on an issue that has yet to be addressed by the bill's supporters. Specifically, I challenge them to come to the floor and explain to their colleagues how making bankruptcy relief harder and much more costly to achieve will benefit working families.

CHARLES AND LINDA TRAPP

Charles and Linda Trapp were forced into bankruptcy by medical problems. Their daughter's medical treatment left them with medical debts well over $100,000, as well as a number of credit card debts. Because of her daughter's degenerative condition, Ms. Trapp had to leave her job as a letter carrier about 2 months before the bankruptcy case was filed to manage her daughter's care. Before she left her job, the family's annual income was about $83,000, or about $6,900 per month, so under the bill, close to that amount, about $6,200, the average monthly income for the previous 6 months, would be deemed to be their current monthly income, even though their gross monthly income at the time of filing was only $4,800. Based on this fictitious deemed income, the Trapps would have been presumed to be abusing the Bankruptcy Code, since their allowed expenses under the IRS guidelines and secured debt payments amounted to $5,339. The difference of about $850 per month would have been deemed available to pay unsecured debts and was over the $167 per month triggering a presumption of abuse. The Trapps would have had to submit detailed documentation to rebut this presumption, trying to show that their income should be adjusted downward because of special circumstances and that there was no reasonable alternative to Ms. Trapp leaving her job.

Because their current monthly income, although fictitious, was over the median income, the family would have been subject to motions for abuse filed by creditors, who might argue that Ms. Trapp should not have left her job, and that the Trapps should have tried to pay their debts in chapter 13. They also would not have been protected by the safe harbor. The Trapps would have had to pay their attorney to defend such motions and if they could not have afforded the thousand dollars or more that this would have cost, their case would have been dismissed and they would have received no bankruptcy relief. If they prevailed on the motion, it is very unlikely they could recover attorney's fees from a creditor who brought the motion, since recovery of fees is permitted only if the creditor's motion was frivolous and could not arguably be supported by any reasonable interpretation of the law (a much weaker standard than the original Senate bill). Because the means test is so vague and ambiguous, any creditor could argue that it was simply making a good faith attempt to apply the means test, which after all created a presumption of abuse.

Of course, young Annelise Trapp's medical problems continue and are only getting worse. Under current law, if the Trapps again amass medical and other debts they can't pay, they could seek refuge in chapter 13, where they would be required to pay all that they could afford. Under the new bill, the Trapps could not file a chapter 13 case for five years. Even then, their payments would be determined by the IRS expense standards and they would have to stay in their plan for 5 years, rather than the 3 years required to current law. The time for filing a new chapter 7 would also be increased by the bill from 6 years to 8 years.

LUCY GARCIA

Lucy Garcia was on the verge of eviction from her apartment when she went to her bankruptcy attorney. As described in Time, after she separated from her husband, it was difficult to make ends meet and she fell behind on her rent. When she filed her bankruptcy case, the automatic stay prevented her eviction temporarily. In that time, she received her tax refund and was able to catch up in her rent and thus prevent the eviction. Under the bill now before the Senate, Ms. Garcia and her two children would have become homeless, because there would have been no automatic stay of their eviction.

Depending on how the means test is interpreted (and there are numerous ambiguities that will lead to widespread litigation that most consumer debtors cannot afford), Ms. Garcia might not even be allowed to file a chapter 7 case under the bill. For food, clothing, housekeeping supplies, personal care items and services, and miscellaneous she would be allowed to spend $863 per month and she actually spends $1,191. The deemed surplus of $328 multiplied by 60 is more than $6,000 and more than 25 percent of her debt and therefore her case could be deemed an abuse of chapter 7.

The IRS budget used by the means test only allows $4.93 a day for food per person. No one could properly feed a child for $4.93, a day let alone an adult, especially in New York City where Ms. Garcia lives. The food budget for three people like Lucy's family with gross income of $2,600 a month is $444 per month according to the IRS website. The amount allowed for food for lower income families is even less, as low as $3.02 a day per person. under the bill, the trustees in all cases will be required to use the means test even if the debtor's income is under the national median as in this case. (Apparently, the credit industry is trying to confuse Senators by confusing two different sections of the bill. Credit card lobbyists mislead by telling Senators the means test does not apply if the income is below the median income in a case like Ms. Garcia's. This is false. The language of the bill says creditors cannot challenge cases if the income is below the median, but under the section about trustee duties the trustee must apply the means test whether the creditor challenges the case or not.)

Ms. Garcia barely had the money to pay her attorney when she filed her bankruptcy case. She still barely has enough to meet expenses. She certainly would not have had the funds to defend against a motion filed under the means test. She would not have been able to afford the additional filing fees in the bill, combined with the additional attorney's fees that the bill will cause due to the substantial additional paperwork requirements.

Because she did not have all of the bills she had received in the last 90 days before bankruptcy, her attorney would have had to spend significant time trying to determine the addresses at which creditors might ''wish to receive correspondence'' as required by the bill, and might not have been able to give notice to some creditors that would be deemed ''effective'' under the bill. These creditors would then be free to continue to harass Ms. Garcia even after she filed her bankruptcy petition.

Ms. Garcia would also have been required to give up her television in which Sears claimed a security interest, since there was no room in her budget for payments to redeem (with payment of the retail value required by the bill) or reaffirm the debt. With two children, ages 6 and 9, loss of her television would have been a real hardship.

ALLEN SMITH

Allen Smith is a resident of Delaware, which has no homestead exemption. In other words, he cannot shield his home from his creditors. Ironically, under this bill, wealthy scofflaws can shield multimillion dollar mansions from their creditors with a little planning, but not Mr. Smith. As a result when the tragic medical problems described in the Time article befell his family, he could not file a chapter 7 case without losing his home. Instead he filed a chapter 13 case, which required substantial payments in addition to his regular mortgage payments for him to save his home. Ultimately, after his wife passed away and he himself was hospitalized he was unable to make all these payments and his chapter 13 plan failed. Had Delaware had a reasonable homestead exemption, and

had Mr. Smith been able to simply file a chapter 7 case to eliminate his other debts, he might have been able to save his home.

Mr. Smith's financial deterioration was caused by unavoidable medical problems. Before he thought about bankruptcy he went to consumer credit counseling to try to deal with his debts. However, it appears that he went to consumer credit counseling just over 180 days before the case was filed, and he did not receive a briefing, so the new bill would have required him to go again. This would have been very difficult, considering his medical problems. In fact, his attorney, demonstrating dedication to clients that sharply contrasts with the creditor propaganda picture of bankruptcy lawyers just out to make a buck, made several home visits to Mr. Smith and his wife, who was a double amputee.

The new bill would also have required a great deal of additional time and expense for Mr. Smith and his attorney, through new paperwork requirements and a requirement that he attend a credit education course. Such a course would have done nothing to prevent the enormous medical problems suffered by Mr. Smith and his wife. He did not get in financial trouble through failure to manage his money. He is 73 years old and had never before had debt problems. The bill makes no exceptions for people who cannot attend the course due to exigent circumstances, so Mr. Smith might never have been able to get any relief in bankruptcy under the new law.

Under the new bill, Mr. Smith would also have had to give up his television and VCR to Sears, which claimed a security interest in the items. Under the bill, he would not be permitted to retain possession of these items in chapter 7 unless he reaffirms the debt or redeemed the items. Sears may demand reaffirmation of its entire $3,000 debt under the bill, and to redeem Mr. Smith would have to pay their retail value. After his wife died and her income was gone, Mr. Smith did not have the money to pay these amounts to Sears. Since he is largely homebound, loss of these items would have been devastating.

Sadly, Mr. Smith's medical problems continue. Under current law, if he again amasses medical and other debts he can't pay, he could seek refuge in chapter 13, where he would be required to pay all that he can afford. Under the new bill, Mr, Smith cannot file a chapter 13 case for 5 years (until he is 78 years old). The time for filing a new chapter 7 has also been increased, from 6 years to 8 years.

MAXEAN BOWEN

Maxean Bowen's case shows how every single bankruptcy debtor would be impacted by the bill. She didn't have the money to pay her bankruptcy attorney and had to get it from relatives. With the increased costs for paperwork, obtaining tax records and taking a credit education course, it is not clear that Ms. Bowen would even have been able to afford bankruptcy relief. Her debt problems stemmed from a disability that caused her to be unable to work at her job, reducing her income to $800 per month for herself and her 11-year-old daughter. Thus, her situation was not a result of mismanaging her credit, and a credit education course would not have prevented it. Nonetheless, unless she could find the money to pay for such a course, she could get no bankruptcy relief under the bill.

CHAPTER 13 MADE UNWORKABLE

Mr. President, I want to talk for a moment about cross purposes in this bankruptcy measure because it highlights a fundamental reality about this legislation: it has become larded up with special interest provisions which not only hurt middle class consumers but also completely undermine the ostensible purpose of the legislation: to track more debtors into chapter 13 where they repay their creditors.

Now, again, to repeat what I've stated earlier, I think this is a questionable premise to begin with. After all, under current law—where debtors are allowed to choose which chapter of the code to file under—67 percent of the debtors in chapter 13 fail to complete their repayment plan often because they did not get enough relief from loans, and because economic difficulties continued. So this legislation would take individuals, the majority of whom desperately need a true ''fresh star'', and force them into a bankruptcy process which ⅔ of debtors already fail to complete successfully. And this is what my colleagues call reform.

But I say to my colleagues, this legislation will make chapter 13 unworkable for many more debtors and will likely reduce the number of chapter 13 cases. In fact, the U.S. Trustees have estimated that one piece of this bill alone—the restriction on ''cramdown'' will reduce the number of chapter 13 cases by 20 percent.

How would this happen? Well, ''cramdown'' refers to how certain secured debt—like an auto loan—is valued during bankruptcy. Remember, secured debt is made up of loans that are attached to some physical property the lender can repossess, such as a car. Under current law, if a debtors owes more on a car than it is worth, the amount she must repay to keep her car is equal to the current value of the car not the amount of the loan left unpaid. This is fair to the lender because it ensures that the lender gets repaid the same amount that it would get if it repossessed and sold the vehicle. The rest of the loan doesn't just go away, but it gets classified as unsecured debt—like credit card debt—which is less likely to be repaid.

But under this conference agreement, the debtor must pay back the full value of the loan to keep her car. This will force debtors to pay more debt in chapter 13 cases, will cause more chapter 13 debtors to lose their cars—and jeopardize their ability to get to their job. Does it make sense to make chapter 13 harder to complete if ⅔ of the cases fail already? In addition, the ability to cramdown debt is one of the major attractions of filing under chapter 13, so the effect of this provision of the bill will be to discourage debtors from filing chapter 13—the exact opposite of the supposed purpose of the bill.

But wait, the authors didn't stop there at making chapter 13 harder. This bill will require many more debtors to file 5-year chapter 13 plans instead of 3-year plans. This extends the time in which debtors must have steady income and increases the amount of debt they must pay—significant and unworkable requirements for chapter 13 relief. This conference report will also force chapter 13 debtors to abide by strict IRS standards of ''disposable income'' which can disallow abnormally high housing or transportation costs.

Mr. President, all of these provisions will make chapter 13 less attractive and harder to complete. As I said, the U.S. Trustees believe that the cramdown provisions alone will lower the number of chapter 13 cases by 20 percent. But the added impact of these other hurdles could well make chapter 13 cases impossible to complete for many debtors. Remember, 67 percent already fail to complete such plans.

All of this raises a fundamental question for the supporters of this legislation: If you want more debtors to pay more of their debt back, why are you making it harder for them to do so? The reality, Mr. President is that between the means test barring relief under chapter 7 and the new restrictions and burdens making chapter 13 less workable, the legislation may well force thousands of debtors from gaining any relief under either chapter of the code. Such debtors will find themselves in bankruptcy purgatory—they will have to either lower their income (or borrow more money) so that they can qualify for chapter 7 or be denied a fresh start altogether and be left at the mercy of their creditors. Many such people might very well have filed chapter 13 cases under current law.

But don't just take my word for it colleagues. In a July 12 ''Dear Colleague'' letter the author of the Senate bill admits that. The attachment to the letter states: ''the proposed bills will result in fewer chapter 13s.'' What does all of this add up to, Mr. President? Exactly this: on one hand, you have the bill's supporters claiming that this will cause more debtors to file under chapter 13 and result in greater repayment of creditors, and on the

other you have a letter from the author of the legislation saying precisely the opposite.

I say to my colleagues, this cuts to the heart of this entire debate. I hope the banks and credit unions that have been tricked into supporting this legislation ask some hard questions of their lobbyists here in Washington: why are you asking me to support this bill when it will result in fewer chapter 13 repayment plans that allow me to collect what I'm rightfully owed? Indeed the chief economist of the Credit Union National Association, Bill Hampel, now believes that the proposed changes to the Bankruptcy Code will not result in increased loan recoveries for credit unions.

Where are the savings to consumers in this bill, Mr. President? Supporters are running around claiming billions in dollars will be saved under this bill. Well, if fewer people are filing for chapter 13, and those that do file will be more likely to drop out, where are the savings? I hope the sponsors come to the floor to answer this question.

I think there could be two answers Mr. President. The first answer is that there will be no increased repayments under this bill. That there will be no lowering of the cost of credit for consumers.

But the second answer is even more troubling, because I think the truth is, Mr. President, that the only way this bill could result in increased payments to creditors is that it will deny many debtors from filing for bankruptcy altogether. Fresh starts will be too costly and prohibitively difficult for many under this bill so lives will be ruined, wages will be garnished, homes will be lost, and cars will be repossessed. I mean we all know there aren't many assets out there to be seized, but I guess the theory is that if you squeeze enough stones you will eventually get some blood. But the cost will be increased misery, the cost will be more economic devastation for those who are already devastated.

BANKRUPTCY IS A SAFETY NET FOR THE MIDDLE CLASS

The proponents of this bill argue that people file because they want to get out of their obligations, because they're untrustworthy, because they're dishonest, because there is no stigma in filing for bankruptcy.

But any look at the data tells you otherwise. We know that in the vast majority of cases it is a drastic step taken by families in desperate financial circumstances and overburdened by debt. The main income earner may have lost his or her job. There may be sudden illness or a terrible accident requiring medical care.

Specifically we know that nearly half of all debtors report that high medical costs forced them into bankruptcy—this is an especially serious problem for the elderly. But when you think about it, a medical crisis can be a double financial whammy for any family. First there are the high costs associated with treatment of serious health problem. Costs that may not be fully covered by insurance, and certainly the over 30 million Americans without health insurance are especially vulnerable. But a serious accident or illness may disable—at least for a time—the primary wage earner in the household. Even if it isn't the person who draws the income, a parent may have to take significant time to care for a sick or disabled child. Or a son or daughter may need to care for an elderly parent. This means a loss in income. It means more debt and the inability to pay that debt.

Are people overwhelmed with medical debt or sidelines by an illness, deadbeats? This bill assumes they are. For example, it would force them into credit counseling before they could file—as if a serious illness or disability is something that can be counseled away.

Women single filers are now the largest group in bankruptcy, and are one third of all filers. They are also the fastest growing. Since 1981, the number of women filing alone increased by more than 700 percent. A woman single parent has a 500 percent greater likelihood of filing for bankruptcy than the population generally. Single women with children often earn far less than single men aside for the difficulties and costs of raising children alone. Divorce is also a major factor in bankruptcy. Income drops, women, again, are especially hard hit. They may not have worked prior to the divorce, and now have custody of the children.

Are single women with children deadbeats? This bill assumes they are. The new nondischargeability of credit card debt will hit hard those women who use the cards to tide them over after a divorce until their income stabilizes. And the safe harbor in the conference report which proponents argue will shield low and moderate income debtors from the means test will not benefit many single mothers who need help the most because it is based on the combined income of the debtor and the debtor's spouse, even if they are separated, the spouse is not filing for bankruptcy, and the spouse is providing no support for the debtor and her children. In other words, a single mother who is being deprived of needed support from a well-off spouse is further harmed by this bill, which will deem the full income of that spouse available to pay debts for determination of whether the safe harbor and means test applies.

Mr. President, you will hear my colleagues talk about high economic growth and low unemployment and wonder how so many people could be in circumstances that would require them to file for bankruptcy. Well, the rosy statistics mask what has been modest real wage growth at the same time the debt burden on many families has skyrocketed. At it also masks what has been real pain as certain industries and certain communities as the economies restructure. Even temporary job loss may be enough to overwhelm a family that carries significant loans and often the reality is that a new job may be at a lower wage level—making a previously manageable debt burden unworkable.

So what does this bill do to keep people who undergo these wrenching experiences out of bankruptcy? Nothing. Zero. Tough luck. In stead, this conference report just makes the fresh start of bankruptcy harder to achieve. But this doesn't change anyone circumstances, this doesn't change the fact that these folks no longer earn enough to sustain their debt. Mr. President, there is not one thing in this so called bankruptcy reform bill that would promote economic security in working families. It is sham reform.

When you push the rhetoric aside, one thing becomes clear: The bankruptcy system is a critical safety net for working families in this country. It is a difficult demoralizing process, but for nearly all who decided to file, it means the difference between a financial disaster being temporary or permanent. The repercussions of tearing that safety net asunder will be tremendous, but the authors of the bill remain deaf to the chorus of protest and indignation that is beginning to swell as ordinary Americans and Members of Congress begin to understand that bankrupt Americans are much like themselves—are exactly like themselves—and that they are only one layoff, one medical bill, one predatory loan away from joining the ranks.

For the debtor and his family the benefit of bankruptcy—despite the embarrassment, despite the humiliation of acknowledging financial failure—is obvious, to get out from crushing debt, to be able to once again attempt to live within ones means, to concentrate ones income on clear priorities such as food, housing and transportation. But it is also the fundamental principles of a just society to ensure that financial mistakes or unexpected circumstances do not mean banishment forever from productive society.

Mr. President, the fresh start that is under attack here in the Senate today is nothing less than a critical safety net that protects America's working families. As Sullivan Warren and Westbrook put it in ''The Fragile Middle Class'':

> Bankruptcy is a handhold for middle class debtors on the way down. These families have suffered economic dislocation, but the ones that file for bankruptcy have not given up. They have not uprooted their families and drifted from town to town in search of work. They have not gone to the underground economy, working for cash and staying off the books. Instead, these are middle

class people fighting to stay where they are, trying to find a way to cope with their declining economic fortunes. Most have come to realize that their incomes will never be the same as they once were. As their comments show, they realize they can live on $30,000 or $20,000 or even $10,000. But they cannot do that and meet the obligations that they ran up while they were making much more. When put to a choice between paying credit card debt and mortgage debt, between dealing with a dunning notice from Sears and putting groceries on the table, they will go to the bankruptcy courts, declare themselves failures, and save their future income for their mortgage and their groceries.

I say to my colleagues, there may be many different standards that different members have for bringing legislation to the floor of the United States Senate. We come from different backgrounds, we come from different states, we have different philosophies about the role of government in society. We have differing priorities. But for God's sake, there should be one principle that all of us can get behind and that is that we should do no harm here in our work to America's working families.

That's what at stake here. This is a debate about priorities. This is a debate about what side you're on. This is a debate about who you stand with. Will you stand with the big banks and the credit card companies or will you stand with working families, with seniors, with single women with children, with African-Americans and Hispanics.

But I would say to my colleagues on the floor of the U.S. Senate today that this is not a debate about winners and losers. Because we all lose if we erode the middle class in this country. We all lose if we take away some of the critical underpinnings that shore up our working families. Sure, in the short run big banks and credit card companies may pad their profits, but in the long run our families will be less secure, our entrepreneurs will become more risk adverse and less entrepreneurial.

How so? Well this is how a Georgia Congressman described the issue in 1841:

> Many of those who become a victim to the reverses are among the most high-spirited and liberal-minded men of the country—men who build up your cities, sustain your benevolent institutions, open up new avenues to trade, and pour into channels before unfilled the tide of capital.

Mr. President, this is still true today.

This isn't a debate about reducing the high number of bankruptcies. No way will this legislation do that. Indeed, by rewarding the reckless lending that got us here in the first place we will see more consumers over burdened with debt.

No, this is a debate about punishing failure. Whether self inflicted or uncontrolled and unexpected. This is a debate about punishing failure. And if there is one thing that this country has learned, punishing failure doesn't work. You need to correct mistakes, prevent abuse. But you also lead to lift people up when they've stumbled, not beat them down.

Of course, what the Congress is poised to do here with this bill is even worse within the context of this Congress. This is a Congress that has failed to address skyrocketing drug costs for seniors, this is a Congress that has failed to enact a Patients' Bill of Rights much less give all Americans access to affordable health care. This is a Congress that does not invest in education, that does not invest in affordable child care. This is a Congress that has yet to raise the minimum wage.

But instead, we declare war on America's working families with this bill.

What is clear is that this bill will be the death of a thousand cuts for all debtors regardless of whether the means test applies. There are numerous provisions in the bankruptcy reform bill designed to raise the cost of bankruptcy, to delay its protection, to reduce the opportunity for a fresh start. But rather than falling the heaviest on the supposed rash of wealthy abusers of the code, they will fall hardest on low- and middle-income families who desperately need the safety net of bankruptcy.

LENDERS SHOULD BE HELD RESPONSIBLE

You know, a lot of folks must be watching the progress of this bankruptcy bill over the course of this year with awe and envy. Can my colleagues name one other bill that the leadership has worked so hard and with such determination to move by any and all means necessary? Certainly not an increase in the minimum wage. Certainly not a meaningful prescription drug benefit for seniors, certainly not the reauthorization of the Elementary and Secondary Education Act. On many issues, on most issues, this has been a do nothing Congress. But on so-called bankruptcy reform, the Senate and House leadership can't seem to do enough.

One can only wonder what we could have accomplished for working families if the leadership had the same determination on other issues.

Unfortunately those other issues did have the financial services industry behind it. And you have to give them credit—no pun intended—over the past couple of years they have played the Congress like a violin. And what do you know, here we are trying to ram through this bankruptcy bill in the 11th hour as the 106th Congress draws to a close.

In reading the consumer credit industry's propaganda you'd think the story of bankruptcy in America is one of large numbers of irresponsible, high income borrowers and their conniving attorney using the law to take advantage of naive and overly trusting lenders.

As it turns out, that picture of debtors is almost completely inaccurate. The number of bankruptcies has fallen steadily over the past months, charge offs (defaults on credit cards) are down and delinquencies have fallen to the lowest levels since 1995, and now all sides agree that nearly all debtors resort to bankruptcy not to game the system but rather as a desperate measure of economic survival.

It also turns out that the innocence of lenders in the admittedly still high numbers of bankruptcies has also been—to be charitable—overstated.

As high cost debt, credit cards, retail charge cards, and financing plans for consumer goods have skyrocketed in recent years, so have the number of bankruptcy filings. As the consumer credit industry has begun to aggressively court the poor and the vulnerable, bankruptcies have risen. Credit card companies brazenly dangle literally billions of card offers to high debt families every year. They encourage card holders to make low payments toward their card balances, guaranteeing that a few hundred dollars in clothing or food will take years to pay off. The lengths that companies go to keep their customers in debt is ridiculous.

So Mr. President, in the interest of full disclosure—something that the industry itself isn't very good at—I'd like my colleagues to be aware of what the consumer credit industry is practicing even as it preaches the sermon of responsible borrowing. After all, debt involves a borrower and a lender; poor choices or irresponsible behavior by either party can make the transaction go sour.

So how responsible has the industry been? Well I suppose that it depends on how you look at it. On the one hand, consumer lending is terrifically profitable, with high-cost credit card lending the most profitable of all (except perhaps for even higher costs credit like payday loans). So I guess by the standard of responsibility to the bottom line they've done a good job.

On the other hand if you define responsibility as promoting fiscal health among families, educating on judicious use of credit, ensuring that borrowers do not go beyond their means, then it's hard to imagine how the financial services industry could be bigger dead beats.

According to the Office of the Comptroller of Currency, the amount of revolving credit outstanding—that is, the amount of open-ended credit (like credit cards) being extended—increased seven times during 1980 and 1995. And between 1993 and 1997, during the sharpest increases in the bankruptcy filings, the amount of credit card debt doubled. Doesn't sound like lenders were too concerned about the high number of bankruptcies—at least it didn't stop them from pushing high-cost credit like Halloween candy.

Indeed, what do credit card companies do in response to ''danger signals''

from a customer that they may be in over their head? According to ''The Fragile Middle Class,'' an in depth study of who files for bankruptcy and why, the company's reaction isn't what you'd think.

Many credit card issuers respond to a customer who is exceeding his or her credit limit by charging a fee—and raising their credit limit. The practice of charging default rates of interest, which often run into the 20 to 30 percent range, makes customers who give the clearest signs of trouble—missing payments—among the most profitable for the issuers.

That may sound stupid to you and me colleagues, but it gets more bizarre: Banks actively solicit debtors for new credit after they file for bankruptcy—this way, the company knows this customer will take on debt, but will not be legally able to seek another bankruptcy discharge for another 6 years.

As ''The Fragile Middle Class'' goes on to state:

[Many] attribute the sharp rise in consumer debt—and the corresponding rise in consumer bankruptcy—to lowered credit standards, with credit card issuers aggressively pursuing families already carrying extraordinary debt burdens on incomes too low to make more than minimum repayments. The extraordinary profitability of consumer debt repaid over time has attracted lenders to the increasingly high-risk-high-profit business of consumer lending in a saturated market, making the link between the rise in credit card debt and the rise in consumer bankruptcy unmistakable.

So in other words colleagues, those folks who may have come into your office this year or last year talking about how they needed protection from customers who walked away from debts, who thought Congress should mandate credit counseling—to promote responsible money management—as a requirement for seeking bankruptcy protection, who argued that reform of the bankruptcy code is needed because of decline in the stigma of bankruptcy have been pouring gasoline on the flames the whole time. Of course, in the end, if his bill passes, it's working families who get burned.

But guess what? It gets even worse, because the consumer finance industry isn't just reckless in its lending habits, big name lenders all too often break or skirt the law in both marketing and collecting.

For example:

In June of this year the Office of the Comptroller of the Currency reached a settlement with Providian Financial Corporation in which Providian agreed to pay at least $300 million to its customers to compensate them for using deceptive marketing tactics. Among these were baiting customers with ''no annual fees'' but then charging an annual fee unless the customer accepted the $156 credit protection program (coverage which was itself deceptively marketed). The company also misrepresented the savings their customers would get from transferring account balances from another card.

In 1999, Sears, Roebuck & Co. paid $498 million in settlement damages and $60 million in fines for illegally coercing reaffirmations—agreements with borrowers to repay debt—from its cardholders. But apparently this is just the cost of doing business: Bankruptcy judges in California, Vermont, and New York have claimed that Sears is still up to its old strong arm tactics, but is now using legal loopholes to avoid disclosure. Now colleagues, Sears is a creditor in one third of all personal bankruptcies. And by the way, this legislation contains provisions that would have protected Sears from paying back any monies that customers were tricked into paying under these plans.

This July, North American Capital Corp., a subsidiary of GE, agreed to pay a $250,000 fine to settle charges brought by the Federal Trade Commission that the company had violated the Fair Debt Collection Practices Act by lying to and harassing customers during collections.

In October, 1998, the Department of Justice brought an antitrust suit against VISA and Mastercard, the two largest credit card associations, charging them with illegal collusion that reduced competition and made credit cards more expensive for borrowers.

Now Mr. President, this is just a few examples, I could go on and on. At a minimum, these illegal and unscrupulous practices rob honest creditors who play by the rules of repayment. And the cost to debtors and other creditors alike are tremendous.

But other practices aren't illegal, merely unsavory.

For example, credit card companies perpetuate high interest indebtedness by requiring low minimum payments and in some cases canceling the cards of customers who pay off their balance every month. Using a typical minimum monthly payment rate on a credit card, it would take 34 years to pay off a $2,500 loan, and total payments would exceed 300 percent of their original principal. A recent move by credit card industries to make the minimum monthly payment only 2 percent of the balance rather than 4 percent—further exacerbates the problems of some uneducated debtors.

Lenders routinely offer low ''teaser'' interest rates which expire in as little as 2 months and engage in ''risk-based'' pricing which allows them to raise credit card interest rates based on credit changes unrelated to the borrower's account. Many credit card contracts now contain binding arbitration clauses—buried in the fine print of contracts which are often not even included with pre-approved card offers—that cut off the borrower's ability to seek redress in the courts in the case of a dispute.

Even more ironic: at the same time that the consumer credit industry is pushing a bankruptcy bill that requires credit counseling for debtors, the Consumer Federation of America found that many prominent creditors have slashed the portion of debt repayments they shared with credit counseling agencies—in some cases by more than half. This may force some agencies to cut programs and serve fewer debtors. At the same time, the industry has stopped the practice of eliminating or significantly reducing the interest rates charged on debts being repaid with the help of a counseling agency making counseling less likely to succeed.

Mr. President, let me repeat myself in case my colleagues somehow missed the blatant hypocrisy of what's going on here: The big banks and credit card companies are pushing to rig the system so that you cannot file for bankruptcy unless you perform credit counseling at the same time that they are jeopardizing the health of the credit counseling industry and making it significantly more costly for debtors.

That's pretty brazen, but as my colleagues will hear over and over in this debate, this isn't just an industry that wants to have it both ways, it wants to have it several different ways.

Of course these are mild abuses compared to predatory lending. Schemes such as payday loans, car title pawns, and home equity loan scams harm tens of thousands of more Americans on top of those shaken down by the mainstream creditors. Such operators often target those on the economic fringe like the working poor and the recently bankrupt. They even claim to be performing a public service: providing loans to the uncreditworthy. It just also happens to be obscenely profitable to overwhelm vulnerable borrowers with debt at usurious rates of interest. Hey, who said good deeds don't get rewarded?

Reading this conference report makes it clear who has the clout in Washington. There is not one provision in this bill that holds the consumer credit industry truly responsible for their lending habits. My colleagues talk about the message they want to send to deadbeat debtors, that bankruptcy will no longer be a free ride to a clean slate. Well what message does this bill send to the banks, and the credit card companies? The message is clear: make risky loans, discourage savings, promote excess, and Congress will bail you out by letting you be more coercive in your collections, by putting barriers in between your customers and bankruptcy relief, and by ensuring that the debtor will emerge from bankruptcy with his vassalage to you intact. This is in stark contrast to the numerous punitive provisions of the bill aimed at borrowers.

So Mr. President, the record is clear: lenders routinely discourage healthy borrowing practices, encourage excessive indebtedness and impose barriers

to paying of debt all in the name of padding their profits. It would be a bitter irony if Congress were to reward big banks, credit card companies, retailers, and other lenders for their bad behavior, but that is exactly what passage of bankruptcy reform legislation would do.

I would characterize the debate like this and make it very simple for my colleagues. This is fundamentally a referendum on Congress's priorities and you simply need to ask yourself: whose side am I on? Am I on the side of working families who need a financial fresh start because they are overburdened with debt? Am I for preserving this critical safety net for the middle class? Will I stand with the civil rights community, and religious community, and the women's community, and consumer groups and the labor unions who fight for ordinary Americans and who oppose this bill?

Or will you stand with the credit card companies, and the big banks, and the auto lenders who desperately want this bill to pad their profits? I hope the choice will be clear to colleagues.

MORE BANKRUPTCIES, NOT LESS, IS THE LIKELY RESULT

Mr. President, at the beginning of my statement I said the bankruptcy ''crisis'' is over and it ended without Congress passing legislation. Ironically, it probably ended because Congress didn't act. The bean counters in the consumer credit industry realized that all these bankruptcies weren't good for profits so they started lending less money, and they were more careful about who they lent money to. In fact, the overall consumer debt level actually declined in 1998, and guess what—fewer bankruptcies. And this trend has continued in 1999 and so far in 2000. But if this conference report become law, bankruptcy protection will be harshly rolled back. It will be even more profitable to over burden folks with debt—and the banks and the credit card companies will fall all over themselves trying to do it. but this time America's working families will pay more of the price.

This argument isn't purely theoretical, history and empirical data back it up. I want to ready my colleagues a few passages from an article published in the August 13, 1984 issue of Business week. This article, entitled ''Consumer Lenders Love the New Bankruptcy Laws,'' was written in the recent aftermath of Congress' last tightening of the bankruptcy code in 1984.

Here's how the article begins, quote:

> It doesn't take much to get a laugh out of Finn Casperson these days. Just ask him the outlook for Beneficial Corp. now that the U.S. has a tough new bankruptcy law. 'It looks a lot rosier,' says the chairman of the consumer finance company, punctuating the assessment with a hearty chuckle.

The article then explains what the banks and the credit card industries got back in 1984:

> But when someone seems to be abusing the revised law, a judge can, on his or her own, throw a case out of chapter 7, leaving the debtor to file under chapter 13. And in chapter 13, where an individual works out a repayment plan under court supervision, lenders now can get a court order assigning all of a borrower's income for three years to repaying debts—after allowance for food and other basic needs. Merely empowering a judge to determine that a debtor is abusing the bankruptcy courts was the change most responsive to the lenders' contention that bankruptcy was being used by people capable of meeting their obligations.

Does this sound familiar to colleagues? It should. These ''reforms,'' are substantially similar to what industry says are desperately needed now—the means to curb abusive filings. That was exactly what Congress gave them in 1984. But the critical question is, how did lenders behave after the 1984 ''strengthening'' of the bankruptcy code? That story will help us answer the question: if we give them this new stricter, lopsided law in 2000, what will they do with it?

That 1984 Business Week article suggested what was to come:

> Lenders say they will make more unsecured loans from now on, trying to lure back the generally younger and lower-income borrowers recently turned away.

But, Mr. President, that's exactly the problem. The consumer finance industry went after these folks with a vengeance. Lenders felt so protected by the new bankruptcy law that they eventually through caution to the wind and began using the aggressive, borderline deceptive and abusive, tactics that are now common in the industry.

And guess what, both bankruptcies and consumer debt levels exploded after 1985. And some independent observers point the figure directly at the 1984 reforms and the lending industry's foolhardy reaction. In a 1999 Harvard Business School study entitled ''The Rise of Consumer Bankruptcy: Evolution, Revolution, or Both?'' David Moss of the Harvard Business School and Gibbs Johnson, an attorney, lay out the case. They say:

> It is conceivable, therefore, that the procreditor reforms of 1984 actually contributed to the growth of consumer (bankruptcy) filings. This could have occurred if the reforms exerted a larger impact in encouraging lenders to lend—and to lend more deeply into the income distribution—than they did in deterring borrowers from borrowing and filing.

Mark Zandi, in the January 1997 edition of ''The Regional Financial Review,'' writes:

> While forcing more households into a chapter 13 filing through an income test would raise the amount that lenders would ultimately recover from bankrupt borrowers, it would not significantly lower the net cost of bankruptcies. Tougher bankruptcy laws will simply induce lenders to ease their standards further.

Again, we know this is exactly what happened. Credit card companies sent out over 3.5 billion solicitations last year. They use aggressive tactics to sign up borrowers—and to keep you in debt once they get you. And they also went after low income individuals—even though they might be worse credit risks. Why? Because they are desperate for credit, they are a captive audience and can be charged exorbitant interest rates and fees. Despite the fact that there are hundreds of credit card firms targeting low income borrowers, interest rates and terms on these cards have not been driven down by the supposed competition. For these borrowers, the market is failing. And firms who aren't squeamish about using aggressive collection tactics have proved that the poor, or those with bad credit—even though they might be less credit worthy onpaper—can be kept to default rates as low as those for wealthier borrowers. This is because the poor are more vulnerable to intimidation and they are less likely to have legal defense against law suits.

Mr. President, I ask you, could the Senate play a better joke on the American people? The supposed bankruptcy ''crisis'' of the 1990's—which bill supporters say merits a harsh rollback of bankruptcy protection for debtors—actually has its origins in the last time Congress ''reformed'' the bankruptcy code in favor of industry. I ask you, why would we be so stupid again? It's like our parents used to say: ''Fool me once, shame on you. Fool me twice, shame on me.''

WORSE THAN WHAT THE SENATE PASSED

Now Mr. President, not only does the majority leader want to ram through bankruptcy legislation on the State Department authorization conference report, which he has literally hijacked for that purpose, there is no question that this is a significantly worse legislation than what passed the Senate. In fact, there's no pretending that this is a bill designed to curb real abuse of the bankruptcy code.

Does this bill take on wealthy debtors who file frivolous claims and shield their assets in multimillion dollar mansions? No, it guts the cap on the homestead exemption adopted by the Senate. I ask my colleagues who support this bill: how can you claim that this bill is designed to crack down on wealthy scofflaws without closing the massive homestead loophole that exists in five states? And in a bill that falls so harshly on the backs of low and moderate income individuals?

I wonder how my colleagues who vote for this conference report will explain this back home. How will they explain that they supported letting wealthy debtors shield their assets from creditors at the same time they voted to end the practice under current law of stopping eviction proceedings against tenants who are behind on rent who file for bankruptcy? With one hand we gut tenants rights, with the other we shield wealthy homeowners.

Nor does this bill contain another amendment offered by Senator SCHUMER and adopted by the Senate that would prevent violators of the Fair Access to Clinic Entrances Act—which protects women's health clinics—from using the bankruptcy system to walk away from their punishment. Again, I thought the sponsors of the measure wanted to crack down on people who game the system. What could be a bigger misuse of the system then to use the bankruptcy code to get out of damages imposed because you committed an act of violence against a women's health clinic?

And yet the secret conferees on his bill simply walked away. They walked away from a real opportunity to prohibit an abuse that all sides recognize exists, but they also walked away from an opportunity to protect women from harassment. They walked away from the opportunity to protect women from violence.

So why shouldn't people be cynical about this process? Ever since bankruptcy reform was passed by the Senate this bill has gotten less balanced, less fair, and more punitive—but only for low and moderate income debtors. So again, I would say to my colleagues, this bill is a question of our priorities. Will we stand with wealthy dead beats or will we take a stand to protect women seeking reproductive health services from harassment?

But unfortunately, these were not the only areas where the shadow conferees beat a retreat from balance and fairness. For example:

Safe harbor dollar amounts—The Senate bill provided that the higher of state or national median income should be used for the safe harbor from the means test. The shadow conference uses state median income, which is a far lower number in many states. This is an important issue because debtors in high income/high expense areas of low-income states will be very much disadvantaged.

Safe harbor treatment of women not receiving child support—The shadow conference has inserted the ''Hyde safe harbor'' which protects some low income families from the arbitrary means test based on Internal Revenue Service expense standards. But this safe harbor will not benefit many single mothers who need help the most because it is based on the combined income of the debtor and the debtor's spouse, even if they are separated, the spouse is not filing for bankruptcy, and the husband is providing no support for the debtor and her children. In other words, a single mother who is being deprived of needed support from a well-off spouse is further harmed by this bill, which will deem the full income of that spouse available to pay debts for the safe harbor determination. This unfair treatment appears clearly intended, since the safe harbor from creditor motions elsewhere in the same section is worded differently, and does not take into account the income of a separated nondebtor spouse, except to the extent support is actually being paid by that spouse.

Gutting the Durbin means test ''mini-screen''—The Senate bill contained an amendment meant to give bankruptcy judges more flexibility in applying the means test for moderate income debtors. The provision was changed in a way that turns the intent of this provision on its head. Instead of creating more flexibility in the means test, it would mean much less flexibility.

Elimination of protections for family farmers and family fishermen—The Senate bill enhanced bankruptcy protections for family farmers and added protections for family fishermen. Senate negotiators have reportedly agreed to eliminate entirely the new protections for fishermen, as well as most of the new protections for family farmers.

Unrealistic valuation of property—Senate negotiations have reportedly agreed to a House provision that would change current rules on property valuation. Under this provision, property would have to be valued at retail value, without accounting for any of the costs of sale, despite the fact that resale at such value would be impossible.

Elimination of Byrd and Levin amendments on consumer credit—The amendment to the Senate bill offered by Senator BYRD required that consumer information be included in Internet credit card applications. The Levin amendment prohibited certain finance charges on credit card payments made within the grace periods provided by creditors. Senate negotiations have reportedly agreed to delete both of these important amendments.

Unrealistic notice requiremnts—A provision from the House bill requires that debtors use the address provided in pre-bankruptcy communications to provide any necessary notice to their creditors. Under this provision, it would be impossible in many cases for debtors to know what address to use, since debtors often do not retain their pre-bankruptcy communications.

Elimination of sanctions against creditors who file abusive motions—The Senate bill contained sanctions against creditors who file motions claiming ''abuse'' which are coercive or not substantially justified. These sanctions would have been a key protection against overly aggressive creditors for debtors in bankruptcy. Senate negotiators have reportedly agreed to eliminate these sanctions.

Filing of tax records—S. 625 required debtors to provide tax returns only if requested by a party in interest. The shadow conference requires the filing of tax records in every case.

A TERRIBLE PROCESS

Mr. President, let me just say a few words about the process on this legislation, which is terrible. The House and Senate Republicans have taken a secretly negotiated bankruptcy bill and stuffed it into the State Department authorization bill in which not one provision of the original bill remains. Of course, State Department authorization is the last of many targets. The majority leader has talked abut doing this on an appropriations bill, on a crop insurance bill, on the electronic signatures bill, on the Violence Against Women Act. So desperate are we to serve the big banks and credit card companies that no bill has been safe from this controversial baggage.

We are again making a mockery of scope of conference. We are abdicating our right to amend legislation. We are abdicating our right to debate legislation. And for what? Expediency. Convenience.

However, I'm not sure that we have ever been so brazen in the past. Yes we have combined unrelated, extraneous measures into conference reports. Usually because the majority wishes to pass one bill using the popularity of another. Putting it into a conference report makes it privileged. Putting it into a conference report makes it unamendable. So they piggy back legislation. Fine. But Mr. President, this may be the first time in the Senate's history where the majority has hollowed out a piece of legislation in conference—left nothing behind but the bill number—and inserted a completely unrelated measure.

I would challenge my colleagues walk into any high school civics class room in America and explain this process. Explain this new way that a bill becomes law. What the majority has essentially done is started down the road toward a virtual tricameral legislature—House, Senate, and conference committee. But at least the House and the Senate have the power under the constitution to amend legislation passed by the other house—measures adopted by the all-powerful conference committee are not amendable.

Is bankruptcy reform so important that we should weaken the integrity of the Senate itself? It is not. I would question whether any legislation is that important, but to make such a blatant mockery of the legislative process on a bill that is going to be vetoed anyway? That is effectively dead? Just to make a political point? What have we come to?

This is a game to the majority. The game is how to move legislation through the Senate with as little interference as possible from actual Senators.

Colleagues I want to remind you of what Senator KENNEDY said 4 years ago when the Senate voted to gut rule 28, the Senate rule limiting the scope of conference, that we are violating with this conference report. Speaking very prophetically he said:

The rule that a conference committee cannot include extraneous matter is central to the way that the Senate conducts its business. When we send a bill to conference we do so knowing that the conference committee's work is likely to become law. Conference reports are privileged. Motions to proceed to them cannot be debated, and such reports cannot be amended. So conference committees are already very powerful. But if conference committees are permitted to add completely extraneous matters in conference, that is, if the point of order against such conduct becomes a dead letter, conferees will acquire unprecedented power. They will acquire the power to legislate in a privileged, unreviewable fashion on virtually any subject. They will be able to completely bypass the deliberative process of the Senate. Mr. President, this is a highly dangerous situation. It will make all of us less willing to send bills to conference and leave all of us vulnerable to passage of controversial, extraneous legislation any time a bill goes to conference. I hope the Senate will not go down this road. Today the narrow issue is the status of one corporation under the labor laws. But tomorrow the issue might be civil rights, States' rights, health care, education, or anything else. It might be a matter much more sweeping than the labor law issue that is before us today.

He was absolutely right, Mr. President. We are headed down that slippery slope he described. For the last three years we have handled appropriations in this manner. We've combined bills together, the text is written by a small group of Senators and Congressmen and these bills have been presented to the Senate as an up or down proposition. And now we're doing it with so-called bankruptcy reform.

Conference reports are privileged. It is very difficult for a minority in the Senate to stop a conference report as they can with other legislation. That's why these conference reports are being used in this way. And that's why the rules are supposed to restrict their scope.

Last year, Senator DASCHLE attempted to reinstate rule 28 on the Senate floor. He was voted down, and he spoke specifically about how we have corrupted the legislative process in the Senate:

I wish this had been a one time event. Unfortunately, it happens over and over and over. It is a complete emasculation of the process that the Founding Fathers had set up. It has nothing to do with the legislative process. If you were to write a book on how a bill becomes a law, you would need several volumes. In fact, if the consequences were not so profound, some could say that you would need a comic book because it is hilarious to look at the lengths we have gone to thwart and undermine and, in an extraordinary way, destroy a process that has worked so well for 220 years.

So where does it stop? As long as the majority want to avoid debate, as long as the majority wants to avoid amendments and as long as Senators will go along to get along we will find ourselves forced to cast up or down votes on legislation—a rubber stamp yes or no—with no ability to actually legislate.

And each Senator who today votes for this conference report should know: they may find themselves in the majority today, they may be OK with letting this bill go because they are not offended by what it contains, but be forewarned, the day will come when you will be on the other side of this tactic. Today it is bankruptcy reform, but someday you will be the one protesting the inclusion of a provision that you believe is outrageous.

Regardless of the merits of bankruptcy reform, this is a terrible process. I would urge my colleagues to vote ''no'' to send a message to the leadership. Send a message that you want your rights as Senators back.

Finally, Mr. President, let me end on this note. I think many in this body believe that a society is judged by its treatment of its most vulnerable members. Well, by that standard this is an exceptionally rough bill in what has been a very rough Congress. All the consumer groups oppose this bill, 31 organizations devoted to women and children's issues oppose this legislation.

There is no doubt in my mind that this is a bad bill. It punishes the vulnerable and rewards the big banks and credit card companies for their own poor practices. And this legislation has only gotten worse in sham conference.

Earlier, Mr. President, I used the word ''injustice'' to describe this bill—and that is exactly right. It will be bitter irony if creditors are able to use a crisis—largely of their own making—to convince Congress to decrease borrower's access to bankruptcy relief. I hope my colleagues reject this scheme and reject this bill.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

EMBASSY SECURITY AND BANKRUPTCY CONFERENCE REPORT

Mr. FEINGOLD. Mr. President, let me begin by agreeing with the Senator from Minnesota. The measure before us is a work of injustice. It works injustice on the Senate's procedures. And if it passes, it will work injustice on millions of Americans struggling to cobble together a fresh start after financial hardship. And the measure is also a clear example of the power of money in the legislative process. That's an injustice too, because it puts the needs of the special interests ahead of the needs of the American people.

Let us begin with the procedural injustice. If Senators allow business to be done as is being attempted with this conference report, then we might as well all just go home. Because conference committees will be doing our jobs.

Unlike a normal conference report, this conference report includes absolutely no legislation on the matters that the Senate sent to the conference committee—which, for the information of my colleagues and the people watching, was a bill on embassy security and authorizations for the Department of State, a terribly serious matter. That was not what came back—nothing like that. Instead this conference report brings back to the Senate a complete bill entirely irrelevant to the bill sent to conference. What it brings back is a bankruptcy bill.

That is not the job of a conference committee. It is not the job of a conference committee to search out the legislative vineyards for whatever issues appear ripe for decision. It is not the job of a conference committee to write legislation on matters not committed to it. The conference committee is doing our jobs.

The Constitution confers on the Senate and the House of Representatives certain enumerated powers. Article I, Section 1, of the Constitution provides: ''All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''

If the Senate so chooses, it may delegate some of its powers to a committee of its Members. But if those Members so delegated recognize no limits on their authority, then they have usurped nothing less than all the powers that the Constitution vests in the Senate itself. The conference committee is doing our jobs.

Who needs a full Senate and a full House of Representatives in Congress assembled? The conference committee is doing our jobs.

Who needs amendments between the Houses on the bankruptcy bill? The conference committee is doing our jobs.

Who needs the Senate to disagree to any House amendments or insist on any Senate amendments on the bankruptcy bill? The conference committee is doing our jobs.

Who needs the Senate to request a conference or agree to a conference on the bankruptcy bill? The conference committee is doing our jobs.

Who needs the Senate to consider any motions to instruct the conferees on the bankruptcy bill? The conference committee is doing our jobs.

Who needs the Senate even to name conferees on the bankruptcy bill? The embassy security conference committee is doing our jobs.

Who needs for Congress to address the increase in the minimum wage that the Senate attached to the last bankruptcy bill? The conference committee is doing our jobs.

Who needs for Congress even to take up, consider, debate, and amend this particular bankruptcy bill, which was introduced on October 11? The conference committee is doing our jobs.

Who needs for the Senate to take any action whatsoever to grant this conference committee power to act on bankruptcy? The conference committee is doing our jobs.

Who needs all the Senators who are not Members of the conference committee? Because the conference committee is doing our jobs.

Who needs for us to fly and drive in to Washington, sometimes from vast distances, from around the country? Because the conference committee is doing our jobs.

Who needs all these Senate offices and all the Senators' staff? A handful of offices would do, four to be exact, because the conference committee is doing our jobs.

As one longtime observer of Senate procedures asked, who died and made them king? Because the conference committee is doing our jobs.

The Senate used to have rules to prevent this sort of thing. Rule 28 of the Standing Rules of the Senate addresses conference committees. Two of that rule's six paragraphs deal with the scope of conferences.

Paragraph 2 of Rule 28 states, in relevant part:

> Conferees shall not insert in their report matter not committed to them by either House. . . . If new matter is inserted in the report . . ., a point of order may be made against the report, and if the point of order is sustained, the report is rejected or shall be recommitted to the committee of conference if the House of Representatives has not already acted thereon.

And then, paragraph 3 of Rule 28, dealing with complete substitutes, states:

> 3(a) In any case in which a disagreement to an amendment in the nature of a substitute has been referred to conferees, it shall be in order for the conferees to report a substitute on the same subject matter; but they may not include in the report matter not committed to them by either House. They may, however, include in their report in any such case matter which is a germane modification of subjects in disagreement.
>
> (b) In any case in which the conferees violate subparagraph (a), the conference report shall be subject to a point of order.

Then, Mr. President, on October 3, 1996, in what seemed like almost a whim, the Senate cast aside this century-old Standing Rule, which I just read in part. To secure last-minute, end-of-session passage of a version of the Federal Aviation Authorization Act that included an extraneous provision of special interest to the Federal Express Corporation, the Senate voted 56 to 39 to overturn the ruling of the Chair and nullify the rule.

At that time, Senator SPECTER called it: ''a very, very serious perversion of Senate procedures.''

Mr. President, conference reports are privileged. Consequently, Senators cannot debate a motion to proceed to a conference report. Senators cannot employ a filibuster to block its consideration.

Conference reports are not amendable. If, as is often the case, and is the case here, the House has already acted on a conference report, motions to recommit the conference report to the conference committee are not in order in the Senate.

Conference reports present the Senate with a take-it-or-leave-it proposition.

As I am sure my colleagues have observed, the Senate works at two speeds: a deliberative speed and a get-down-to-business speed. The regular order under the Standing Rules of the Senate reflects the deliberative speed. We see the getting-down-to-business speed in unanimous consent agreements, the budget process, and conference reports.

When Senators take up these get-down-to-business matters, they enter into a kind of social contract. Senators agree to give up their normal rights under the rules to debate and amend, which are very important in this institution. In exchange, through subject-matter limitations, these procedures grant Senators some notice—and Senators have a right to some notice—of what they can expect.

As Senator KENNEDY said in 1996:

> We send a bill to conference . . . knowing that the conference committee's work is likely to become law.

And until October 1996, the precedents governing conference committees prohibited them from bringing back any matter ''entirely irrelevant'' to what the Senate or House passed.

In October 1996, the Senate breached that compact. Now the process can force Senators to live with restrictions on their rights to debate and amend conference reports without having even the slightest idea of the reports' subject matter in advance. And the last-minute additions will probably become law.

Mr. President, I think most would agree, this change is profoundly undemocratic. Conference committees are populated disproportionately by senior Members and Members favored by the leadership. This conference, as a case in point, was signed off on for the Senate by just four men who have been here an average of 22 years. Conference committees are far less representative of the people than the Senate as a whole.

In conference, the majority need not work with the minority party at all. Under this majority, the majority often has not. On this bill, the majority certainly has not.

Conference committees usually work in secret. Senate rules require no open meetings. House practice has generally required one photo opportunity. Thereafter, in the eyes of the Senate's rules, Senators' signatures on the conference report constitute their votes, and nothing further need be done in public.

Mr. President, we know that conference committees have long been the graveyards of amendments. Senator Russell Long used to quip, ''Why fight an amendment on the floor if you can drop it in conference?'' And that appears to be what has happened to the minimum wage increase that the Senate attached to the last bankruptcy bill, and to many other amendments, including some that I proposed, that made the bill somewhat more palatable to the Senate.

And today we see a conference committee becoming the delivery room for a brand new piece of legislation. Like Athena from Zeus's head, a new law is springing whole from the conference committee without floor consideration, debate, or amendment.

Today, the chickens are coming home to roost. This majority, in its continuing crusade to snuff out any opportunity for the minority to debate and amend, now carries this monstrous conference report precedent to its logical extreme.

As I said in my statement on the Military Construction Appropriations bill on May 18, this majority has time after time flouted or changed the Standing Rules of the Senate to ratchet down the rights of the minority. This majority has thus shown a disturbing willingness to cast aside long-held precedents to serve immediate policy ends. Minority party rights have suffered as a result.

Mr. President, four Senators do not constitute the Senate. Yet absent Senate rules to restrain them, small groups of Senators meeting secretly in conference committees can arrogate much—if not most—of the Senate's power.

If the Senate allows the kind of legislation-writing by conference committee that has taken place here, then Senators will have done nothing less than surrender their jobs. They will have surrendered their authority and responsibilities to the very few who happen to be in whatever conference committee is meeting on any given day.

If we allow this practice, we will have perpetrated, in my view, and I don't think this is an exaggeration, one of the greatest abdications of responsibility in the history of the Senate.

Let us be clear about why this is happening. When the Senate considered the last bankruptcy bill, in November of 1999, Senator KENNEDY offered an amendment to provide working Americans a much-needed increase in the minimum wage. The Republican caucus added 112 pages of tax breaks, costing $103 billion, most of which would have gone to the top fifth of the income distribution.

The Senate could have sent a bill on bankruptcy and the minimum wage to conference with the House. But the Constitution requires that revenue measures originate in the House. So the plain effect of the Republican tax break amendment was to kill the bankruptcy bill and also to kill the minimum wage increase.

And now, the majority seeks to take the remains of that dead bankruptcy

bill from the graveyard, and stitch it together with material from completely different entities that they have found in various legislative dissecting rooms. The result is a not a modern Prometheus, but a monster, artificial and hideous.

Now why did the majority engage in this extremely unusual procedure? Why seek a conference committee that could be used to work its will in secret and bring to the floor a new bill that will be voted on up or down with no amendments? Was it to bring forward a bill that is crucial to our national security? No. Are the experts in the field clamoring for it? No.

I have talked to bankruptcy judges, bankruptcy trustees, practitioners representing both creditors and debtors, law professors who specialize in this area, and they all strongly oppose this bill. No, the clamor is coming from another quarter. The special interests. The interests that want this bill so desperately that they have pushed the Majority to use this most unusual, almost unprecedented procedure, are the big banks and the credit card companies. They want this reform bill because it is skewed toward their interests. This is a bill written by and for the credit card companies. That's why all the nonpartisan experts on bankruptcy law oppose it.

So why is it before the Senate today? Mr. President, for over a year now, I have been Calling the Bankroll on the Senate floor, to inform my colleagues of the campaign contributions, particularly soft money contributions, that have been given by interests that would benefit from or that oppose legislation that we are considering here in the Senate. I have often stated that these contributors set the agenda on this floor. And this bill, I'm afraid, is a poster child for the influence of money on the legislative process.

Mr. President, Common Cause put out a report this spring showing the stunning amount of money that the credit industry has contributed to members of Congress and the political parties in recent years. $7.5 million in 1999 alone, and $23.4 million in just the last three years. One company that has been particularly generous is the MBNA Corporation, one of the largest issuers of credit cards in the country. In 1998, MBNA gave a $200,000 soft money contribution to the Republican Senatorial Committee on the very day that the House passed the conference report and sent it to the Senate—not terribly subtle.

In December 1999, MBNA gave its first large soft money contribution ever to the Democratic party—it gave $150,000 to the Democratic Senatorial Campaign Committee on December 22, 1999, Mr. President, right in the middle of Senate floor consideration of the bankruptcy bill. And just a few months ago, on June 30, 2000, Alfred Lerner, Chairman and CEO of MBNA—one person, one individual—gave $250,000 in soft money to the RNC.

Mr. President, the following figures are from the Center for Responsive Politics, through the first 15 months of the election cycle, and in some cases include contributions given later in the election cycle. MBNA and its affiliates and executives gave a total of $710,000 in soft money to the parties. Visa and its executives gave more than $268,000 in soft money to the parties during the period. Mastercard gave nearly $46,000.

Finance and credit card companies gave $5.4 million in soft money, PAC and individual hard money contributions in the first 15 months of the 2000 election cycle. When you add that to the $14.6 million that the commercial banks gave, you have, Mr. President, in the midst of all these other special interests, one of the most powerful lobbying forces in public policy today. And you just might have the answer, in fact you do have the answer, to the question, ''why is this bill before the Senate today?''

Some in this body say that the public doesn't care about campaign finance reform Mr. President. But I would be willing to bet that if you took a public opinion poll and asked the question whether the Senate should use extraordinary procedural means to send a campaign finance bill that would ban soft money to the President instead of this bankruptcy bill, the answer would be an overwhelming ''Yes.''

After all, the House passed the Shays-Meehan campaign finance reform bill last year by an overwhelming margin. And the President would sign that bill. All that is needed for campaign finance reform to become law is Senate approval, and a majority of Senators supports this bill.

On the other hand, the President has said repeatedly that he will veto this bankruptcy bill. So even if this procedural gambit is successful, the bill won't become law.

But the campaign finance reform bill doesn't have millions of dollars in campaign contributions behind it, the same way this bankruptcy bill does. So the majority persists, the majority persists in trying to force this bill through the Congress in the waning days of the session. And it may get its way. But it will not pass this bill into law.

Mr. President, this bill has millions of dollars of soft money contributions behind it. And I'm sure that the donors of those contributions believe they are doing the right thing for their companies by giving them. But it is very interesting that the leaders of major corporations, whose money drives this soft money system, are increasingly uncomfortable with it. In a poll of top business executives from the 1,000 largest companies in the United States, released last Wednesday by the Committee for Economic Development, 79 percent of the respondents said they believe the campaign finance system in this country is broken and needs to be reformed. Sixty percent of respondents agree that soft money should be banned.

So even among those interests that benefit from the soft money system, there is strong support for ending it. And the reason for that, I believe, is two-fold. First, America's businesses and business people are tired of being hit up for money. Year after year, these credit card companies have been sending money to the parties and Members of Congress hoping for some return, and I think they are tired of it.

Second, Mr. President, business leaders in this country are coming to realize how bad this system looks to the public, how poorly it reflects on the legislative and political process. The word is out, for example, about this bankruptcy bill. It is not necessary, it goes too far, it's unfair and imbalanced. Newspapers have editorialized against it; law professors have written op-ed pieces about what's wrong with it; news magazines have done exposes of the money behind it. The monied interests have succeeded in getting the bill back to the floor, and they may get it through the Congress. But if it passes, the bill and this body will not have the respect of the American people or the press. That's why America's business leaders want reform of the system Mr. President, because they know very well it taints all of us, even the legislation that they so desperately want the Congress to pass.

Mr. President, I invite my colleagues to look about this Senate Chamber and examine its form. Since January 4, 1859, this Senate has done business in this open room, ringed all around by galleries for the people. To the west, behind me, are the public visitors' galleries. To the north, behind the Presiding Officer, are the wooden desks of the press, who report our proceedings to the Nation.

The Senate began holding sessions open to the public more than 206 years ago, on February 20, 1794. The Senate opened galleries for the public in December 1795. The first radio broadcast from the Senate Chamber took place in March of 1929.

Some Senate hearings appeared on television as early as 1947. Many credit ABC's live coverage of the Army-McCarthy hearings in 1953 with helping to turn the tide against McCarthyism. Twenty years later, another generation learned about democracy as Senator Sam Ervin presided over the Watergate hearings in 1973.

The Senate began radio broadcasts of floor debate in 1978 with the debate on the Panama Canal Treaty. The House began televising its floor proceedings in 1979. The Senate opened its proceedings to television on a trial basis in May 1986. And since June 2, 1986, C–

Span has carried our debates to viewers throughout the Nation.

We conduct ourselves in the open like this because the Senate best serves the Nation when it conducts its business on this Senate floor, open to the public view. It is here, on this Senate floor, that each of this Nation's several states is represented. And it is here, in their debate and votes on amendments and measures, that Senators become accountable to the people for what they do.

The Senate is distinctive for the amount of work that it used to do on the Senate floor. In contrast to the House of Representatives, where more work is done in committee, the Senate used to do more work on the floor.

The majority today diminishes the Senate floor in favor of the backroom conference committee, chosen to address these issues by none but themselves, accountable to none but themselves, and open to observation by none but themselves.

The proceedings of the Senate floor are open to view because, as Justice Louis Brandeis wrote, ''Sunlight is said to be the best of disinfectants.''

William Jennings Bryan put it this way: ''The government being the people's business, it necessarily follows that its operations should be at all times open to the public view. Publicity is therefore as essential to honest administration as freedom of speech is to representative government.''

It is a legal maxim that ''Truth fears nothing but concealment.'' And it follows as night follows day that concealment is the enemy of truth.

As Justice Brandeis also wrote, ''Secrecy necessarily breeds suspicion.'' How will the public gain confidence in the work of the Senate if the public cannot see its operations?

Morley Safer once said that ''All censorship is designed to protect the policy from the public.'' If the majority had confidence in its policy, would it not do its business in the light of day?

As Senator Margaret Chase Smith said on this Senate floor on September 21, 1961, ''I fear that the American people are ahead of their leaders in realism and courage—but behind them in knowledge of the facts because the facts have not been given to them.''

In another context, Senator Robert Taft said on this Senate floor on January 5, 1951:

> The result of the general practice of secrecy has been to deprive the Senate and the Congress of the substance of the powers conferred on them by the Constitution.

And as Senator KENNEDY, our distinguished colleague, warned in 1996:

> This . . . is a vote about whether this body is going to be governed by a neutral set of rules that protect the rights of all Members, and by extension, the rights of all Americans. If the rules of the Senate can be twisted and broken and overridden to achieve a momentary legislative goal, we will have diminished the institution itself.

And that, in the end, is what has happened here. Four Senators who had the good fortune to be named to confer on an embassy security bill have taken it upon themselves to conduct the business and exercise the powers that the Constitution vested in the Senate and the Congress.

In 1973, the nuclear physicist Edward Teller said, ''Secrecy, once accepted, becomes an addiction.'' Mr. President, my fear is that this majority will simply continue down this path of snuffing out minority rights, creating one legislative Frankenstein after another.

Senator KENNEDY warned in 1996: ''It will make all of us less willing to send bills to conference . . . .'' My fear is that we can no longer trust any conference committee.

On this Halloween, I fear for what legislative creatures will walk abroad as long as this majority holds power. I, for one, will stand guard against them and fight them. In defense of the Senate, I urge my colleagues to join me, Senator WELLSTONE, and others, and oppose this conference report.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I hope every Democrat or staff member heard the words of Senator FEINGOLD. His words will be memorable in terms of the record of the Senate. They are prophetic for now and in the future. I thank the Senator for the power of his presentation, for the power of his words.

I ask the Senator from Illinois how much time he thinks he will need.

Mr. DURBIN. Twenty minutes.

Mr. WELLSTONE. Mr. President, I yield 20 minutes to the Senator from Illinois, Mr. DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, before beginning, I say to the Senator from Minnesota, two of our colleagues, Senator DORGAN and Senator HARKIN, have asked for 10 minutes each, I think Senator HARKIN first. I do not know if the Senator wants to make that part of his unanimous consent request at this time.

Mr. WELLSTONE. I did tell Senator HARKIN I would grant him some time. I want to allow some time for myself to speak in opposition to this as well. Let me see how things go.

Mr. DURBIN. I thank the Senator from Minnesota.

BANKRUPTCY

Mr. DURBIN. Mr. President, you can expect the Halloween thing to be part of most of our speeches on the floor today regardless of the issue at stake. It is Halloween, and children of all ages will be dressing up in their favorite costume and ringing doorbells yelling: Trick or treat.

Our Halloween tradition that we enjoyed as kids, and even as adults, dates back to Celtic practices, when on this day witches and other evil spirits were believed to roam the Earth, playing tricks to mark the season of diminishing sunlight.

The 106th Congress is waning. Our legislative days will soon be coming to an end, and we will be ending the legislative term with a cruel legislative trick: a bankruptcy conference report masquerading as a State Department authorization bill. You know Congress is close to adjournment when slick procedural maneuvers are used to bring a one-sided work product to the Senate floor.

The majority found a shell conference report, they basically held a meeting without an official conference committee, struck the contents of the original bill, and plugged in the bankruptcy bill that we have before us today. Rather than negotiate with Democrats directly or work to produce a bipartisan bill that the President might support, they went back to their old tactic: Take it or leave it; this is the Republican version; this is the version supported by business. Take it or leave it.

When I hear all the claims in the Presidential campaign about bipartisanship, I shake my head when I look at the Republican leadership in the Senate and the House which continuously stops the Democrats from participating. If we are going to have bipartisanship, shouldn't we have it on a bill as important as bankruptcy reform?

Let me say from the outset, I support bankruptcy reform. Two years ago, I was on the Judiciary Committee and the subcommittee with jurisdiction over this issue. Senator GRASSLEY and I spent countless hours with our staffs trying to come up with meaningful and fair bankruptcy reform.

We had a good bill. Ninety-seven Members of the Senate voted for it. I thought that was a pretty good endorsement of a bipartisan effort, but it has gone downhill consistently ever since.

That bill was then trapped in a conference committee that was totally Republican, no Democrats allowed. They brought back a work product that was the byproduct, I guess, of the best wishes of the credit industry. It had no balance to it whatsoever. Frankly, it was defeated. Then we turned around—I guess it wasn't called; it would have been defeated by Presidential veto.

Then over the next 2 years, others worked on this issue, and I hoped we would return to a bipartisan approach. It did not happen. So for all of the calls for bipartisanship by the Republican side of the aisle, when it comes to conference committees, no Democrats are allowed. Republicans said: Take it or leave it. In this case, we should definitely leave it.

The bankruptcy code is a complex piece of law. When I was debating this in earlier years, I marveled at the fact that I was considered to be one of the spokesmen on the issue of bankruptcy.

What is my experience in bankruptcy? Thirty years ago I took a bankruptcy course in law school, and 20 years ago I was a trustee in a bankruptcy in Springfield, IL. That is the sum and substance of my experience in bankruptcy, and I turned out to be one of the more experienced people at the table on the issue, one I had to relearn the complexities of in a short period of time.

A constant theme has guided me through this debate, and that is: Yes, there are people who go to bankruptcy court and file, abusing the system, gaming the system, trying to avoid their responsibility to pay their just debts. I believe that is the case, and if this law is directed at those people, I am for it.

Secondly, I believe there are abuses on the other side as well. I do not need to tell the others who are gathered and those following this debate how many credit card solicitations you receive at home. Quite a few, I bet. I will go through some statistics in a few minutes about the volume of credit card solicitations.

I have a godson in Springfield, IL, Neil Houlihan. He is now 7 or 8 years old. He got his first credit card solicitation at the age of 6. This is a bright young man, but I do not believe that at the age of 6, when you are learning to ride a bicycle, you should have a credit card in your back pocket. Obviously, MasterCard did and sent Neil his solicitation.

They have sent solicitations to children, people in prison, and family pets. Everyone gets one. Every time you go home at night, you sort through all the offers to give you a new credit card. In a way, it is flattering; you feel empowered: You get to make that decision. In another way, the credit card industry would have us carry as many pieces of plastic in our pocket as possible, with little or no concern as to whether we can handle the debt.

What I believe—and I hope others agree with me—is we should not ration credit in America nor should we ration information about credit in America. We ought to know, as individuals, what the terms of these credit card agreements are, what the traps are that you can hardly read with a magnifying glass on the back of your statement. We have a right to know what we are getting into. If it is a caveat-emptor situation, it is not fair. Consumers have a right to know.

The democratization of credit in America has made this a better place to live. I understand the fact that not too many years ago, if a woman was a waitress in a restaurant, the likelihood that she could get a credit card was next to zero. Today she could qualify for one. That is a good development.

We have to look at the abuse of solicitation of credit cards and what it leads to. The credit card industry wants us to close down the loopholes in the bankruptcy code, but they do not want us to look at the loopholes in their own system. When I explain the details, my colleagues will understand.

They say this is a reflection on the moral decadence of America; that so many people are filing for bankruptcy. I assume those who abuse the system may be morally decadent. Let someone else be the judge of it. At least it raises that issue.

I asked the credit card industry: Do you have a moral responsibility? Are you meeting your moral responsibility? When you flood people who are not creditworthy with solicitations for more credit cards, are you meeting your responsibility? When you put ATMs at casinos, are you meeting your responsibility? When you go to football games and basketball games at the college level on up and say, We can give you a beautiful sweatshirt that shows the University of Illinois symbol if you, as a student, will sign up for a credit card, are you meeting your moral responsibility?

When the dean at Indiana University says the No. 1 reason kids drop out of school is credit card debt—they have so much debt accumulated, they have to go to work and try to pay some of it off—are you meeting your moral responsibility?

This field of morality can be a little tricky, but this credit card industry does not believe they have a special responsibility in this debate. I think they are wrong.

In 1999, there were 3.5 billion credit card solicitations mailed to American households. Let me tell you why that is interesting. There are 78 million creditworthy households in America and 3.5 billion credit card solicitations. Do you ever wonder why your mailbox is full of these solicitations? They are, frankly, coming at you in every direction, and it is not just through the mails; it is in magazines; it is on television; it is everywhere you turn. They try to lure you into signing up for another credit card with very few questions asked.

These 3.5 billion credit card solicitations, frankly, do not tell you all you need to know about the obligations you are incurring.

I continue to believe, as I did when this debate got started, when we passed a strong disclosure provision, that consumers were entitled to know some very basic things.

This is one of the things I suggested but which the credit card industry rejected. It is just this simple. I think they ought to say, in every credit card statement: If you make the minimum monthly payment required, it will take you X number of months to pay off the balance. When you have paid it off, this is how much you will have paid in interest and how much you will have paid in principal.

That is not a tough thing to calculate; it is not a radical suggestion; it is disclosure, so that someone who looks at a credit card debt—let's say they want to pay the 2 percent monthly minimum on $1,295.28—is told, as part of routine disclosure, it will take them 93 months—that is more than 7 years—to pay off the balance. And when it is all over, their payments will have come to $2,418, almost twice the original balance.

The credit card industry said that is an outrageous disclosure that they would disclose this to people to whom they send monthly statements. At first they said it was not technologically possible. That is laughable, in this world of computers, that they could not tell you that basic information. They do not want to tell you that because they understand, as long as people are paying that minimum monthly payment, they are going to be trapped forever in paying more and more interest.

There are times when people cannot pay more than the minimum monthly balance. That is a decision—a conscious decision—consumers should make. But I think the credit card industry owes it to people across America to tell them the terms of what they are getting into. Frankly, they have resisted that all along.

It is my understanding that a lot of the language we have put in here about credit card disclosure, and even saw in the Senate bill, has basically been eliminated. It is my understanding that it has been weakened in many respects.

The Republican leadership brings this bill to the floor and permits banks with less than $250 million in assets—and that, incidentally, is over 80 percent of the banks in America—to have the Federal Reserve provide its customers with a toll free number to review their credit card balances for the next 2 years. So instead of telling you on a monthly statement, with all the information they pile in—all the circulars, all the advertising—they are going to give you an 800 number and say: You can call here, and maybe they will answer your question as to how much you are ultimately going to have to pay. You know that isn't going to happen. The credit card industry knows it is not going to happen. That is as far as they want to go.

Let me tell you about another thing that is amazing. It is called the homestead exemption. Did you know, in most States now, if you file for bankruptcy, you are allowed to claim as an exemption—in other words, protected from the bankruptcy court and your creditors—your homestead, your home?

But every State has a different standard about how much you are allowed to exempt.

My colleague, Senator KOHL of Wisconsin, basically said we ought to get right of this because fat cats go out and buy magnificent homes and mansions and ranches and farms and call them their homes, plow everything they have into them, and then say to their creditors they have nothing to put on the table.

We had instances where the Commissioner of Baseball many years ago—one of the former Commissioners of Baseball—managed to protect a mansion in Florida because he bought it in time before he filed for bankruptcy. We had a lot of well-known actors and actresses who turned around and did the same thing in southern California.

The average person does not have that benefit. Many States do not allow much more than a modest exemption for the homestead. We said, under Senator KOHL's amendment, that we would create a $100,000 nationwide cap on homestead exemptions. I think it makes sense. But, frankly, it did not survive. Now, under this bill that is before us, if you have owned property for more than 2 years, then there is virtually no limitation. It is up to the States to decide again. I think that is a mistake. This is a departure.

The other area is clinic violence. This gets to a point that is worth speaking to. Senator SCHUMER of New York brought this point forward. If someone is engaged in violence at an abortion clinic—and it has happened; we have seen it happen—and they are found to be responsible in a court of law for their wrongdoing, and they are held responsible for damages to be paid, in many cases all they need to do is file for bankruptcy, and they are virtually discharged of all responsibility on that debt.

I think that is wrong. By a vote of 80–17 the Senate agreed with me. But Senator SCHUMER's amendment did not survive this conference, and it is not going to be considered. As a result, we find a situation where those who are guilty of clinic violence, people such as Randal Terry and Flip Benham, have usurped our clinic protection laws by feigning bankruptcy.

Did you know, even student loans are not dischargeable under bankruptcy under chapter 13? Yet these folks have been engaged in violent activity, found guilty by a jury of their peers, and use this bankruptcy code as a shield.

I tried to add some provisions in the Senate bill that gave the bankruptcy judges more flexibility in applying a means test for moderate-income debtors. It was stricken from the bill.

Who actually files for bankruptcy? It is interesting to see. You might think that it is the high rollers, but it turns out to be some of the poorest people in America. The average income of people filing for bankruptcy over the last 20 years continues to go down. That income, at this point, is below $25,000 a year for the people who are filing for bankruptcy.

Why do people file for bankruptcy? Some of them may have calculated how they can come out ahead by doing it. But look at what happens in most cases. Older Americans are less likely to end up in bankruptcy than younger Americans, but when they do file, 40 percent of them give medical debt as the reason for filing. Elizabeth Warren of Harvard tells us, overall, 46 percent of the people filing for bankruptcy do so because of medical debt.

We spent a lot of time on the Senate floor talking about hospital bills and prescription drug bills. When people become so overwhelmed by a catastrophic illness, they end up in bankruptcy court.

Both men and women are more likely to declare bankruptcy following divorce. That is the second instance in people's lives, divorces. They, of course, end up with a situation where people have to file because they can't make ends meet. The spouse who has the responsibility of raising the children may find herself in bankruptcy court.

The way this bill is written, there is not adequate protection for those women. That is why most women's groups, as well as consumer groups, oppose this bill as written.

Of course, unemployed workers who lose their jobs; that is the third instance that drives people into bankruptcy court.

So you find over and over again that the catastrophic events of a lifetime force people into bankruptcy court. Most of them do not go there because they want to. They are forced into that situation. This bill does not help them, does not protect them. Basically, it provides more power for the creditors and less power for the debtors who find themselves in these awful circumstances.

An interesting thing has occurred since this debate started 3 or 4 years ago. There was a lot of complaints about the number of bankruptcy filings going up in America in a time of prosperity. That was true. It is a strange thing, but people get overconfident and they get too far in debt, and they can't get out or they run into one of the three catastrophes that I mentioned. But something has happened.

In the first 37 weeks of this year, 861,846 people filed for bankruptcy. That is a lot of people. But basically the number of bankruptcy filings is on a decline. According to a study by the University of Maryland's Department of Economics, ''Remarkably, there have been 138,000 fewer personal bankruptcies in the current year to date than during the corresponding period of 1998, a cumulative decline of greater than 15 percent in the per capita bankruptcy rate.'' So that says to us, the explosive growth of bankruptcies has turned around. I cannot tell you exactly why, but that was one of the reasons why we even started discussing this bill.

It was told to us by the White House and the chief of staff of the President, John Podesta, the President will veto this bill as written. I hope he does. I hope those who support meaningful bankruptcy reform, balanced bankruptcy reform, will realize we cannot go through this process on a slam dunk, take it or leave it; Republicans will meet and decide—and Democrats will be left out—and pass a bill of this significance.

The groups that oppose this include not only the AFL-CIO, representing working men and women across America, but also NARAL, the National Partnership for Women and Children, the Leadership Conference on Civil Rights, the Religious Action Center, the Consumers Union—virtually every one of them—75 law professors from across the country who have tried to take an objective look at this bill, even groups from my own home State of Illinois. The Bankruptcy Center, which over the past 3 years has filed over 6,000 bankruptcies on behalf of their clients, has written me with their concerns about the bankruptcy bill.

So it comes down to this. We have a lopsided bill, perpetrated as part of a political process around here that is becoming too common, where they take a bill that has nothing to do with bankruptcy and shove the contents into it. And the Republicans dictate what will be in it and do not even invite the Democrats to participate in the discussion, bring it to the floor and say: Take it or leave it.

The credit industry that wants this bill refuses to concede the most basic concessions to us when it comes to the disclosures they would make on credit card solicitations and the monthly statements on the bill so that consumers can make a rational choice about how much credit they can handle. They basically have told us: This is it; take it or leave it.

I think we should leave it. It is time for us as a Nation to say, yes, we can reform bankruptcy but do it in a balanced fashion.

I salute my colleague, the Senator from Minnesota, for his leadership. I hope colleagues on both sides of the aisle will think twice and join me in voting against cloture. This bill needs further debate, the debate it did not have in conference committee. I hope we can come up with a better work product.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I will take 1 minute because our leader is on the floor.

I thank Senator DURBIN. I only heard part of what he said but the conclusion especially. I will build on what he said, except I won't do it as well.

Whatever Senators think about the content of this bill—and there is much to question—it is a much worse bill than the bill passed by the Senate before. Senator DURBIN has more credibility on this because he worked on the original bankruptcy bill and was responsible for much of its content which was much better than what we have seen in recent days. This is a mockery of the legislative process. Any minority, any Senator, anyone who loves this institution, can't continue to let people in the majority take a conference report, gut it, and put in a whole different bill, and then bring it here and jam it down everybody's throats. I certainly hope Senators who care about this legislative process, and who care about the rights of the minority and about a public process with some accountability, will at least vote against cloture. I think that is almost as important an issue as the content, in terms of the future of this body. I am not being melodramatic about it. I hope we will have good support in the vote against cloture, much less the vote against the final product. I hope tomorrow we will be able to stop this.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

LABOR-HHS NEGOTIATIONS

Mr. DASCHLE. Mr. President, I will use my leader time to depart from the ongoing colloquy with regard to the cloture vote on the bankruptcy bill to talk about the status of negotiations on the Labor and Education bill that has been the subject of a good deal of discussion over the last several days.

I think the headlines give us the current state of affairs with regard to the bill probably as succinctly as any headline can. The Washington Post, from a front page story above the fold this morning, simply stated the fact: ''Budget Deal is Torpedoed by House GOP. Move by leadership angers negotiators on both sides.'' That was the Washington Post.

The Los Angeles Times said it as well in their headline: ''GOP Leaders Scuttle Deal in Budget Battle.'' They go on to describe exactly what happened in the budget battle on education over the course of the last several days.

The Washington Times had virtually the same headline, which simply read: ''House Leaders Spike Deal On Budget.''

The only word missing in most of these is the word ''education.'' Because that is what the budget was about, the fight was about what kind of a commitment to education we ought to be making in this new fiscal year, now well underway. This is the last day of October. Of course, the fiscal year began on the first day of October. While the headlines didn't say it, this is what they were talking about.

We had a bipartisan plan that was worked out over the last several days with great effort on the part of Chairman STEVENS and Chairman YOUNG, certainly on the part of Senator BYRD, Senator HARKIN, Congressman OBEY. They worked until 2:30 Monday morning to craft what arguably could have been the single most important investment we will make in education in any fiscal year in the history of the United States. That is quite a profound and dramatic statement. I don't think it is hyperbole because we were prepared to invest more in education, more in smaller classes, more in qualified teachers, more in modern school buildings, more in afterschool programs, with a far better accountability program, with increased Pell grants, with more investment for children with disabilities and those preparing to go to college than we have ever made in a commitment to education in our Nation's history. That was what was on the table.

Of course, as we negotiated these very complicated and controversial provisions dealing not only with education but whether or not we can protect worker safety, all of those issues had to be considered very carefully. It was only with the admonition of all the leaders to give and to try to find a way to resolve our differences that we were able ultimately to close the deal, resolve the differences, and move forward with every expectation that the Senate and House would then be in a position to vote on this historic achievement as early as Tuesday afternoon.

That is what happened.

So instead, today we are debating cloture on the bankruptcy conference report when we could have had an incredible opportunity to put the pieces together to give children real hope, to give school districts all over this country for the first time the confidence they need that they can address the myriad of problems they are facing in education today; to say, yes, we are going to commit, as we have over the last couple years, to ensure we have the resources to reduce class size and to hire those teachers and to break through, finally, on school modernization and school construction. We could have addressed the need for 6,000 new schools with the modernization plan that was on the table when the collapse occurred.

I come to the floor dismayed, disheartened, and extraordinarily disappointed that this had to happen, that the House leaders, House Republican leaders, spiked a deal that could have created this historic achievement.

What do we tell the schoolteachers? What do we tell the students? What do we tell all of those people waiting patiently and expectantly, who are hoping we could put partisanship aside and do what we came here to do. Forget the rhetoric, forget the conflicts, forget all the things we were supposed to forget in bringing this accomplishment about.

I don't know where we go from here, but this is part of a pattern. It isn't just education. There is an array of other issues. And perhaps this is an appropriate day to remind my colleagues of, once again, the GOP legislative graveyard. We can put up, perhaps, another tombstone today.

I think we can still revive this. Somehow I think there is still a possibility that we can do this. I don't know if it will happen this week—I don't know when it will happen—but I can't believe we are going to turn away from having accomplished what we could have accomplished with all of this.

Everybody understands that we may not have another chance. I am not prepared to put education into the legislative graveyard Republicans have created. But there isn't much chance we are going to deal with pay equity this year. There is no chance we are going to deal with campaign finance reform.

Let us make absolutely certain that when we come back early next year, we enact the Patients' Bill of Rights. That is a tombstone for the 106th Congress. Hate crimes, judicial nominations, the Medicare drug benefit, gun safety: all are tombstones to inaction. All are a recognition of the failure of this Congress to come to grips with the real problems our country is facing, a realization that now there is not much we can do anything about, except to rededicate ourselves to ensure that we will never let this Congress again take up issues of this import and leave them buried in the legislative graveyard.

Let us hope that we can revive school modernization and smaller class size. Let us hope that somehow, in the interest of doing what is right—we recognize how close we were Monday night, we recognize how important it is that we not give up, we recognize how critical it is that something as important as education will not be relegated to this legislative graveyard, or any other. Let us hope that in the interest of our children, in the interest of recognizing the importance of bipartisan achievement in this Congress, that we will do what is right, that we will take these headlines and turn them around and change them into headlines such as ''GOP Leaders And Democratic Leaders Agree on Budget Deal,'' or ''Democratic Leaders And Republican Leaders Agree To Historic Education Achievement''; with editorials that would say to the effect that, at long last, we have given children hope all over this country and we have given schools the opportunity to reduce their class size and improve educational quality without exception.

That is still within our grasp. I must say, the tragedy of all tragedies would

be, somehow in the name of partisanship and in the name of whatever competition some may feel with the administration on this or any other issue, that we fail to do what is right; we fail to make a commitment that we know we can; and that we end up building more monuments to the lack of progress and real commitment to the issues about which people care most.

Mr. President, I come to the floor with the expectation that we can overcome the obstacles that remain and we truly can make a difference on education in this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I thank the minority leader for his words.

I yield 10 minutes to the Senator from North Dakota, Mr. DORGAN.

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

LEGISLATION LEFT UNDONE

Mr. DORGAN. Mr. President, I listened to my colleagues today—Senator FEINGOLD, Senator DURBIN, Senator WELLSTONE, and now the Democratic leader, Senator DASCHLE—talk about a number of different issues. I want to take a moment to discuss my disappointment, as we near the end of this legislative session, with what this Congress could have accomplished, what we could have done for the American people, and what we left undone.

I note that in this Presidential campaign Governor George W. Bush talks about his desire to come to Washington, DC, to serve in the White House, and end the partisan bickering. As he says, he wants to ''end all of the partisan bickering.'' Well, it takes two to bicker and it takes two parties to bicker in a partisan way.

We have almost, on occasion, had debate break out in the Senate on some very important issues. But we never quite had that happen this year because we can't get to an aggressive, robust debate on the things that really matter.

My colleagues talked about the bankruptcy bill. How did they do the conference on the bankruptcy bill? One party goes into a room, shuts the door, handpicks their members, and writes it by themselves. It is hard to have bickering, and it is hard to be partisan when one party is doing the work behind a closed door and saying to the other party: Here it is; like it or leave it.

The tradition of debate in this country is the sound of real democracy. The sounds of democracy results from bringing people from all around America into our centers of discussion and debate. From all of those areas of the country—from a different set of interests and concerns, from the hills and the valleys and the mountains and the plains and different groups of people—we have ideas developed and nurtured and then debated.

Someone once said: When everyone in the room is thinking the same thing, nobody is thinking very much.

We have people here who kind of like the notion that you must think the same thing. Apparently, Governor Bush thinks we must all kind of think the same thing; we ought to stop all this disagreement.

Disagreement is the engine of democracy. Debate is the engine by which we decide what kinds of policies to implement and what course this country takes in the future. The issues on which we never quite had the aggressive, robust debate that we should have had in this Congress include education. Do you know that for the first time in decades this Congress didn't reauthorize the Elementary and Secondary Education Act? We didn't pass it. Why? Because it was feared that when the bill was brought to the floor, people would actually offer amendments. Then we would have to debate amendments and vote on amendments. God forbid a debate should break out in the Senate. So the bill was pulled after a short debate. So we let the Elementary and Secondary Education Act lapse. It just didn't get done.

The Patients' Bill of Rights is another issue. We had sort of a mini debate here in the Senate on that because it was judged that there wasn't enough time to allow a robust debate. The Patients' Bill of Rights was not considered significant enough to allow a very robust debate on the different positions of the Patients' Bill of Rights. These, of course, are not just abstract discussions. The issue of whether we need a Patients' Bill of Rights is a very significant issue for a lot of American people who are not only battling cancer, but also having to battle their HMO or insurance company to pay for needed medical treatment.

I have shown my colleagues many times during discussions on the floor of the Senate a picture of Ethan Bedrick. He was born with horrible difficulties. He was judged by his HMO to only have a 50-percent chance of being able to walk by age 5, which means that his HMO said a 50-percent chance of being able to walk by age 5 was ''insignificant.'' Therefore, they withheld payment for the rehabilitative therapy that Ethan Bedrick needed.

An isolated story? No, it goes on in this country all too often, day after day. I have told story after story on the Senate floor about it. We weren't able to get a final vote on this issue. We should have had a vote on the issue of a Patients' Bill of Rights toward the end of the Senate session because we would have had a tie vote, and the Vice President would have sat in that Chair and broken the tie. The Senate would have passed a real Patients' Bill of Rights if given the opportunity to vote again.

Do you know why we weren't able to do that? Because those who run this place didn't want a debate to break out. So they managed the Senate in a way that blocked any amendment from being offered. Since September 22 until October 31, not one Member of the Senate on this side of the aisle was allowed to offer one amendment on the floor of the Senate that was not approved by the majority leader. That is why a real debate didn't break out on the issue of the Patients' Bill of Rights.

The issue of fiscal policy is important in this country because we are now in the longest economic expansion in our country's history, and how to continue it is something we would want to have an aggressive, robust debate on. The majority party said: Well, all of this economic expansion is just all accidental. It didn't really result from anything anyone did.

Well, of course, that is not true. We passed a new economic plan in this country in 1993.

In 1993, we had the largest deficit in the history of this country. This country was headed in the wrong direction, and a new Administration, President Clinton and Vice President GORE, said let's change that; we have a new plan. It was controversial. It was so controversial it passed by one vote in the House and one vote in the Senate. Not one Republican voted for it.

They stood on the floor and said: If you pass this, you will throw this country into a depression, and you are going to cost this country jobs, and you will just crater this country's economy.

Well, we passed it and guess what happened? The longest economic expansion in our country's history. Unemployment is down, inflation is down, home ownership is up, personal income is up, welfare rolls are down, crime is down, every single aspect of life in this country is better because of what we did in 1993.

Now comes George W. Bush and the Republican Party saying: Do you know what we need to do now? We expect budget surpluses in the next 10 years. We need to take a trillion and a half dollars and use it for tax cuts. Let's lock those tax cuts into law right now.

Well, a number of groups have provided some very interesting analyses of this plan. Do you know what the threat is? Providing substantial tax cuts, the bulk of which will go to the top 1 percent, will put us right back in the deficit ditch we were in 8 years ago.

Don't take it from me. The risks of this kind of fiscal policy were described last week by the American Academy of Actuaries, which is one of the most respected nonpartisan organizations of financial and statistical experts. Their

report says the Bush plan would probably signal a return to Federal budget deficits around 2015.

I encourage anybody to read their analysis. This is an independent, nonpartisan, respected group that says this tax cut proposal doesn't add up at all; it doesn't add up.

One of the questions is, Do we want to jeopardize the economic expansion that has been going on in this country, the progress we have made in this country, an economic plan that turned this country around? Do we want to jeopardize that with a fiscal policy that doesn't make any sense, that will put us back into the same deficits? Or what about having a debate on the question of Governor Bush's proposal of taking $1 trillion out of the Social Security surplus and using it for private Social Security accounts for younger workers?

This is what Governor Bush said about that:

> . . . and one of my promises is going to be Social Security reform. And you bet we need to take a trillion dollars out of that $2.4 trillion surplus.

I don't know whether Governor Bush knows this, but the trillion he is talking about is already pledged. The reason we talked earlier about putting Social Security surpluses in a lockbox is we need them. The largest group of babies ever born in this country will retire in the next 10, 15, and 20 years. We are saving to meet their retirement needs. That is the $1 trillion. You cannot use it twice. It has been saved to meet the needs of the Baby Boomers, which is what it was designed for, or you can take it away and use it for private accounts for younger workers, which is what Governor Bush suggests. If that is the case, you will short change Social Security by $1 trillion. You can't count $1 trillion twice.

I simply make the point that on the issue of fiscal policy, we should have had a real debate on the floor of this Senate on fiscal policy. When Governor Bush and others say they don't like the partisan bickering, I don't suppose anybody likes it in those terms. I like robust, aggressive debate. I think that is the sound of democracy in this country.

When people say they have plans to take $1 trillion out of Social Security, I say let's debate that. When they say let's have tax cuts that go to the upper income people and I think that will put the country back in a deficit ditch once again, I say let's debate that. When they say we don't have time to reauthorize the Elementary and Secondary Education Act because somehow it is not important enough, I say that ought to be the subject of aggressive debate in the Senate.

Let's not shy away from debate. Let's understand what good, aggressive, honest debate does for this democracy, and let's have a few debates from time to time on things that really matter.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa has 10 minutes.

Mr. HARKIN. Mr. President, I was going to speak about the bankruptcy bill and how bad it is for working families, especially the elderly, and talk about how most of the people who are getting into bankruptcy situations are families who have unusually high medical bills. That is true in my State of Iowa, and many of these are elderly people. I will talk about that as we go along.

However, I have to take a few minutes today to follow up on what our minority leader, Senator DASCHLE, just spoke about a few minutes ago. That is the status of the most important bill we have to pass, the education bill.

One day has passed since Republican and Democratic negotiators came to agreement on the health and education appropriations bill for this year. As I said on the floor yesterday, the agreement we reached was a product of long and difficult bipartisan negotiations. Senator STEVENS, Senator BYRD, Senator SPECTER, and I, along with Congressmen BILL YOUNG, DAVE OBEY, and JOHN PORTER, worked for months to craft this agreement. We worked past 1:30 yesterday morning to hammer out the last remaining differences. As I said yesterday, as with any honorable compromise, both sides gave and got. At times, the negotiations got a little heated, but both sides hung in there.

In the end, we came up with a good compromise. Chairman STEVENS and Chairman YOUNG led these final negotiations. They have been charged by their leadership to come to closure so we can conclude our business and pass the bill. That is exactly what they did.

Less than 12 hours after we reached an agreement and our staffs were busily writing the final conference report, a faction within the House Republican leadership, led by Congressman DELAY and Congressman ARMEY, decided to renege on our bipartisan compromise. As I said yesterday, I hope, in the interests of our children and our country, they will reconsider and let the bill go forward.

None of us is happy with everything in this bill. That is what bipartisan compromise is all about. Overall, passing this bill is in our Nation's best interests.

Right now, I will mention a few more details of the agreement we reached to demonstrate to my colleagues and the American people why it is so important. There is a 16-percent increase overall in education; class-size reduction, 35 percent more. That means 12,000 new teachers will be hired across America this next year.

There is a provision I have been working on for 8 years called school modernization. There is $1 billion included for school modernization, the first time we have ever had it. If the Iowa experience is any standard—and I think it will be—this should generate somewhere between $7 and $9 billion in needed school repairs around the country.

Individuals with disability education grants go from $4.9 billion to $6.9 billion, a 40-percent increase, the largest in history, to help our local school districts educate our kids with special needs; also, $250 million in funds to increase accountability and to turn around failing schools. That is almost double what it was before. We had the largest increase ever in Pell grants, to make college affordable to working families. In this bill, 70,000 more kids will be able to get Head Start, bringing the total in our Head Start Program to 950,000 kids.

There is money in there for youth training and youth opportunity grants; a 66-percent increase in money for child care; community health centers, up $150 million to $1.2 billion, meaning 1.5 million more patients can be served next year; the important low-income heating and energy assistance program, $300 million more; Breast and cervical cancer screening, so that women can get the needed preventive health care they need, an $18 million increase; NIH, a $1.7 billion increase, the largest in our Nation's history. Afterschool care is almost double; it means 850,000 children will be served by afterschool programs. Also in the health end, 9,600 more research projects, one of which could bring major medical breakthroughs in cancer, heart disease, Alzheimer's disease, or Parkinson's disease. That is what is in this bill. Forty-two thousand more women would be screened for breast and cervical cancer. That is cost effective and saves lives.

There are a lot of things in this bill that are too important to be destroyed by last-minute partisan politics. As I said, nothing is perfect. The conference agreement has a number of items about which I have concern. For example, at the insistence of Republicans, an important regulation protecting workers from workplace injuries such as carpal tunnel syndrome was delayed yet again. We have delayed these worker protections for 3 years now, and last year's conference report contained explicit language that they would not be delayed any further. Yet as part of the give and take of the final negotiations, language was included to delay implementing this regulation until June 1.

Each year over 600,000 American workers suffer disabling, work-related muskoloskeletal disorders, like carpal tunnel syndrome and back injuries. Employers spend $15 to 20 billion a year just for workers compensation related to these injuries. The estimated annual total cost to workers and the Nation due to ergonomics is a high as $60 billion, according to the Department of Labor. So this is a major problem.

This proposal was initiated under Labor Secretary Elizabeth Dole in the Bush administration 9 years ago. This is not a partisan issue. It is a worker protection issue plain and simple.

Apparently, that is not good enough for Mr. DELAY. He wants to kill this important worker protection outright. I do not see how we can face the 600,000 people who are injured each year and say, ''No, your health and your safety just aren't important enough to be protected.'' How can you say, with a straight face that protecting these workers from serious injury is a ''special interest provision.

So I again urge the House Republican leadership to reconsider their decision to kill this important bill. We had a good, honest bipartisan agreement. Nobody loved every part of it, but it was decided upon honorably and in good-faith.

This is what the American people want and need. They want us to work together in good faith and to come up with a product that is in their best interest. A lot of sweat and debate and compromise went into doing just that. It is late, but it is not too late to bring back our agreement.

I am confident we would have more than enough votes in the House and Senate to pass it. And I have personally been assured by President Clinton that he would sign it as it come out of committee.

We ought to do what is right.

I just learned a few minutes ago that there is a possibility we are going to renege on the agreement that we reached in conference; that the language we adopted there is now being changed to reflect original language that we conferees talked about, fought over, discussed, changed, modified over a period of about—over a period of a couple of months but finally, Sunday night, over a period of about 2 or 3 hours. We finally reached language with which everyone agreed. I am now being told that language is being thrown out. It is being thrown out and we are going back to the initial language that was the source of the contention.

If that is so then, indeed, we have reached a very bad situation in this Congress. If this is what happens, what it means is when we go to conference with the House and we come up with our compromises and we shake hands on it, we sign our names to it, if you happen to be in the majority, and you want to change it, then tough luck; it means absolutely nothing. We operate on our word around here.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. Our word is our bond. When you can't trust people to keep their word, this institution goes downhill. I am afraid that is what is happening now.

The PRESIDING OFFICER. The Senator from Minnesota.

BANKRUPTCY

Mr. WELLSTONE. Mr. President, first of all, let me thank Senator HARKIN for his presentation. Let me thank other Senators who have spoken, both about what has happened to the Labor, Health and Human Services appropriations bill and also about this bankruptcy bill. I say to my colleague from Iowa, to tell you the truth, this is part of the same pattern. He is talking about abuse of the legislative process, talking about a complete breakdown of bipartisanship, a complete breakdown of trust. That is exactly what you have here when you have a State Department bill, a conference report that is completely gutted, not a word in there any longer about it, the only thing left is the number, and then what is put in, instead, is a bankruptcy bill. Democrats were not consulted at all, in an effort to jam it through. That is the same principle.

I would think and hope every member of the minority party who cares about our rights, who cares about an open legislative process, who cares about integrity of the political process, would vote against cloture tomorrow because my colleague is talking about the same process.

It might sound very much like an inside thing to people who are following this. I know everything is focused on the election. But honest to God, American people, it is not. When these kinds of decisions can be made by a few people with no sunlight, no scrutiny, no exposure, you have a real abuse of the process. What can happen is that usually the people who are hurt are the little people.

Let me tell you, the people who are involved in this kind of process, the behind-the-doors process, sticking stuff in in conference committees, gutting conference reports, are folks who are well heeled, who have the lobbyists who know how to work this process for them. But the people who get hurt are not involved at all. That is what I want to talk about. I want to talk about the way in which this conference report, this bankruptcy bill harms the most vulnerable citizens in this country, people who find themselves in desperate economic circumstances.

Please remember, Senators, 50 percent of the people who file for chapter 7 do it because of a medical bill that puts them under. Please remember: There but for the grace of God go I.

You can be as frugal as possible. You can be prudent. You can try to manage your family finances. And then you can have a medical bill that can put your family under. It took my family, my parents, 20 years to pay off a medical bill of years ago. Many people cannot do that. They find themselves in a horrible situation and then as a last resort, in order to rebuild their finances and sometimes just stop the harassment by creditors, in order to get back on their feet, people file for bankruptcy. That is what this piece of legislation is all about—making it impossible for people who, through no fault of their own, find themselves in terrible financial circumstances, unable to rebuild their lives and instead wind up essentially in debt slavery for the rest of their lives.

I think one of the things that has helped us in this debate—because I am confident Senators now see some of the harshness in this legislation—was a May 15, 2000, issue of Time magazine. The cover story was entitled ''Soaked By Congress.'' It deals with this bankruptcy bill.

Although, frankly, not as harsh a version—it was a better version that Time magazine talked about—this article was written by reporters Don Bartlett and Jim Steele, who have, I think, won a Pulitzer for their work. They do great investigative research. It is a detailed look at the true picture of who files for bankruptcy in America.

You will find a far different picture in this Time magazine than the skewed version that has been used to justify this mean-spirited and harsh legislation. This article carefully documents how low- and middle-income families, increasingly headed by a single person, usually a woman, are denied the opportunity of a fresh start if this punitive legislation is passed. I hope Senators will vote against cloture.

As Brady Williams, who is chairman of the National Bankruptcy Reform Commission, notes in the article, the bankruptcy bill would condemn working families:

> . . . to what essentially is a life term in a debtors prison.

Proponents of this legislation have tried to refute the Time magazine article. Indeed, during these final days of debate you will hear the bill's supporters claim that low- and moderate-income debtors will be unaffected by this legislation. Colleagues, if you listen closely to their statements, you will hear that they only claim that such debtors will not be affected by the bill's means test. Not only is that claim demonstrably false, the means test and the safe harbor have been written in a way that will capture many working families who are filing chapter 7 relief in good faith, but it ignores the vast majority of the legislation which still imposes needless hurdles and punitive costs on all families filing for bankruptcy, regardless of their income. Nor does the safe harbor apply to any of these provisions.

You might ask, why has the Congress chosen to be so hard on ordinary folks down on their luck? How is it that this bill is so skewed against their interests and in favor of big banks and credit card companies? My colleague, Senator FEINGOLD from Wisconsin, spoke to that. It is because these families do not have the million-dollar lobbyists representing them before Congress.

They do not give hundreds of thousands of dollars in soft money to the Democratic and the Republican Parties. They do not spend their days hanging outside the Senate Chamber waiting to bend a Member's ear. Unfortunately, it looks as if the industry got to us first. Unfortunately, that is what this is all about.

The proponents of this bill argue that people file because they want to get out of their obligations, because they are untrustworthy, because they are dishonest, because there is no stigma in filing for bankruptcy, but any look at the data tells us otherwise.

In the vast majority of cases—again, 50 percent of the cases—it is a medical bill that has put people under or the main income earner has lost his or her job. There is a sudden illness, a major injury, major medical expenses, someone has lost their job, there has been a divorce, and what we are saying to these people is: We make it impossible for you to rebuild your lives. But when it comes to the lenders and the credit card companies, oh, it is a very different story.

In the interest of full disclosure, something that the industry is not very good at, I want my colleagues to be aware of what the credit card industry is practicing, even as it preaches its sermon of responsible borrowing. After all, debt involves a borrower but also a lender. Poor choices or irresponsible behavior by either party can make the transaction go sour. So how responsible has the industry been?

I suppose it depends on how you look at it. On the one hand, consumer lending is terrifically profitable, with high credit card cost lending, the most profitable of all, except for maybe the higher cost credit such as payday loans. I guess by the standard of responsibility to the bottom line, this credit card industry has done a great job.

On the other hand, if you define responsibility by promoting fiscal health among families, educating on the judicious use of credit, ensuring that borrowers do not go beyond their means, then it is hard to imagine how the financial services industry could be bigger deadbeats.

According to the Comptroller of the Currency, the amount of revolving credit outstanding, the amount of open-ended credit by credit cards being extended increased seven times during 1980 and 1995 and between 1993 and 1997. During the sharpest increase in bankruptcy filings, the amount of credit card debt doubled. It does not sound as if lenders were too concerned about the high number of bankruptcies. At least it did not stop them from pushing credit cards like Halloween candy.

All of us know it: Our children are the ones who are solicited; our grandchildren are the ones who are solicited. It is unbelievable. This industry feels no responsibility, it feels no accountability, and in this one-sided, unjust piece of legislation, there is absolutely no standard they are asked to live up to.

I again say to my colleagues that the case has been made that we have people in the country who are abusing the system, but I have not seen any report that has reported higher than 13 percent, and the American Bankruptcy Institute says 3 percent. So much for that argument.

Then we have an argument that somehow these are people who feel no stigma, feel no shame. I have talked to colleagues—I cannot believe it—and they say: Paul, my gosh, shouldn't people manage their financial affairs, and if they don't, shouldn't they be held accountable? Yes. Pass a piece of legislation that does that, but do not pass a piece of legislation that says to a family which is in difficult, horrible financial circumstances, through no fault of its own, because of a major medical illness or because someone has lost their job or because there is a divorce, do not make it impossible for them to file chapter 7 and then unable to make it through chapter 13 and then essentially live a life of constant debt servitude, a life basically full of debt with no opportunity to rebuild lives.

We are stripping away the major safety net, not just for the poor but for middle-class people as well. That is why so much of the religious community opposes this. That is why so many women and children organizations oppose it. That is why every consumer organization opposes it. That is why the civil rights community is opposed to it.

The argument is then made that this is a reform piece of legislation. How can it be a reform bill when it is so one sided? How can it be a reform bill when it is so punitive? How can it be a reform bill when, in the name of going after abuse—only a tiny percentage of the population—it casts such a broad net and will make it so difficult for so many families, especially middle-income, low- and moderate-income families headed by women to rebuild their lives? And how can it be called ''reform'' when it is so one sided and does nothing whatsoever to call this credit card industry and these lending institutions to accountability?

This legislation is unfortunately perfectly representative of an imbalance of power in America where some people—and I see the Chair is now looking at me. I appreciate that because he extends that courtesy to all of us. I never mean my arguments personally, especially of colleagues I trust at a personal level. In an institutional way, some people march on Washington every day. They are so well connected. They have the lobbyists. They have the money. They make the arguments. They have the prestige. They have the status. And that is what happened here.

Up until this Time magazine expose, there were so many stereotypes and a lot of information about this legislation that was not accurate. As it turns out, it is imbalanced; it is unfair; it is unjust; it is too harsh, too punitive, and it is not right. This piece of legislation should not go forward tomorrow. I have tried to make arguments to defend this proposition, and other Senators have as well.

What Senator FEINGOLD said is true. In a lot of ways, institutionally, not one on one, this is also an example of an industry that has poured a tremendous amount of money into elections, an industry which has tremendous financial clout. What in the world is someone to do when her family or his family is going under because of a medical illness? Fifty percent of bankruptcy cases are filed as a result of that, and we are going to make it impossible for these people to rebuild their lives?

What is someone to do when the low- and moderate-income earners do not have this clout and do not have these connections? What are single-parent homes to do, almost always headed by a woman?

We should pass a bankruptcy reform bill, but this does not represent reform.

One final thing, and I doubt whether I am going to get any Republican support, but I wish I would. I am not making a payback argument, and if I end up behaving differently, then call me a hypocrite, but this is no way to legislate.

In the Senate, minority rights count. You should not be able to take a conference report and then—it is not even a question of putting a provision in, I say to the Chair, that is unrelated to the conference report. In this case, it is a State Department conference report, completely gutted—invasion of the body snatchers—not a word left about the State Department. The only thing left is a bill number. Now it is bankruptcy sent over here. The minority was not even consulted. Senators should vote against cloture for that reason alone because the minority one day is the majority the next and vice versa, and we should respect each other's rights.

Someone can say to me: Senator WELLSTONE, you hypocrite. When you were in the majority, you did exactly the same thing; you, PAUL WELLSTONE, were involved. I do not know of this having been done. I cannot remember. I certainly never did it; never would.

I appeal to my colleagues on the basis of fairness. You might not agree with me on the substantive arguments—although this bankruptcy bill is now worse than it was before; and I went over two provisions that have been taken out—but you might agree with me just in terms of the rights of a legislator and the way in which this process ought to work.

This is an affront to this legislative process. This makes a mockery of this legislative process. This is a reform issue. You wonder why people are so disillusioned and turned off about politics in the country? Here is one good reason why. People do not quite understand how a State Department bill all of a sudden becomes a bankruptcy bill, with a whole new set of provisions put in unrelated to the original bill. And then an effort is made to jam it through here. People do not get that.

It might be clever, I say to the majority leader and others, but it does not meet the test of representative democracy. It does not meet the test of the Senate as a great institution. It does not meet the test of what this legislative process should be all about. It does not meet the test of how we can become good legislators and good Senators. For that reason, I hope colleagues will vote against cloture.

I yield the floor and 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. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WATER RESOURCES DEVELOPMENT ACT OF 2000—CONFERENCE REPORT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany S. 2796, the Water Resources Development Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2796), ''to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 19, 2000.)

EXPORT OF WATER FROM THE GREAT LAKES

Mr. LEVIN. Mr. President, the Water Resources Development Act addresses many of the water resource needs of our nation. But it also includes a provision relating to the export of water from the Great Lakes which needs some clarification. Would the distinguished chairman and ranking member be willing to join Senator ABRAHAM and myself to clarify a few points about this language?

Mr. BAUCUS. Mr. president, I would be pleased to offer information about this provision to my colleagues.

Mr. SMITH of New Hampshire. I am also pleased to discuss this provision.

Mr. LEVIN. First, we need to make it clear that the phrase ''and implementation'' in the findings of subsection (a) does not constitute a ''pre-approval'' of standards which are being developed by the Governors of the Great Lakes States. Would the chairman and ranking member concur that it is not the intent of this provision to grant pre-approval to standards which we have not seen?

Mr. SMITH of New Hampshire. I would concur; it is not the intention of the conferees that this provision be interpreted as granting pre-approval to standards which have not yet been developed and which Congress has not reviewed.

Mr. BAUCUS. I echo the chairman's sentiment.

Mr. LEVIN. Would the chairman and ranking member also concur that it is not the intent of this provision to preempt the need for future appropriate congressional actions in this area?

Mr. BAUCUS. I would concur. This language should not be interpreted as pre-empting the authority of Congress to approve or disapprove an interstate compact, international agreement, or other such mechanisms of implementation which properly fall under congressional authority. it is simply the intent of the conferees to encourage the States to promptly take such actions to implement these standards as fall within their authority for management of the water resources of their respective states and within the authority vested in them by the Water Resources Development Act of 1986 for making decisions regarding diversions of Great Lakes water.

Mr. SMITH of New Hampshire. I concur with the ranking member's interpretation.

Mr. ABRAHAM. On a second matter, this language uses the phrase ''resource improvement'' as one principle in encouraging the states to develop a common conservation standard. This phrase is intended to embody the concept of improvement of the quality of the natural resource, not the development of the resource. Is that the understanding of the chairman and ranking member?

Mr. SMITH of New Hampshire. Yes, as use din this section, the term resource improvement is intended to convey the concept of an improvement to the natural resource. The alternative interpretation would not be consistent with the parallel directive that the standard embody the principles of water conservation.

Mr. BAUCUS. I concur with this interpretation.

Mr. LEVIN. I also wish to thank my colleague from Michigan for joining in the effort to clarify the intent of this provision. I still have reservations as to whether this provision represents the best approach to addressing the issue of water diversion and export which faces the Great Lakes region today, but these clarifications of the intent of the provision relieve some of my concern.

Mr. ABRAHAM. I thank the chairman, ranking member, and my colleague from Michigan. Mr. President, Senator LEVIN has been a leader in the effort to protect the Great Lakes on a wide variety of fronts. Clearly today's work will not completely guarantee the protection of this great resource, but I believe it is a big step in the right direction. I want to thank Senator LEVIN for his help in this matter, particularly for his work to eliminate the likelihood of unintended consequences from this legislation. I look forward to working with him in the future as we fight to protect this great resource.

THE TEN- AND FIFTEEN-MILE BAYOUS FLOOD CONTROL PROJECT

Mrs. LINCOLN. Mr. President, as we complete work on the Water Resources Development Act (WRDA) of 2000, I would like to bring the Senate's attention to a project that is very important to a group of my constituents in Arkansas: the Ten and Fifteen Mile Bayou project. The Ten and Fifteen Mile Bayou project would provide flood control to a poor, rural area in the Mississippi Delta that is oftentimes overlooked while other projects in more affluent, urban areas move forward. The Delta's small farming communities and poor minorities are the constituencies most affected by the constant flooding that this project seeks to prevent. It is vitally important to the future of this Delta region to alleviate these flooding concerns.

I have worked with the St. Francis Levee Board on this important project since my days in the House of Representatives. Unfortunately, the resources of this community are extremely limited and they are unable to meet the cost share requirements of any federal program. Can the distinguished Senator from Montana please explain section 204 of the current WRDA bill dealing with ''the ability to pay'' provision? Specifically, I am interested in hearing how this provision might help projects, like Ten and Fifteen Mile Bayou, that are needed but simply can not meet the cost share requirements.

Mr. BAUCUS. I appreciate your concern about flooding in the Saint

Frances River Basin and your frustration with efforts to address this situation. Many communities across the nation simply do not have the financial ability to provide the cost share for Corps studies and projects. Because of this, Congress added an ''Ability to Pay'' provision to the Water Resources Development Act in 1986. This provision, which establishes procedures for reducing the non-federal share of water resource development project costs for distressed communities, has been amended several times subsequently. These procedures, which are set by the Corps through regulation, take into consideration local economic and financial conditions.

This year, the administration's Water Resources Development Act legislative proposal contained an update to the Ability to Pay provision which included expanding its applicability to feasibility studies and additional project types. The Senate Environment and Public Works Committee further expanded the project types eligible and this amendment to the Ability to Pay provision is contained in the Conference Report.

Our intention is that these changes will result in the Ability to Pay provision being used more frequently by the Corps and providing greater relief to communities that cannot meet ''standard'' Corps cost-share requirements. While I am not familiar enough with specifics of the Ten and Fifteen Mile Bayou project to judge the application of the Ability to Pay provision, I would encourage the Corps to pay particular attention to the applicability of the provision to this flood control project.

Mr. SMITH of New Hampshire. I also appreciate the financial hardships faced by communities in West Memphis as well as in many other areas of the country. I also expect that the amendments to the Ability to Pay provision contained in this Conference Reports will increase the Corps' use of this provision and, thereby, the relief provided to communities with financial hardships.

In addition, it is important for Congress to monitor the implementation of the Ability of Pay provision. To accomplish this, the Senate Environment and Public Works Committee, of which I am the chairman and Senator BAUCUS is the ranking member, will hold oversight hearings next year on the Corps' historical and current performance as it relates to the application of Ability to Pay provisions of the Water Resource Development Act.

Mrs. LINCOLN. I thank my colleagues for their comments and I look forward to working with them on this important matter.

PROGRAMMATIC REGULATIONS

Mr. GRAHAM. Mr. President, I rise today with my colleague from Florida to clarify one section of the Water Resources Development Act of 2000. Section 2(h)(3)(C)(ii) includes language from the House clarifying the applicability of programmatic regulations. One of the most important elements of the formula for success which brings us to the floor of the Senate with this conference report today is the open process used by the Corps of Engineers to develop consensus positions on a course of action. I want to clarify my colleague's views on the language in this section. Do you believe that this language will limit the public's ability to participate and comment on the development of project implementation reports, project cooperation agreements, operating manuals, and any other documents relating to the development, implementation, and management of individual features of the Plan?

Mr. MACK. This language is not intended to affect the public's ability to participate and comment on the development of project implementation reports, project cooperation agreements, operating manuals, and any other documents relating to the development, implementation, and management of individual features of the plan. In addition, this language is not intended to expand any one federal agency's authority. I share your view that the Corps' open process is one of the most important aspects in building the consensus which makes this Comprehensive Everglades Restoration Plan strong.

Mr. GRAHAM. Mr. President, Members of the 106th Congress, thank you for this opportunity to stand before you today as a proud Member of this body. We are on the verge of passing historic, comprehensive legislation to restore America's Everglades.

This is a dream I have had since early childhood when I lived on the edge of the Everglades in a coral rock house. I witnessed the manipulation of the Everglades from a serene, river of grass into a funnel built for human purposes.

Over the decades, I joined other Floridians in finding that moment of truth—the moment when we realized that our actions were destroying this ecosystem which is the very heart of Florida. I was proud to start the ''Save Our Everglades'' program in Florida during my tenure as Governor.

I thank everyone who took that giant leap with me in 1983 to begin to do what appeared to be impossible—to make the Everglades look more like it had in 1900 than it did in 1983 by the year 2000.

We have taken several first steps.

In 1992 the Kissimmee River restoration project demonstrated that we can, in fact, restore portions of a damaged ecosystem.

In 1996 the critical projects authorization allowed us to begin on projects with an immediate benefit to the environment. That same year, we began the ''restudy'' of America's Everglades.

I offer my thanks again to the people of Florida who toiled endlessly to produce the consensus document, the Comprehensive Everglades Restoration Plan which is the basis for the legislation we will pass today.

Names like Colonel Joe Miller, Dick Pettigrew, Stu Appelbaum, and Tom Teets and will ring in Florida's history as people who sacrificed personal gain for the future of this project, people who built consensus where none could even be visualized, and people whose expertise built the very foundation of our plan to restore the Everglades.

Today, we are ending one chapter and beginning another in the history of America's Everglades.

We are officially ending the chain of events that we began in 1948 with the authorization of the Central and Southern Florida Flood Control Project which, according to the National Parks and Conservation Association, brought the parks and preserves of the Everglades to a prominent spot on the list of the 10 most endangered in the country.

We are beginning the chapter of restoration.

After 17 years of bipartisan progress in the context of a strong Federal-State partnership, we are seeing the dream that many of us shared in 1983 become reality.

I want to speak for a moment about this unprecedented Federal-State partnership. I often compare this unique partnership to a marriage.

If both partners respect each other, and pledge to work through any challenges together, the marriage will be strong and successful. Today, we are again celebrating the strength of that marriage.

This legislation contains several provisions born out of the respect that sustains this marriage.

It offers assurances to both the Federal and State governments on the use and distribution of water in the Everglades ecosystem.

It requires that the State government pay half the costs of construction.

It requires that the Federal Government pay half of the costs of operations and maintenance. Everglades restoration can't work unless the executive branch, Congress, and State government move forward hand-in-hand. The legislation before us today accomplishes this goal.

With the vote we are about to take—to pass the Water Resources Development Act of 2000—we are truly making history.

We will be one step closer to restoring the damage done when humankind had the arrogance to second-guess nature.

With this project we are doing nothing less than turning back time, returning this dying place to the wild splendor of its past and in doing so, ensuring its future.

If we accomplish the historic goal of restoring America's Everglades then today will be one our children and grandchildren will remember.

They will look back on this as the day that our generation had the courage and the foresight to make a commitment to restoring one of America's richest national treasures.

In the words of President Lyndon B. Johnson:

> If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.

Today is the day we will make the choice to leave a glimpse of America's Everglades as they were when we first found them for future generations—an undisturbed river of grass, unmatched in serenity and beauty.

Mr. BAUCUS, Mr. President, I rise to join Senator SMITH in supporting the conference report on S. 2796, the Water Resources Development Act of 2000.

This conference report authorizes projects for flood control, navigation, shore protection, environmental restoration, water supply storage, and recreation. The bill also modifies existing projects and directs the Corps to study other proposed projects. All projects in this bill have the support of a local sponsor who is willing to share the cost of the project.

Even a brief review of the projects demonstrates the importance of passing this conference report.

A number of the projects are needed to protect our shorelines, along oceans, lakes, and rivers.

Several of the navigation projects will ensure that our ports remain competitive in the increasingly global marketplace.

Furthermore, the studies authorized in the bill will help us make informed decisions about the future use and management of our water resources.

Let me mention two projects that are very important for my state of Montana.

First, the authorization for design and construction of a fish hatchery at Fort Peck. This fish hatchery will make good on a long awaited promise of the Fort Peck project; namely, more recreational and economic opportunities for the folks in eastern Montana.

Fort Peck Lake is one of the greatest resources in our state. It not only plays a major role in power production and water supply, but it is an increasingly important center for recreation. People from around the state—as well as from around the world—come to Fort Peak for our annual walleye tournaments.

The local community really puts a lot of effort into these tournaments. And they've put a lot of effort into the Fort Peck hatchery. Communities across eastern Montana have raised funds for the matching share of the project's feasibility study.

And the state legislature has contributed as well. It passed a special warm water fishery stamp to help provide additional financial support for the hatchery.

The fish hatchery will help to ensure the continued development of opportunities at Fort Peck Lake. And it will also represent a major source of jobs and economic development for this part of the state.

I would also like to point out the bill's provision relating to the exchange of cabin sites leased by private individuals on federal land at Fort Peck Lake.

The lake is surrounded by the Charles M. Russell National Wildlife Refuge. Yet, there are many private in holdings in the refuge.

This provision will allow the cabin leases to be exchanged for other private land within the refuge that has higher value for fish, wildlife, and recreation. By consolidating management of the refuge lands, the provision will reduce costs to the Corps associated with managing these cabin sites. It will also enhance public access to the refuge.

This exchange is modeled on a similar project near Helena, Montana, which Congress authorized in 1998. It represents a win-win-win for the public, the wildlife, and the cabin site owners.

Mr. President, let me further mention a truly landmark provision in this conference report. In addition to the usual project authorizations contained in a water resource development act, this report represents Congress with a historic opportunity. Title VI of this report contains the Comprehensive Everglades Restoration Plan.

Restoration of the Everglades has been many years in the making. In the 1970s, the State of Florida became concerned that the previously authorized Central and South Florida project was doing too good a job at draining the swampy areas of the state. In fact, it was draining the life out of the Everglades.

Our colleague from Florida, Senator GRAHAM, who was then Governor GRAHAM, began the effort to restore the Everglades by establishing the ''Save Our Everglades'' program. And Senator GRAHAM has worked tirelessly to achieve restoration ever since. The comprehensive plan to restore this invaluable ecosystem that is contained in the conference report before us is the culmination of his work.

In closing, I would like to thank the chairman of the Environment and Public Works Committee, Senator SMITH, for his unwavering commitment to making this Water Resource Development Act a reality. Further, I would like to thank him for the personal investment he made in keeping this conference report focused on projects central to the mission of the Corps.

I know he was under tremendous pressure to open this report up to any number of inappropriate provisions, but he remained steadfast in his opposition and he should be commended for this. So, too, should his staff. They worked tirelessly to craft a Water Resources Development Act of which they can be proud.

Finally, I would like to thank Jo-Ellen Darcy and Peter Washburn of my staff for their dedication to this legislation. A tremendous amount of work goes into a Water Resources Development Act. So, I particularly acknowledge and commend the effort that Jo-Ellen and Peter devoted to making this conference report such a success.

Mr. SMITH of New Hampshire. Mr. President, at this time, I ask unanimous consent that the conference report be adopted, the motion to reconsider be laid upon the table, and that any statements relating to this measure be printed in the RECORD.

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

The conference report was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I wish to make a couple of comments on the legislation that we just adopted. This has been a long time coming. It is a culmination of some—actually, the Everglades portion of this legislation took a year of work. We had a hearing in January at the Everglades. This is a very exciting time for those of us who have worked on this. I want to briefly give a quick overview of that and recognize a few people who have been involved.

This is a good bill. I am proud that we passed it. It is fiscally responsible. It recognizes our obligation to preserve one of the most important and endangered ecosystems in the Nation, if not the world: America's Everglades.

I thank the Senate conferees—Senators WARNER, VOINOVICH, BAUCUS, and GRAHAM—for their hard work and dedication.

I thank Chairman SHUSTER and the House conferees for their cooperation as well.

I am proud of this bill. This is not a bill that includes numerous unnecessary projects. The committee established some tough criteria, and we stuck to those criteria.

I am proud that the conference agreement on WRDA 2000 does not contain any environmental infrastructure projects. As those who requested such projects know, the committee has a longstanding opposition to including environmental infrastructure projects in WRDA.

Unlike what has happened in the past, the Senate conferees were able to hold firm, and the House accepted our position, for which we are grateful.

These types of projects, in my view, should be funded through the State revolving loan funds and not by the Army Corps of Engineers.

From the time this WRDA process began, the committee received requests to authorize more than 300 new projects. By holding firm to our criteria—the conference report to WRDA—we were able to authorize 30 new projects, 57 new feasibility studies, and a number of other project-related provisions.

As I said before, Senator BAUCUS and I are committed to examining next year the infrastructure issue, and other issues, relating to the operation and management of the Corps. This will include hearings on the Corps reform.

Let me talk specifically for a moment on the Everglades. There is an important element that separates this WRDA bill from all others and is what makes it so historic.

This bill includes our landmark Everglades bill, S. 2797, the Restoring the Everglades, an American Legacy Act. It has been clearly demonstrated that the Everglades are in great peril. Without acting now, we could lose what is left of the Everglades in this generation. But Congress is prepared to move forward and make good on a problem the Federal Government greatly contributed to causing.

It has been clearly demonstrated that the Everglades is a Federal responsibility. Lands owned or managed by the Federal Government—four national parks and 16 national wildlife refuges—compromise half of the remaining Everglades and will receive the benefits of restoration.

The State of Florida has stepped up to the plate thanks to Gov. Jeb Bush and his legislature in Florida, on a bipartisan basis.

The Everglades portion of WRDA has broad bipartisan support. Every major constituency involved in Everglades restoration supports our bill. These bipartisan and wide-ranging supporters include the Clinton administration, Florida Governor Jeb Bush, the Seminole Tribe of Florida; industry groups, including Florida Citrus Mutual; Florida Farm Bureau, the American Water Works Association; Florida Chamber of Commerce; Florida Fruit and Vegetable Association, Southeast Florida Utility Council, Gulf Citrus Growers Association, Florida Sugar Cane League, Florida Water Environmental Utility Council, Sugar Cane Growers Cooperative of Florida, Florida Fertilizer and Agri-chemical Association; and many environmental groups. To name just a few: National Audubon, National Wildlife Federation, World Wildlife Fund, Center for Marine Conservation, Defenders of Wildlife, National Parks Conservation Association, the Everglades Foundation, the Everglades Trust, Audubon of Florida, 1000 Friends of Florida, Natural Resources Defense Council, Environmental Defense, and the Sierra Club. It is pretty unusual to bring the support of that many people on a major environmental bill to the Senate. I am proud to do it.

The Everglades bill is a great model for environmental policy development. It is cooperative. It is not prescriptive. It is bipartisan, and it is flexible and adaptive. We can change things. If we don't like what is going on, if something isn't working, we pull back and try something new. It establishes a partnership between the Federal Government and the State and many other private groups as well.

Our colleagues in the House suggested improvements to the Everglades piece, and we made those. While it didn't always look promising, we will see this bill become law before we go home, in the very near future, when the House passes it and the President signs it.

Last June, Bruce Babbitt called this ''the most important environmental legislation in a generation.'' I agree. It took a lot of courage to work this through. This passed the Senate 85–1. It has broad support. And it will pass overwhelmingly in the House very shortly.

It is almost dangerous to mention anyone because once you mention one, you are sure to omit some very important contributors. So with apologies to anybody I miss, I thank the late Senator John CHAFEE because he started this committee's efforts on the Everglades. I went to Florida in January. I told the folks in Florida this would be my highest priority and there wouldn't be much difference between John CHAFEE and Bob SMITH on saving the Everglades. I kept my word.

I thank the Senate conferees: subcommittee Chairman GEORGE VOINOVICH, Senator JOHN WARNER, ranking member Senator MAX BAUCUS, Senator BOB GRAHAM from Florida.

I also thank Senator CONNIE MACK and Governor Jeb Bush of Florida for their unrelenting efforts on the Everglades. Time and again we talked with them. We kept working with them throughout.

From the administration, Carol Browner has been very helpful throughout this affair.

I thank Mary Doyle and Peter Umhofer, Department of Interior; Joe Westphal, Michael Davis, and Jim Smythe from the Department of the Army; Gary Guzy from EPA; Stu Applebaum, Larry Prather, Gary Campbell and many others from the Corps of Engineers; and Bill Leary from CEQ.

From the State of Florida, I thank David Struhs, Leslie Palmer, and Ernie Barnett from the Florida Department of Environmental Protection; Kathy Copeland from the South Florida Water Management District.

I thank the Senate legislative counsel: Janine Johnson, Darcy Tomasallo, and Tim Trushel.

I thank the following staff members: from Senator GRAHAM's staff, Catharine Cyr Ranson and Kasey Gillette; Senator MACK's staff, C.K. Lee; Senator VOINOVICH's staff, Ellen Stein and Rich Worthington; Senator WARNER's staff, Ann Loomis; Senator BAUCUS' staff, Tom Sliter, Jo-Ellen Darcy, Peter Washburn, and Mike Evans; and my staff, Dave Conover, Ann Klee, Angie Giancarlo, Chelsea Henderson Maxwell, Stephanie Daigle, Tom Gibson, and Jeff Miles.

It was a great bipartisan effort. In spite of many roadblocks over the past several months, we were able to work this bill through in a bipartisan manner. I am truly grateful to everyone on both sides of the aisle for their tremendous support through a very difficult effort. There were literally hundreds of projects that the staff had to pore through, and we did it.

When we look back on our careers, when we leave here and look back and say, What did I accomplish? I think we will be very proud of the vote to save the Everglades. I guarantee it. It will be right up there at the top. Once those Everglades are safe, we can say, when the time came to stand up and make a difference, we did.

When I became chairman, I promised to make the Everglades my highest priority. I did. I also said we needed to look forward to the next generation, rather than the next election, in environmental policy.

We are now poised to send the President a conference report on WRDA that has the support of every major south Florida stakeholder, the State of Florida, and the administration. Restoration of the Everglades is not a partisan issue. We proved it. The effort has been bipartisan from the start.

I congratulate my colleagues for daring to take the risk to support this noble effort to save a national treasure. We need to view our efforts as our legacy to future generations, and this will be this Senate's legacy to future generations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, 4 years ago, a theme in the election was, ''It's the economy, stupid.'' Well, that is true in this election, but there is something a little different: ''It's the energy crisis, stupid.''

The Vice President would have us think the economy is the issue that will get him elected President, that he and President Clinton came up with a plan to tax gasoline and Social Security benefits, and once he cast the tie-breaking vote to increase your taxes and my taxes, interest rates came down, the stock market went up, and the economy prospered.

The Vice President and the Democrats conveniently ignore the fact that the economy had already begun posting

strong growth before Clinton-Gore took office. That may sound like old hat, but the President's budget plans never once mentioned a balanced budget as a policy goal at that time. Instead, those budget plans predicted annual deficits of $200 billion a year well into the future.

As my colleagues and good friends Senator DOMENICI, Senator GRAMM, and others pointed out last night, the credit for our booming economy ought to be given to a couple of people. Specifically, one is Dr. Alan Greenspan and the Federal Reserve, for a sound fiscal policy that prevented the onset of inflation. As we know, Greenspan has been around a long time.

Further, a Republican Congress deserves some credit for putting controls on Federal spending and turning the deficit into a surplus.

I will not spend a lot of time today on that subject because I rise to talk about energy. I want to talk about the reality that the administration has no energy policy. The energy policy in this country, for what it is worth, is dictated by America's environmental community. They accept no responsibility for the reality that we are short of energy and becoming more and more dependent on foreign sources of oil.

As we look at our economic prosperity over the past few years, there is a growing concern that it might be coming to an end, partially for lack of a sound national energy policy. Look at the American consumers out there. They are finding themselves under the shadow, if you will, of a failed energy policy. We have crude oil prices which are remaining solidly at $30 plus a barrel but, remember, it was March of 1999 when it was $10 a barrel.

The administration blames ''Big Oil.'' They use the word ''profiteering.'' Well, is the implication then, in March of 1999, that ''Big Oil'' was giving us a gift of some kind, selling it to us at $10 a barrel or was it supply and demand? Who sets the price of oil? Is it Exxon? Is it British Petroleum? Is it Phillips? It certainly is not. We all know that.

It is from where we import the oil. It is Saudi Arabia. It is Venezuela. It is Mexico. They are setting the price of oil. Why? Because we are approximately 58 percent dependent on imported oil. We are addicted to oil. We don't produce enough, so we pay the going price. If we don't pay it, somebody else will.

Why has it gone up? The general economy of the world has gone up; Japan has recovered; Asia, more demand. We are a society that runs on energy. All our communications, our expansion, our e-mail, computers, all are dependent on energy.

So American consumers are finding themselves in the shadow of a failed energy policy, with crude oil prices at $30 plus a barrel—they have been up as high as $37 a barrel—and gasoline prices averaging well above $1.50 a gallon for most of the year. In some areas, they have gone up to nearly $2 a gallon.

The sleeper here is natural gas. Americans haven't awakened yet to the reality that natural gas prices have more than doubled. Ten months ago, they were at $2.16 per thousand cubic feet of gas. Deliveries in November of this year, just beginning tomorrow, were at one time in the area of $5.30 to $5.40. I would remind my colleagues that 50 percent of the homes in this country heat on natural gas.

U.S. consumers have dealt with electricity price spikes and supply disruptions. All you have to do is go to San Diego, California; you will get a flavor for what is happening. You can't get a permit to put in a new generating plant. Consumers are facing brownouts as a consequence and prices are going up. People are closing their businesses. They cannot pay, in many cases, the rates that are being charged in that particular area of California.

Heating oil inventories—which we are concerned about, particularly in the Northeast, where there is such dependence on heating oil—are at the lowest level in decades. In fact, when the President proposed the sale of SPR—30 million barrels from the SPR reserve in Louisiana—and then initiated an action to order the transfer of that crude oil into refineries, we suddenly found that we had another problem—we didn't have refining capacity; they were operating at about 96-percent capacity. We took this additional oil out of SPR and we found out we could not refine it without displacing other imported oil.

This was testimony in the House and Senate. In the hearing I chaired as Chairman of the Energy and Natural Resources Committee, testimony indicated there would be, out of the 30 million barrels, about 3 to 5 million barrels of distillate. We asked the Under Secretary of Energy: How much heating oil are you going to get out of 3 to 5 million barrels of distillate? Frankly, he didn't know.

There was another hearing going on in the House, and witnesses from the same Department of Energy indicated there would be approximately 250,000 barrels. A 1-day supply of heating oil in the Northeast is about a million barrels. So it is somewhere between a half day's supply and 2 to 3 days' supply. This was all a result of the falderal associated with the release of the SPR.

The objective of the SPR release was to increase the heating oil supply in the Northeast Corridor. Did it occur? It clearly did not. Was there manipulation of price? To some extent. It was $37 and it dropped down to $33, or thereabouts, on that announcement. But it clearly didn't increase the supply of heating oil, and that was the objective. Currently, I am told the price of crude oil is $33.75 a barrel, but let's remember from where we started—$37 per barrel.

The nice thing about what the OPEC nations have done is they have gradually assimilated a price increase so it doesn't hurt so bad. Remember, it was $10 a year ago. Then it got up to $17, $18, $19, and then up to $22. At $22, OPEC advised us they were going to put in a floor and a ceiling. The ceiling was $28; the floor was $22. That worked so well they moved it up beyond $28. Now they are in the low thirties. Well, the sky is the limit.

The point is that the administration has no energy policy. Now, how long has it been going on? We point fingers here, and it is easy to do, particularly in a political season. But we really don't have a strategy. We need a strategy because the cost of increasing energy, the shortage of energy, and the increased dependence on imports is a compromise of our national security.

Moving from national security back to the economy, economists now believe the increased energy prices could very well lead to a slowdown in consumer spending. Consumers are likely to cut back in other areas to offset the higher prices they are paying for gasoline, electricity, home heating oil, or natural gas.

Recently, Fed Chairman Alan Greenspan indicated rising energy costs would push up the cost of consumer goods. Why? Delivery costs are associated with movement of these goods to market. We are seeing that as a reality. Wholesale prices, in September, increased nine-tenths of 1 percent, led mainly by a 3.7-percent increase in energy costs. Where I come from that is called inflation. You don't need an economic degree to see it; the math is simple. Higher natural gas prices, plus higher oil prices, plus higher gasoline and fuel oil prices, plus higher electric prices, equals renewed increasing inflation. We haven't poked that tiger in the ribs for a long time, but we are poking him now and he is waiting. Somebody called him a ''sleeping dragon'' who has been sitting around for the better part of a decade. As we poke him in the ribs with higher energy prices, we are going to face reality, which is an impact on the economy both here and in countries around the world.

A significant number of Fortune 500 companies have reported third quarter earnings under expectations, largely due to the increased energy costs. Have you taken an airplane ride lately? You can't figure out the fares, whether you fly Saturday before 2 o'clock or Thursday after 5 o'clock; but there is a surcharge included in your fare. If you want a Washington, DC, taxi, there is a surcharge. There is a sticker in the cab that says the fares are up 50 cents or so because of the cost of gas. Every business is facing these costs. Fuel costs

put the brakes on truckers' profits. Furniture manufacturers have cut earnings projections. We have seen truckers come into Washington and drive trucks across the lawn, and they were talking about the high price of diesel fuel. They say high gas prices are restraining shoppers from buying furniture and other big-ticket items.

Well, many analysts predict high oil prices could reduce U.S. economic growth by as much as 2 percent this year. What does that mean? Over the next five years, that would mean a loss in the GDP of about $165 billion a year, and about 5.5 million fewer jobs. We face an increasing balance of payments from our ever-increasing reliance on foreign oil. That is a balance of payments deficit.

Our trade deficit hit an all-time record in July of this year, pushed by the cost of imported oil. One-third of our trade deficit is the cost of imported oil. We also face the prospect of, frankly, an unreliable electric supply, weakening the backbone of the new economy.

Most people don't realize that high tech means high electric usage, more computers, more e-mail, more taxes. From where will it come? Add these together and you have the makings of an economic slowdown, meltdown—call it what you like. The economic engine, which is responsible for the incredible prosperity of the past decade, can begin to slow down and is beginning to slow down. Nobody really wants to face up to that because times have been good, but everything changes and nothing stands still.

What has been the response of the administration? Well, the administration, of course, wants to take credit for the economic growth of the past few years, but they try to duck the responsibility for the impending energy crisis that threatens to bring this period of prosperity to an end. The administration has consistently restricted our energy supply and forced higher energy prices on consumers. They have specifically opposed domestic oil exploration and production. We have 17 percent less domestic oil production—less production—since President Clinton and Vice President GORE took office.

We have had 136,000 oil and 57,000 gas wells close in this country since 1992. We have tremendous coal reserves in this country, but the administration is opposed to the use of that coal. We haven't built a new coal fired plant since the mid-1990s. EPA permits make it absolutely uneconomic. You can't get permits. The nuclear industry, which is about 20 percent of the power generated in this country, is choking on its own waste.

We are one vote short in this body of overriding a Presidential veto. Every Member who voted against it should remember that. You have a responsibility. If you don't get your electric power from nuclear, from where are you going to get it? You better have an answer because when constituents have a brownout, they are going to ask why.

There is a court of appeals liability case associated with the nuclear industry where the court said that the Federal Government made a contractual commitment to take the waste in 1998. The Federal Government chose to ignore that liability to the taxpayers of somewhere in the area of $40 billion to $80 billion. Nobody bats an eye here. What is the sanctity of a contract? I know it means something to the occupant of the chair and to me. The court said the Government should keep its word, but the Government simply ignores it. Somebody else is going to have to take care of it on another watch.

They also threaten to tear down hydroelectric dams out West. There is a tradeoff. Tear down those dams, and we don't have navigation on those rivers. Where do we put the barge traffic? We put the traffic back on the highways. What is the implication of that? You can move an awful lot of material on barges. If you move that same material on highways, you are going to create traffic problems, pollution problems, and so forth.

We ignored electric reliability and supply concerns with the brownouts in San Diego. We have had no new generation of transmission facilities, yet the consumer market has grown. The Vice President has said he will even go further to restrict new oil and gas exploration and production. In Rye, NH, on October 21, 1999, Vice President GORE made the following statement:

> I will make sure that there is no new oil leasing off the coast of California and Florida and then I will go much further. I will do everything in my power to make sure that there is no new drilling off these sensitive areas, even in areas already leased by previous administrations.

That doesn't sound very good, when most of our oil is coming from the Gulf of Mexico.

On energy, there is a clear distinction between the two sides. The difference between Vice President GORE and Governor Bush could not be more clear. The Bush proposal is $7.1 billion over 10 years; the Gore proposal is 10 times that amount, some $80 to $125 billion. The Vice President has said he has an energy plan that focuses not only on increasing the supply but also working on the consumption side.

The facts show the Vice President doesn't necessarily practice what he preaches. The Vice President wants to raise prices and limit supply of fossil energy which makes up over 80 percent of our energy needs. By discouraging domestic production, the Clinton-Gore administration has forced us to be more dependent on foreign oil, placing our Nation's security at risk. All we have to do is witness the growing influence of Iraq, Saddam Hussein, and the Middle East as a result of our increasing dependence on foreign oil. How can we be an honest broker in the Middle East peace process when we are beholden to Israel's sworn enemy, Saddam Hussein, to keep our citizens warm this winter?

We currently import 600,000 barrels a day from Iraq. The Vice President's only answer is to give solar, wind, and biomass energy technologies that are not widely available or affordable. We have expended $6 billion in a combination of grants and subsidies for alternative energy. I am all for these alternative energies, but they still consist of less than 4 percent of our energy. It is incomprehensible to me that we would fail to recognize that we have to rely on our conventional sources—oil, natural gas, hydroelectric, and nuclear. The Vice President seems to have forgotten these basic sources of energy. As a matter of fact, we need a mix of all of the above.

In contrast, Governor Bush would put together a comprehensive energy policy for America that uses the fuels of today to get the technologies of tomorrow. The energy policy would contain three major components: First, increased domestic production of oil and natural gas to meet today's consumer demands for energy; second, increased use of alternative fuels and renewable energy to help us transition into the technologies of tomorrow; third, improve energy efficiency to save American consumers money and reduce emissions of air pollutants and greenhouse gases. Governor Bush would encourage new domestic oil and gas exploration right here at home. He has said: The only way to become less dependent on foreign sources of crude oil is to explore here at home.

Just opening the ANWR Coastal Plain in my State increases domestic production capability by better than a million barrels a day, more than twice the amount we currently import from Iraq.

I ask unanimous consent to have printed in the RECORD an article that was in the Christian Science Monitor on October 18 of this year. They did a poll on the issue of whether or not ANWR should be open.

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

[From the Christian Science Monitor, Oct. 18, 2000]

PUBLIC WANTS SUVS TO GUZZLE LESS

(By John Dillin)

ABSTRACT

Americans, by a 2-to-1 margin, say that with gasoline prices up, they favor government action that would force automakers to boost the gas mileage of the wildly popular sport utility vehicles. Congress has firmly resisted attempts to boost mileage requirements for SUVs.

Growing public pressure to boost fuel requirements for SUVs comes as something of

a surprise. For more than a decade, the vehicles have been family favorites for hauling everything from plywood from Home Depot to camping gear on holiday outings.

The federal government cooperated with this sleight of hand by classifying minivans and SUVs as ''trucks,'' even though they were being used primarily as passenger vehicles. Since the standard for trucks was only 20.7 miles per gallon, that overall requirement was easier for manufacturers to meet.

A majority of adults say they'd be willing to drive a more fuel-efficient vehicle to conserve energy. But many also support drilling in Alaskan wildlife refuge.

The United States could soon get tough on those big, gas-hungry SUVs.

Americans, by a 2-to-1 margin, say that with gasoline prices up, they favor government action that would force automakers to boost the gas mileage of the wildly popular sport utility vehicles. Congress has firmly resisted attempts to boost mileage requirements for SUVs.

With petroleum imports rising, voters also say they now support opening the Arctic National Wildlife Refuge in Alaska for oil and gas exploration. Throwing open ANWR to oil drillers is a sensitive issue in this year's presidential race. Republican George W. Bush is for it. Democrat Al Gore is against it.

The newest Christian Science Monitor/TIPP poll explored a broad range of energy issues with a cross-section of 803 likely voters in the US.

The survey probed the public's willingness to use mass transit and to buy smaller cars to save energy. It looked at who is to blame for rising prices. And it tested the willingness of Americans to use military power to keep oil resources flowing in times of crises.

There were some sharp differences—often along party lines—in the Monitor/TIPP poll, as well as broad agreements.

Some of the findings:

Voters agree that the primary culprits in higher prices for energy are the members of the Organization of Petroleum Exporting Countries (OPEC). Big oil companies and government policy makers also bear a heavy responsibility, voters say.

By nearly a 3-to-1 margin, voters say that US friends such as oil-rich Saudi Arabia and Kuwait are not doing enough to keep energy prices down.

The No. 1 priority for dealing with US energy needs should be the development of new technologies, voters say. New technologies are more important than either boosting US oil production or conservation.

Growing public pressure to boost fuel requirements for SUVs comes as something of a surprise. For more than a decade, the vehicles have been family favorites for hauling everything from plywood from Home Depot to camping gear on holiday outings.

But the hefty vehicles drink lots of fuel. The mighty Lincoln Navigator that tips the scales at 5,746 pounds, for example, gets just 12 miles per gallon in the city, 17 on the highway, with its 5.4-liter V8 engine.

The more-popular Chevy Blazer—a mere two tons of steel, rubber, and plastic—gets just 15 miles per gallon in the city, 18 on the highway.

Under federal rules, automobiles from each manufacturer are required to get an overall average of 27.5 miles per gallon—twice what cars got in 1974. But as carmakers have downsized and lightened their vehicles to meet this standard, consumers who wanted more size and power switched to minivans and SUVs.

The federal government cooperated with this sleight of hand by classifying minivans and SUVs as ''trucks,'' even though they were being used primarily as passenger vehicles. Since the standard for trucks was only 20.7 miles per gallon, that overall requirement was easier for manufacturers to meet.

The impact on America's gasoline usage, however, was significant. Average vehicle performance in the US has fallen steadily from a high 26.2 m.p.g. in 1987 to only 24.6 m.p.g. in 1998. Today's shortages and higher gas prices are one result.

On this issue—as on several energy issues—there are often differences of opinion among voters.

A college history professor in California, one of those surveyed in this poll, says she is sympathetic with those who buy the larger vehicles.

''It's not really fair to criticize SUV owners,'' she says. ''I don't care what anybody's driving as long as they're not driving over me. . . . Sometimes people need a larger car for extenuating circumstances.''

While 63 percent of likely voters in this poll favored boosting the mileage requirement for SUVs, 29 percent disagreed.

Sentiment to boost mileage requirements was highest among liberals (77 percent favor higher mileage rules), Democrats (74 percent) and those between the ages of 55 and 64 (75 percent). Support for changing the law was weakest among conservatives (only 54 percent favor a change), younger Americans (59 percent), and Republicans (52 percent).

Another surprise was the solid support (54 percent to 38 percent) for oil drilling in the Arctic National Wildlife Refuge. ANWR's coastal plain could hold as much oil as Alaska's highly productive Prudhoe Bay.

Yet the refuge also shelters polar and grizzly bears, caribous, wolves, and many other species in one of the most pristine areas in the US.

Raghavan Mayur, president of TIPP, a unit of TechnoMetrica Market Intelligence, conducted the poll for the Monitor. Mr. Mayur says divisions are sharp on this issue:

''To drill or not to drill the Arctic refuge is the same as asking are you a Bush supporter or a Gore supporter.''

Other poll responses:

Who is responsible? The public points the finger primarily at OPEC (34 percent), but oil companies (28 percent), and the government's energy policies (21 percent) also shoulder the blame for rising prices.

A sales representative in Conyers, Ga., says higher prices should have been foreseen with a growing economy, and Gore should have tackled it. Ultimately, she said, ''oil companies are probably more responsible than anyone else.''

Will fuel prices hurt? Voters are almost evenly split on whether rising fuel prices will hurt the economy. About 49 percent say yes, 45 percent say no.

Bush or Gore on energy? When it comes to energy policy, voters think Governor Bush will probably do a better job making sure the US has sufficient energy supplies. They prefer him on this issue by 44 percent to 33 percent over Vice President Gore.

Pay more for cars? By 57 percent to 38 percent, Americans say they would pay $1,000 more for a comparable vehicle that had greater fuel efficiency.

Buy smaller cars? Most Americans—75 percent—say that with rising gas prices, they would be willing to drive smaller cars to achieve better mileage.

Use mass transit? By a 62 percent to 27 percent margin, Americans say they would use mass transit or car pool to save fuel.

Use military force? In times of crisis, Americans would be willing to use U.S. military power to keep oil supplies flowing—but the issue is clearly divisive. Those favoring military force (48 percent) are nearly equaled by those who oppose (43 percent).

Mr. MURKOWSKI. Let me read a portion:

> Another surprise was a solid support (54 percent to 38 percent) for oil drilling in the Arctic National Wildlife Refuge. ANWR's coastal plain could hold as much oil as Alaska's highly productive Prudhoe Bay.

I think that is a significant indication of the public posture and the change. As we have noted for some time, Vice President GORE is very much opposed to opening this area. This body, in 1995, passed legislative action authorizing the opening of ANWR, but the President vetoed that action. We have today a clear indication of support from a majority of Americans who now favor responsible drilling in the Arctic National Wildlife Refuge.

For the sake of keeping this matter in balance, I remind my colleagues there are 19 million acres in that area. Out of that 19 million acres, which is about the size of the State of South Carolina, 9 million acres has been set aside in a refuge, 8.5 million acres has been set aside in a wilderness. This is in perpetuity. Congress left out 1.5 million to be determined at a future date whether it should be open for exploration. Geologists say it is the most likely area in North America where a major oil field might be discovered, and there might be as much as 16 billion barrels in that field. That would equate to what we import from Saudi Arabia for a 30-year period of time. Some of the environmentalists say it is only a 200-day supply. Isn't that in error? That is assuming all other oil production in the world stops.

Prudhoe Bay came on about 23 years ago. It has been producing about 20 percent of the total crude oil produced in this Nation for that period of time. They said it was only going to produce 10 billion barrels. It has produced 12 billion barrels so far and still produces a million barrels a day.

The prospects of finding oil domestically, in the volumes we are talking about, in this small sliver of the Coastal Plain are very good. As a consequence, it is rather comforting to note that a distinguished periodical such as the Christian Science Monitor should conduct an independent poll and find that 54 percent of Americans solidly support opening up ANWR for drilling; 38 percent are opposed.

One other point that deserves consideration has been underplayed by the media and underplayed by the administration. That is the situation with regard to natural gas. Governor Bush's energy plan is more than just increasing the domestic supply of oil. He would also expand access to natural gas on Federal lands and build more

gas pipeline. Even the Vice President has said natural gas is vital for home heating and electricity and fuel for the future. Mr. President, 50 percent of U.S. homes, or 56 million homes, use natural gas for heating. It provides 15 percent of the Nation's electric power; and 95 percent of our new electric power plants will be powered by natural gas as a fuel, partially of choice but partially of necessity. You cannot build a coal-fired plant; you cannot build a nuclear plant; you cannot build a new hydroelectric plant. Where are you going to go? You are going to go to natural gas. You can get a permit. But all the emphasis of the electric industry is towards natural gas. Putting on more pressure increases the prices, as I said, from $2.16 a year ago to just over $4.50 today. The ratepayers are going to be paying this. They just have not seen it yet. It has not been included in your electric bills, but it will be very soon, and you will feel it in your heating bill.

The administration has refused to allow exploration or production of natural gas on Federal lands. There are huge areas of the overthrust belt in Oklahoma, Montana, Wyoming, and Colorado that have been off limits. The administration has withdrawn about 60 percent of the productive area for oil and gas discoveries since 1992.

The difficulty we are having here is, as they put Federal lands off limits to new natural gas production, we find ourselves with simply no place to go other than the offshore areas of Texas and Louisiana and the offshore areas of Mississippi and Alabama as the major areas of OCS activity. My State of Alaska and California are off limits; the East Coast is off limits. They have withdrawn huge areas from our Forest Service—roadless areas. They have put on a moratorium from OCS drilling until 2012 in many areas. The Vice President would even cancel existing oil and gas leases. Where is the energy going to come from?

The Vice President said during his first debate:

> We have to bet on the future and move away from the current technologies to have a whole new generation of more efficient, cleaner energy technologies.

I buy that, and so does the American public. But he forgets to be specific: Where? How? Why? How much? Where are you going to get the energy?

I think we all agree in this case our energy strategy should include improved energy efficiency as well as expanded use of alternative fuels and renewable energy. But we are still going to need energy from oil, natural gas, hydroelectric and nuclear, and we are not bringing these other sources into the mix.

The Vice President said he would make a bet. He will bet on diminishing the supply of conventional fossil fuels such as oil and natural gas. That is his bet, that you would like that; that you would be more than willing to pay higher prices for energy and make renewables more competitive. You would like that. He will support higher energy taxes, just as he did in 1993 when he cast the tie-breaking vote in this body to raise the gasoline tax.

This is in his book ''Earth In The Balance.'' Clearly, he wants to raise energy prices to effect conservation. But the reality is, as we put more central controls on energy use, he would have us set a standard for each part of your everyday life. He would tell you what kind of energy you could use, how much of it you could use, how much you would have to pay for it. That is part of it. That is in his book.

By contrast, Governor Bush would harness America's innovation to use the energy resources of today to give us the technologies of tomorrow. Governor Bush will set aside the up-front funds from leasing Federal lands for oil and gas, so-called bid bonuses, to be earmarked for basic research into renewable energy. Production royalties for oil and gas leases will be invested in energy conservation and low-income family programs such as LIHEAP and other weatherization assistance.

Using new tax incentives, Governor Bush will expand the use of renewable energy in the marketplace, building on a successful experience in the State of Texas. As a result of Governor Bush's efforts on electricity restructuring, Texas will be one of the largest markets for renewable energy, some 2,000 new megawatts.

Governor Bush will maintain existing hydroelectric dams and streamline the FERC relicensing program. We know the current administration wants to take down some of the dams in the Pacific Northwest. Governor Bush will responsibly address the risks posed by global climate change through investing in getting clean energy technologies to the market.

The Vice President would rather have us ratify and implement a costly and flawed Kyoto Protocol that puts the United States at an economic disadvantage.

Some of us remember the vote we had here with respect to climate change and the Kyoto Protocol—the Byrd/Hagel Resolution. I think it was 95–0. The administration asked for our opinion. We are a body of advice and consent. We gave our advice. I think that vote pretty much indicates a lack of consent. That particular proposal exempts the largest emitters of greenhouse gases, China and India.

In conclusion, the bottom line is there is a clear contrast between the candidates on the subject of energy policy. The Vice President wants to raise prices to limit supply of fossil energy which makes up currently over 80 percent of our energy needs. We wish it were less, but that is the reality. He wants to replace it with solar, wind, biomass—technologies that are promising but they are simply not available or affordable at this time.

Governor Bush will expand domestic production of oil and natural gas, ensuring affordable and secure supplies, reducing energy costs, and keeping inflation at bay. Governor Bush will use the energy of today to yield cleaner, more affordable energy sources of tomorrow.

The choice for consumers is very clear.

Let me leave you with one thought with regard to our foreign policy. Currently we are importing about 600,000 barrels a day from Iraq. I know the occupant of the chair recalls in 1991 and 1992 when we fought a war, the Persian Gulf war, we had 147 American service personnel who gave their lives in that war, with 427 wounded; we had 23 taken prisoner. How quickly we forget.

Now we are over there enforcing, if you will, an aerial blockade, a no-fly zone. We have flown over 300,000 sorties, individual missions, enforcing the no-fly zone over Iraq. We have bombed; we have fired; we have intercepted. Fortunately, we have not suffered a loss. But what kind of foreign policy is it where we buy his oil, put it in our airplanes, and go over and bomb him? I leave you with that thought, and I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The distinguished Senator from Iowa is recognized.

BANKRUPTCY

Mr. GRASSLEY. Mr. President, we had an opportunity to listen to 2 hours of debate and speeches from some on the other side of the aisle earlier this afternoon trashing a piece of legislation and the process connected with that legislation that originally passed the Senate 83–14 earlier this year.

I have heard the Senator from Minnesota and others complain about the process of getting the bankruptcy bill to the floor. It seemed to me, as I listened to what he said that it is almost an unbelievable thing for him to say that. The Senate passed the bankruptcy bill after weeks of debate and after disposing of literally hundreds of amendments. The Senator from Minnesota objected to going to the conference committee in the regular order. We tried to do things in the regular way, but he was one of those Senators who blocked our efforts to get to conference.

I think the speeches we have heard this afternoon, particularly from the Senator from Minnesota, are misleading. It is very misleading for Senator WELLSTONE to pretend he is not the reason for this bill not moving in the regular way and then to find fault with the unconventional way in which we finally did it.

Also, looking at that process, there are few conference committees around here that have an equal number of Democrats and Republicans. This conference committee had three Democrats and three Republicans. So obviously Democrats had to sign the conference report, or we would not even have it before us. But that is the way this process has been—not only this year but last year and the year before and the year before.

We have been trying to bring about badly needed bankruptcy reform. It has been done in a bipartisan way. The best evidence of that bipartisanship, both from the standpoint of substance and the standpoint of the process, is the 83–14 vote by which the original bill passed the Senate and Democrats signing the conference report that is now before us. So I am glad we finally have a chance to get to debate on the merits of the bankruptcy reform conference report.

Today is Halloween. That is an appropriate day to take the bill up because of our liberal friends who have tried to dress the bankruptcy bill in a scary costume in a tired effort to frighten the American people for crass political purposes. The fact is, the bankruptcy reform bill we are going to vote on tomorrow will do a lot of good for the American people and for the economy.

Remember, we are talking about 1.4 million bankruptcies. Remember, we are talking about a very dramatic explosion of bankruptcies just in the last 6 or 7 years. Remember, the last time we had bankruptcy reform, there were about 300 thousand bankruptcies filed per year.

That is up to 1.4 million. It is a cost to the economy for every working family in America of paying $400 per year more for goods and services because somebody else is not paying their debt.

I want to summarize a few things that this bill will do that my colleagues may not know about as a result of the disinformation campaign waged by our liberal opponents.

Right now, for instance, farmers in my State of Iowa, and for that matter in Minnesota and all across the country, have no protections against foreclosures and forced auctions. That is because chapter 12 of the bankruptcy code, which gives essential protections for family farmers, expired in June of this year.

Why did chapter 12 expire leaving farmers without a last-ditch safety net? The answer is that chapter 12 ceased to exist because the Senator from Minnesota blocked us from proceeding on this bankruptcy bill we have before us.

The bankruptcy bill will restore chapter 12 on a permanent basis. Never again will Iowa farmers or even Minnesota farmers be left with no defense against foreclosures and forced auctions. Congress will fail in its basic responsibilities to the American farmer if we fail to restore chapter 12 as a permanent part of the bankruptcy code.

The bankruptcy bill does more for farmers than just make protections for farmers permanent. The bankruptcy bill enhances these protections and makes more Iowa farmers, more American farmers, and even more Minnesota farmers eligible for chapter 12. The bankruptcy bill lets farmers in bankruptcy avoid capital gains taxes. This will free up resources that would have otherwise been forced to go to the Federal Treasury, that would otherwise go down the black hole of the IRS, to be invested in farming operations.

We have a real choice. The Senate can vote as the Senator from Minnesota wants us to vote and the Senate can kill this bill, or we can stand up for American farmers and Minnesota farmers. We can do our duty and make sure that family farms are not gobbled up by giant corporate farms. We can give our farmers a fighting chance. I hope the Senate will stand up for our farmers. I hope the Senate does not give in to the bankruptcy establishment that has decided to fight bankruptcy reform no matter who gets hurt, including the Iowa farmer, the Minnesota farmer—the American farmer.

What else is in this conference report? The bankruptcy bill will give badly needed protection for patients in bankrupt hospitals and nursing homes. About 10 percent of the nursing homes in America are in bankruptcy, so this is a real problem for senior citizens of America. The Senate protected these people by unanimously adopting an amendment which I offered. Again, my colleagues may be unaware of the importance of this provision because the opponents of bankruptcy reform do not want us to realize what killing the bankruptcy reform bill will really do for those people who are in bankrupt nursing homes.

I had hearings on patients in bankrupt nursing homes. As my colleagues know, Congress is trying to put more money into nursing homes through the Medicare replenishment bill. Because we have so many nursing homes that are in bankruptcy, the potential for harm is very real.

Through the hearing process in committee, I learned of a situation in California where a bankruptcy trustee simply showed up at a nursing home on a Friday evening and evicted the residents. The bankruptcy trustee did not provide any notice that this was going to happen. He literally put these frail, elderly people out into the street and changed the locks so they could not get back into the nursing home. The bankruptcy bill that we will vote on tomorrow will prevent this from ever happening again. If we do not stand up and say that the residents of nursing homes cannot just be thrown out into the street, then Congress will have failed in its duty to the senior citizens of America.

Again, we have a choice: We can vote this bill down and tell nursing home residents and their families that they can just go fly a kite. I hope the Senate is better than that. I hope the Senate stands for nursing home residents and not for inside-Washington liberal special interest groups that are trying to make a case against this bill but just cannot make a case against the bill. We have not heard them talking about helping farmers through chapter 12. We have not heard them talk about helping nursing home residents through the provisions that are in the Patients' Bill of Rights for nursing home residents.

There is more to this bill. The bankruptcy reform bill contains particular provisions advocated by Federal Reserve Chairman Alan Greenspan and by Treasury Secretary Larry Summers. I hope the Senator from Minnesota takes note of those two people being appointed by the President of the United States, Larry Summers being a member of this administration as Secretary of the Treasury, to whom some from the other side of the aisle ought to listen.

These provisions will strengthen our financial markets and lessen the possibility of domino-style collapses in the financial sector of our economy. According to both Chairman Greenspan and Secretary Summers, these provisions will address significant threats to our prosperity, the very prosperity that their candidate for President is out talking about every day saying it ought to be protected.

Yet again, we have a choice: We can strengthen our financial markets by passing this bill, or we can side with the liberal establishment and fight reform, no matter what the cost is to our society, our economy, the farmers, or the people in nursing homes.

The American people want us to strengthen the economy, not turn a deaf ear to the pleas for help from the Chairman of the Federal Reserve Board and from the Treasury Secretary. I hope the Senate decides to vote to safeguard our prosperity, not put it at risk.

The Senator from Minnesota said he wanted us to learn more about the bankruptcy bill. I do, too. Once we look at this bill in its totality I am confident that the Members of this body will see this is a responsible approach, that we will then do the responsible thing: We will vote for cloture, and then we will also do final passage.

There is an issue about how the bankruptcy bill will impact people with high medical expenses. Earlier this year, I addressed this very issue, but I want to reassure my colleagues who have remaining questions about this that we have taken care of the problems they have legitimately raised. I do not find fault with their

raising them; I only find fault with the fact that we have taken care of them and they have not found it out yet. Before the vote tomorrow morning, I want them to find it out. I want the Senator from Minnesota and I want my friend and colleague from the State of Iowa who raised this issue to be aware of it as well.

My friend from Iowa was quoted in the Des Moines Register Sunday as saying about this bill: I am not for it. I think it's a bad bill. He talked with bankruptcy lawyers who said that it will hit hardest those who rack up big bills due to medical problems.

As to the Time magazine article that was referred to earlier by the Senator from Minnesota which alleged that medical expenses drove some of the families profiled into bankruptcy, I would just say that this is flat out wrong.

To the extent any person in bankruptcy has medical expenses, the bankruptcy bill deals with this issue in two ways.

The General Accounting Office to look at the provisions of this bill from the point of view of medical expenses. You can see from this report that came from the General Accounting Office that all medical expenses that are deducted in determining whether you have the ability to go to chapter 7 or chapter 13. The bill is very clear health care expenses are covered because of ''other necessary expenses'' include such expenses as charitable contributions, child care, dependent care, health care, payroll deductions, life insurance, et cetera. All of these are used in determining your ability to repay your debts.

So anybody who comes to the floor of the Senate and says that we do not take medical costs into consideration in determining this—those colleagues have not read the bill.

There is one additional thing. Somebody can make a case that this does not take care of all of the instances. I do not know how much clearer it can be. But we still have application to the bankruptcy judge, under special circumstances, to argue any case you want to of something that should be taken into consideration in your ability to repay debt. Medical expenses, obviously, fall into that category if this provision is not adequate. But I do not know how much clearer it can be than when you say medical expenses are things that are deductible in making your determination of ability to pay.

Several Senators have also, today, made reference to the issue of whether we need to modify the bankruptcy laws to prevent violent abortion protesters from discharging their debts in bankruptcy court. Now the fact is, our current law already prevents this from happening.

I am releasing today a memo to me from the nonpartisan Congressional Research Service that says, without a doubt, no abortion protester has ever, ever gotten away with using bankruptcy as a shield. So I hope my colleagues listen to this nonpartisan source and not the partisan political statements that were made yesterday on the Senate floor in regard to this.

I want to put this in the RECORD, Mr. President, so I know that this is clearly stated. I ask unanimous consent that this memo be printed in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 26, 2000.

MEMORANDUM

To: Hon. Charles Grassley,
From: Robin Jeweler, Legislative Attorney, American Law Division.
Subject: Westlaw/LEXIS survey of bankruptcy cases under 11 U.S.C. §523.

This confirms our phone conversation of October 25, 2000. You requested a comprehensive online survey of reported decisions considering the dischargeability of liability incurred in connection with violence at reproductive health clinics by abortion protesters.

The only reported decision identified by the search is Buffalo Gyn Womenservices, Inc. v. Behn (In re Behn), 242 B.R. 229 (Bankr. W.D.N.Y. 1999). In this case, the bankruptcy court held that a debtor's previously incurred civil sanctions for violation of a temporary restraining order (TRO) creating a buffer zone outside the premises of an abortion service provider was nondischargeable under 11 U.S.C. §523(a)(6), which excepts claims for ''willful and malicious'' injury. The court surveyed the extent and somewhat discrepant standards for finding ''willful and malicious'' conduct articulated by three federal circuit courts of appeals. It granted the plaintiff's motion for summary judgment and denied the debtor/defendant's motion to retry the matter before the bankruptcy court. Specifically, the court held:

''[W]hen a court of the United States issued an injunction or other protective order telling a specific individual what actions will cross the line into injury to others, then damages resulting from an intentional violation of that order (as is proven either in the bankruptcy court or (so long as there was a full and fair opportunity to litigate the question of volition and violation) in the issuing court) are ipso facto the result of a 'willful and malicious injury.' ''—242 B.R. at 238.

Mr. GRASSLEY. In other words, once again, just to make it very clear the Congressional Research Service has searched every known case, and I have here, as my colleagues can read, the only case that is available, in which the result is that an abortion protester wasn't able to discharge his debts. The court was very clear that they were not able to get a discharge for that purpose.

Mr. President, I see my friend from New Jersey, who is on the other side of the aisle but very supportive of our legislation, who needs time because he supports this legislation from our side of the aisle. So I am going to quit at this point. I ask if I can have the floor back after he has finished.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I ask unanimous consent to do that, so I can defer to the Senator from New Jersey right now.

Mr. ENZI. Reserving the right to object——

Mr. GRASSLEY. I will ask this way, that when the Senator from New Jersey has finished, to give the Senator from Wyoming the floor, and then me, because I want to continue presenting our case on the bankruptcy reform.

The PRESIDING OFFICER. Is the Senator from Iowa yielding time to the Senator from New Jersey? The Republicans control the time.

Mr. GRASSLEY. Yes. I intend to do that.

The PRESIDING OFFICER. How much time——

Mr. GRASSLEY. How much time does the Senator need?

Mr. TORRICELLI. Twelve minutes.

Mr. GRASSLEY. Twelve minutes.

The PRESIDING OFFICER. Without objection, 12 minutes are yielded to the Senator from New Jersey.

Mr. TORRICELLI. I thank the Chair.

BANKRUPTCY

Mr. TORRICELLI. Mr. President, for the last 4 years, my colleague, Senator GRASSLEY, has shown extraordinary patience and considerable leadership in bringing this institution towards fundamental and fair reform of the bankruptcy laws. It has not always been a popular fight, but it is unquestionably the right thing to do for consumers, for business, and perhaps most importantly, for small businesses, family-owned businesses, that are often victimized by abusers.

Everyone, I think, generally agrees, within reason, that there is a need for bankruptcy reform. The question, of course, has been how to do that. In the last Congress, we came extremely close to bipartisan reform. Having come so close in the 105th Congress, I inherited the role as the ranking member of the subcommittee with jurisdiction, and I felt some optimism that we could succeed.

Since that time, working with Senator GRASSLEY, I think we have dealt with most of the critical issues. He has been extremely cooperative. Indeed, Members on both sides of the aisle have had suggestions, changes, most of which have been incorporated. Overwhelmingly, Senators who had problems with the bill and individual changes have been accommodated in both parties.

So today we bring to the floor the culmination of 2 years of work, of refining something that had been worked on for the 2 years before that—4 years—with many Members of the institution, and overwhelmingly Members who have voted for it.

Is it perfect? No. Were I writing bankruptcy reform by myself, there would be differences. But none of us writes any bill by ourselves.

The critical question is: Is it fair and is it a balanced bill? Unequivocally, the answer to that question is yes.

Will it improve the functioning of the bankruptcy system without doing injury to vulnerable Americans who have need, legitimate need, of bankruptcy protections? Absolutely, yes.

For those reasons, this bill deserves and, indeed, clearly has overwhelming bipartisan support in the Senate.

What has fueled this broad and deep support among Democrats and Republicans in the House and the Senate have been the facts, an overwhelming misuse and expansion of bankruptcy. In 1998 alone, 1.4 million Americans sought bankruptcy protection, a 20-percent increase since 1996, during the greatest economic expansion in American history, with record employment, job growth, income growth, a 20-percent increase in bankruptcies, more staggering, since 1980, a 350-percent increase in the use of bankruptcy laws.

It is estimated that 70 percent of those filings were done in chapter 7, which provides relief from most unsecured debt. Conversely, just 30 percent of those petitions were filed under chapter 13, which requires a repayment plan.

The result of these abuses of the system has meant that just 30 percent of petitions under chapter 13 require a repayment plan. Overwhelmingly, people have discovered, contrary to the history of the act and good business practices, they can escape paying back these debts, although they have the means to do so, and escape so by simply filing under a different chapter.

This is the essence of the bill. Simply making this adjustment, moving many or some of these 182,000 people back into repayment plans, could save $4 billion to creditors. This isn't somebody else's problem. That $4 billion gets paid. If the bankruptcy affects a carpenter, a family owned masonry business, a home building company, it can put them out of business, or the cost gets passed on to someone else who buys the next house. If it is the mom and pop store on main street, it can put them out of business or they absorb the cost. But even if it is a major financial institution, with many credit card companies losing 4 or 5 percent of revenues to bankruptcy, it gets passed on to the next consumer.

This $4 billion is not the problem for some massive company faraway that can afford to absorb it. It is us. We are all paying the bill. The American consumer is absorbing this money from the abuse of the bankruptcy system—often those least able to absorb it, small businesses, family owned businesses, and consumers.

This is why, with these compelling facts and the logic of this reasoning, that the Senate passed a very similar bill by a vote of 83–14 from both parties, across philosophical lines, in an overwhelming vote. That is the bill we bring back today.

It is charged by critics of the bill that this will deny poor people the protection of the Bankruptcy Act. One, this is not true. Two, if in any way it denied poor people the protection of bankruptcy, not only would I not speak for it, not only would I not vote for it, I would be here fighting against it. The simple truth is, no American is denied access to bankruptcy under this bill.

What the legislation does do is assure that those with the ability to repay a portion of their debts do so by establishing a clear and reasonable criteria to determine repayment obligations. However, it also provides judicial discretion to ensure that no one genuinely in need of debt cancellation will be prevented from receiving a fresh start. That bears repeating. No one is denied bankruptcy protection because, ultimately, of judicial discretion. Prove you need the protection, and you can and will get it.

To do this, the bill contains a means test, virtually identical to the one passed by the Senate with 84 votes on a previous occasion. Under current law, virtually anyone who files for complete debt relief under chapter 7 receives it. Regardless of your resources, whether you can repay it or not, your obligation simply gets passed along to the small store owner, the mom and pop store, the family business. You pass on your obligation, regardless of your ability. We changed that by creating a needs-based system which establishes a presumption that chapter 7 filings should either be dismissed or converted to chapter 13 when the debtor has sufficient income to repay at least $10,000 or 25 percent of their debt—a presumption that if you have money in the bank or you have income to repay a portion of this, you should do so. You can answer the presumption. You can overcome it. You can defeat it. But surely it is not unreasonable for someone with those means to have that burden, to prove they cannot pay the debt.

In addition to this flexible means test, the bill before us also includes two key protections for low-income debtors that were a vital part of the Senate bill previously passed. The first is an amendment offered by Senator SCHUMER to protect low-income debtors from coercive motions. This will ensure that creditors cannot strong arm poor debtors into making promises of payments they cannot afford to make. Senator SCHUMER asked for it to be in the bill. It is in the bill. It offers protection from unscrupulous, unfair, and burdensome collections.

The second is an amendment offered by Senator DURBIN. Senator Durbin, who previously held my position and drafted the bill 2 years ago in its initial form, provided a miniscreen to reduce the burden of the means test on debtors between 100 and 150 percent median income. This is a preliminarily less intrusive look at the debts and expenses of middle-income debtors to weed out those with no ability to repay those debts and to move them more quickly to a fresh start.

It was a good addition, but the combination of Mr. SCHUMER's amendment for a safe harbor in addition to the Durbin miniscreen and other provisions, not a part of the original Senate bill, will provide real protections to low-income debtors. These include, first, a safe harbor to ensure that all debtors earning less than the State median income will have access to chapter 7 without qualifications; two, a floor to the means test to guarantee that debtors unable to repay less than $6,000 of their debts will not be moved into chapter 13; three, additional flexibility in the means test to take into account the debtor's administrative expenses and allow additional moneys for food and clothing expenses—three protections—absolute, providing real protection for low-income families on vital necessities, on modest savings, and on means of collection.

All of this should assuage any fear that this bill will make it more difficult for those in dire straits to obtain a fresh start and reorganize their lives. Absolutely no one, because of these protections, will be denied access to complete protection in bankruptcy. But it is balanced because there is also protection for businesses and family companies.

Critics have also argued that the bill places an unfair burden on women and single-parent families. This is the most important part of this bill to understand. There is not a woman in this country, there is not a single parent, there is not someone receiving alimony, child support, or any child in America whose position is weakened because of this bill. Indeed, their position is strengthened because of this bill. Single-parent families, by elevating child support to the first position rather than its current seventh position, are in a better place because of this bill than they are if we fail to act.

Under current law, when it comes to prioritizing which debts must be paid off first, child support is seventh—after rent or storage charges, accountant fees, and tax claims. Remember this, because if you oppose this bill and if we fail to act in the bankruptcy line, accountants will be there, tax claims will be there, storage claims will be there, and women and children will be behind. Under this bill and this reform, children, women, single-parent families are where they belong—in front of everyone, including the Government.

Finally, the bill requires that a chapter 13 plan provide for full payment of

all child support payments that become due after the petition is filed. This is simply a better bill—for business and for families.

Finally, in drafting a balanced bill, Senator GRASSLEY and I were confronted with the very real need to provide some additional consumer protection. The fact is, many people don't just fall into bankruptcy. In my judgment, they are driven into bankruptcy by unscrupulous, unnecessary, and burdensome solicitations of debt by the credit industry. This had to be in the bill, and it is in the bill.

The credit card industry sends out 3.5 billion solicitations a year. That is more than 41 mailings for every American household—14 for every man, woman, and child in the Nation. It is not just the sheer volume of the solicitations; it is a question of who is targeted. Solicitations of high school and college students are at a record level. Americans with incomes below the poverty line have doubled their use of credit.

The result is not surprising, as 27 percent of families earning less than $10,000 have consumer debt of more than 40 percent of their income. This bill deals with that reality.

With the help of Senators SCHUMER, REED, and DURBIN, we have ensured that there is good consumer protection in this bill. It is not everything I would have written, certainly not everything they would have liked, but it is good and it is better than current law.

The bill now requires lenders to prominently disclose the effects of making only a minimum payment on your account; that interest on loans secured by dwellings is tax deductible only up to the value of property, warnings when late fees will be imposed, and the date on which an introductory or teaser rate will expire and what the permanent rate will be after that time. All of these things will be required on consumer statements in the future. Few are required now.

What this means is that Senator GRASSLEY and I have done our best. We have worked with all Members of the Senate in both parties. This is a good bill and a balanced bill. The Senate has approved it before. It should do so again. It provides new consumer protection, protection for women and children, securing their place in bankruptcy lines, ensuring that debts get repaid when they can be, ensuring bankruptcy protection, and ensuring that abuses end so that small businesses are not victimized and consumers who can pay their bills do not pay the additional costs of those who choose not to.

I congratulate Senator GRASSLEY once again on an extraordinary effort. I am very proud to coauthor this bill with him. I look forward to the Senate's passage.

I yield the floor.

Mr. GRASSLEY. Mr. President, I hope we had a lot of people who were able to listen all afternoon on this debate. I doubt if very many people listened for 4 hours, but they heard a lot of charges against the bill that were partisan early on this afternoon. Then I said how this bill passed 83–14 originally. That would never have happened—that wide of a margin and bipartisan cooperation—except for the early support and continuing support, and you have seen that demonstrated in the recent speech by Senator TORRICELLI. I thank him for that.

I also thank Senator BIDEN of Delaware for also helping us get this bill out of committee and to the floor, and also Senator REID of Nevada, who helped us get through the hundreds of amendments we had filed with this legislation. So this is evidence of just three people on the other side of the aisle who have worked very hard to make this a bipartisan approach, and this legislation, as controversial as it is, would not have gotten as far as it had without that cooperation. I thank Senator TORRICELLI.

CONCLUSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, it is my understanding that the time between now and 6 p.m. is under my control for morning business. With that in mind, I ask unanimous consent that the Chair close morning business.

The PRESIDING OFFICER. Morning business is closed.

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to proceed to S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Mr. LOTT. Mr. President, I now withdraw my motion to proceed to S. 2557.

The PRESIDING OFFICER. The Senator has that right. The motion is withdrawn.

ENACTMENT OF CERTAIN SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE PROVISIONS—CONFERENCE REPORT

Mr. LOTT. I move to proceed to the conference report containing the tax bill, H.R. 2614.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate on the bill H.R. 2614 ''To amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes,'' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The report is printed in the House proceedings of the RECORD of October 26, 2000.)

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED—Continued

Mr. LOTT. Mr. President, I now renew my motion to proceed to S. 2557. I will notify all Senators as to the exact date on which I intend to file cloture on this very important tax conference report. I note that I will not do that today. In the meantime, this action I have just taken will allow me to file that cloture motion at a later date.

MORNING BUSINESS

Mr. LOTT. I ask unanimous consent that the time between now and 6:30 remain in control of the majority leader for morning business, as provided under the previous order.

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

Mr. LOTT. At the request of Senator GRASSLEY and others who wish to be heard, we are asking to extend the time from 6 until 6:30.

I believe there will be a voice vote at the conclusion of this time.

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

Mr. LOTT. I yield the floor.

THE LEGAL IMMIGRATION FAMILY EQUITY ACT

Mr. THURMOND. Mr. President, it is highly unfortunate that the Clinton administration is apparently trying to play politics with immigration during the final days before the Presidential election.

The Congress has tried to work in good faith with the President to help immigrants who play by the rules, and have not been treated fairly by the Immigration and Naturalization Service. Unfortunately, the President does not seem to be interested in a reasonable compromise.

President Clinton has demanded blanket amnesty for any alien in the United States in 1986 or before. This is not limited to legal immigrants. It includes illegal aliens. It does not matter to the President whether they have tried to follow the law in getting their status adjusted during all these years, or whether they flagrantly violated the immigration laws. The President just wants to give blanket amnesty. Also, the White House does not know how many would be eligible for amnesty under their plan, but the number would clearly be in the millions. This is irresponsible policy.

The National Border Patrol Council, whose members are border patrol agents, has strongly criticized the President's proposal. They said, ''In addition to punishing those who abide by our immigration laws and rewarding those who disobey them, a new amnesty would encourage innumerable others to break our laws in the future. This is not sound public policy.''

The Congress has a better way. The Legal Immigration Family Equity Act, which is part of the Commerce-Justice-State Appropriations legislation, would allow aliens in the United States before 1982 to secure amnesty if they had tried to comply with the immigration laws. This would provide assistance to about 400,000 aliens who were wrongly denied relief through administrative action of the I.N.S.

Moreover, the legislation would assist hundreds of thousands of applicants who are on a waiting list to be united with their families in the United States. This bill would greatly help promote family unification.

As this legislation demonstrates, the Congress should help immigrants who help themselves and try to follow the rules. However, far too often, the roadblock that legal immigrants run into has nothing to do with the Congress. It is caused by the Administration, and more specifically the I.N.S.

The record of the I.N.S. in helping legal immigrants during this Administration has been very poor. I have grown very frustrated in recent years trying to help citizens of my state who are trying to work through the I.N.S. and follow the law. Sometimes, when I make inquiries about an applicant's case, the I.N.S. does not even respond to my repeated requests. When I do get a response, it is often handwritten and hard to read or understand. It may even be inaccurate. Also, the I.N.S. has actually lost files about which I was inquiring. If federal elected officials receive this type of treatment, the difficulties that applicants face while trying to work with the I.N.S. alone must be many, many times worse. I have contacted the Attorney General about these chronic problems, but I have not even received the courtesy of a response.

With a new Administration next year, I hope we can fundamentally reform the I.N.S. We must make it responsive to the people.

In the meantime, the President should cooperate with the Congress, and promote reasonable solutions to the problems faced by legal immigrants. At the same time, he should devote his attention to addressing the fundamental problems regarding how immigrants are treated by his own administration every single day.

GEN. RICHARD LAWSON, USAF: IN THE STYLE OF CINCINNATUS

Mr. BYRD. Mr. President, the great success and continuing strength of the United States as a republic is due in no small part to the willingness of our citizens to be soldiers and, no less important, of our soldiers to be citizens.

One such soldier-citizen is General Richard L. Lawson, late of the Air Force of the United States, now on the verge of a second retirement, this time from a productive career in public life.

On active duty as General Lawson, he held positions of trust at the highest levels of responsibility in planning and executing the military elements of U.S. foreign policy during times of great tension.

As Dick Lawson, the envoy plenipotentiary from the most basic of America's basic industries to the councils of government that include this Senate, he has made useful and durable contributions to policies that make the Nation more secure and energy independent.

Richard Lawson is, in fundamental ways, exceptional, if not unique.

He is one of few individuals to hold every enlisted and commissioned rank in the military structure from enlistee of bottom rank to the four-star grade that signifies overall command. He may well be the only one to have done this between two services—to rise step-by-step from buck private to regimental sergeant major in the Army National Guard of Iowa; and then, when commissioned into the Air Force, from second lieutenant to general.

Highlights of General Lawson's Air Force career include the following: military assistant at the White House under two Presidents; Commander, Eighth Air Force; Director of Plans and Policy for the Joint Chiefs of Staff; U.S. representative to the military committee of the North Atlantic Treaty Alliance; Chief of staff at Supreme Headquarters of the Allied Powers in Europe; and, finally, command of the day-to-day activities and deployments of all services in the U.S. European Command, the deputy commander-in-chief.

During his span of service, some important national and international developments included the following: the making of plans and the acquisition of means to re-establish U.S. strength and flexibility and deterrence; the restoration of cordiality among the NATO allies.

General Lawson left active service in 1986. Early the next year, while figuratively behind the plow, like Cincinnatus, he was approached by a delegation of coal industry leaders. They found him, in fact, clearing undergrowth on his acreage in the Virginia countryside. They called him again into service, and he again responded.

In the 14 years since then, Dick Lawson has presided over the unification of what once was both a profusion and a confusion of voices that sought to speak for mining. He first blended together within the National Coal Association all elements of the coal industry. More recently, he joined the many elements of mining represented by coal, metals and minerals producers. With the union of the coal association and the American Mining Congress to form the National Mining Association, two voices became one.

It has been America's good fortune to have leaders which exhibit true faith and allegiance to the general welfare and the blessings of liberty.

One such leader is Richard L. Lawson. I personally thank him for his efforts, for his patriotism, and for his vision.

His 40 years of combined military duty is rich with decorations and honors. It includes the Defense Distinguished Service Medal, the Air Force Distinguished Service Medal with oak leaf cluster, and the Legion of Merit. On the level of personal service, it includes the Soldier's Medal that recognizes an act of courage not involving an armed enemy; and the Air Medal and the Bronze Star that reflect combat duty in the Vietnam War.

We owe a debt of gratitude to men like General Lawson, who give so freely and so much to this great nation. May this nation always be blessed with such citizens.

God give us men!
A time like this demands strong minds,
great hearts, true faith, and ready hands.
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.

Men who can stand before a demagogue
And brave his treacherous flatteries without winking.

Tall men, sun-crowned;
Who live above the fog,
In public duty and in private thinking.
For while the rabble with its thumbworn creeds,
Its large professions and its little deeds,
mingles in selfish strife,
Lo! Freedom weeps!
Wrong rules the land and waiting justice sleeps.
God give us men!

Men who serve not for selfish booty;
But real men, courageous, who flinch not at duty.
Men of dependable character;
Men of sterling worth;

Then wrongs will be redressed, and right will rule the earth.
God Give us Men!

SENATOR PATRICK MOYNIHAN'S RETIREMENT FROM THE UNITED STATES SENATE

Mr. THURMOND. Mr. President, I rise today to pay tribute to one of the finest scholars to have graced the United States Senate, Senator DANIEL PATRICK MOYNIHAN. As all of you know, our esteemed colleague from New York will soon be retiring from the Senate after 24 years.

Senator MOYNIHAN has a rich history of public service. Beginning his political career as a member of Averell Harriman's gubernatorial campaign staff in 1954, Senator MOYNIHAN used his vast intellect to build one of the most expansive political resumes of the 20th century. To attempt to list every position ever held by my colleague would take entirely too long. However, some of the highlights of his political career include serving in the Cabinet or sub-Cabinet of Presidents Kennedy, Johnson, Nixon, and Ford, serving as a U.S. Ambassador to India, and as a U.S. Representative to the United Nations. In 1976, he again represented the U.S. as President of the United Nations Security Council. It is important to note that Senator MOYNIHAN accomplished all of this prior to his tenure in the Senate.

Though anyone would be impressed with such an extensive biography, Senator MOYNIHAN has not limited himself to the political arena. He has served in the United States Navy, taught at some of the most elite schools in the Nation, authored or edited 18 books, and has served on numerous boards and committees. An exhaustive lifestyle few could endure has resulted in Senator MOYNIHAN's receipt of some of the most prestigious national awards, and 62 honorary degrees.

The Senate will not be the same without my esteemed colleague from the Empire State, and I would like to express my gratitude for his service to this Nation. I wish him and his wife Liz health, happiness, and success in all of their future endeavors.

SENATOR BOB KERREY'S RETIREMENT FROM THE UNITED STATES SENATE

Mr. THURMOND. Mr. President, I would like to take this opportunity to bid farewell to a true American hero. Senator J. ROBERT KERREY will be retiring from the United States Senate after dedicating the last twelve years to representing the fine state of Nebraska.

Throughout my tenure in Congress, I have had the opportunity to serve with several distinguished patriots. However, few have displayed the commitment and ability of Senator BOB KERREY.

After graduating from the University of Nebraska at Lincoln in 1966, BOB set his aspirations high, earning a prestigious slot on one of America's most elite fighting forces, the Navy Seals. While serving this Nation in Vietnam, BOB demonstrated the valor, leadership, and selflessness deserving of the Congressional Medal of Honor. The Medal of Honor is the highest medal awarded by the United States and is reserved for those who have gone above and beyond the call of duty, at the risk of their own life, to perform a deed of personal bravery or self-sacrifice.

Upon his return to the States after the war, BOB built a thriving business with unwavering determination. After proving himself an able businessman, he decided to pursue a career in public service. In 1982, he was sworn in as Governor of the Cornhusker State. During his four year tenure, he used his vast financial knowledge to turn a three percent deficit into a seven percent surplus.

BOB changed roles but continued his public service, when he won a seat in the U.S. Senate in 1988. Admired by his constituents for his countless contributions to furthering education and assisting small farmers, he was re-elected in 1994.

It has been a privilege to serve along side this American patriot, and I am pleased that I had the opportunity to work with him on the Armed Services Committee. I wish him and his two children, Benjamin and Lindsey, health, happiness, and success in all their future endeavors.

SENATOR CONNIE MACK'S RETIREMENT FROM THE UNITED STATES SENATE

Mr. THURMOND. Mr. President, I rise today to pay tribute to a man who has made countless contributions to the state of Florida and to this Nation during his tenure in the United States Senate, Senator CONNIE MACK. Senator MACK has decided to retire after serving two successful terms in the Senate.

Prior to his entrance into public service, CONNIE spent 16 years as a local banker. During this time, he established himself as a civic leader in his Florida community and helped spearhead an effort to build a much needed local hospital. Recognizing that as a member of Congress he could do much more to help not only his local community, but the entire nation as well, he decided to run for a seat in the House of Representatives.

While serving three terms in the House, CONNIE built a reputation as someone who could get things done. It was soon obvious to many familiar with this aspiring politician that his talents would best serve this nation in the United States Senate. Running on a platform of ''less taxing, less spending, less government, more freedom,'' CONNIE MACK was embraced by the Florida voters and was sworn in as the junior Senator for the Sunshine State in January 1989.

Senator MACK was soon recognized by his colleagues as a man with a solid work ethic of uncompromising integrity. In 1996, he was chosen by his Republican colleagues as Chairman of the Republican Conference, and he retained this post for the rest of his time in office. He fought intensely for his constituents, and they repaid him in 1994 when they re-elected him with 70 percent of the vote—the first Republican in Florida to be re-elected to the United States Senate.

During CONNIE's tenure in the Senate, he has used his extensive banking experience to frame landmark legislation which modernized our banking laws and helped prepare our financial system for the global market of the 21st century. A fierce opponent of government waste, he advocates deficit reduction and cutting congressional spending.

CONNIE's most admirable trait is his determination to overcome tragedy. His family's battle with cancer catalyzed the young Senator to push a legislative agenda focused on eliminating this destructive disease. Senator MACK is known nationwide as an advocate for cancer research, and both he and his wife Priscilla have been honored repeatedly for their work to promote cancer awareness. He has been instrumental in obtaining medical research funding, and his perseverance paid off to the benefit of the health of this Nation.

Senator CONNIE MACK is an individual well respected on both sides of the political aisle. His legacy is one composed of honesty and integrity, and I feel that I can speak for all of my colleagues when I express my gratitude for his countless contributions to the Senate. I wish him and his wife Priscilla health, happiness, and success in the years to come.

THE NEED FOR A BIPARTISAN APPROACH TO ENERGY POLICY

Mr. AKAKA. Mr. President, I rise today to talk about an issue which has, of late, affected the lives of all Americans. I am talking about rising energy costs. All indications suggest that America's summer of discontent is going to continue and become the winter of discontent with respect to energy prices. Americans have paid recordbreaking prices at the pump this summer. They will continue to suffer escalating prices this winter, too. Higher energy prices hit most those Americans who can afford it the least. But more important, the findings of an international panel of scientists has concluded that man-made greenhouse

gases are altering the atmosphere in ways that affect earth's climate.

The World Meteorological Organization and the United Nations Environment Program established the Intergovernmental Panel on Climate Change (IPCC) in 1988. The function of IPCC is to assess available information on the science, impacts, and cross-cutting economic issues related to climate change, in particular a possible global warming induced by human activities. The IPCC completed its first assessment report in August 1990 which indicated with certainty an increase in the concentration of greenhouse gases due to the human activity. The report assisted the governments of many countries in making important policy decisions, in negotiating, and in the eventual implementation of the UN Framework Convention on Climate Change which was signed by 166 countries at the UN Conference on Environment and Development at Rio de Janeiro in 1992. The convention was ratified in December 1993 and took effect on 21 March 1994. IPCC also issued another assessment in 1995.

I find the conclusions of the panel's latest assessment alarming. One of its most striking findings is its conclusion that the upper range of warming over the next century could be even higher than the panel's 1995 estimates.

The evidence of increasing warming has shown up in different places—retreating glaciers and snow packs, thinning polar ice, and warmer nights. There is a growing consensus that humans are playing a significant role in climate change. Even some of those who dissent from the view that human activity is altering the climate concede that human influence on the earth's climate is established.

I rise today, in the closing days of the 106th Congress, to urge all interested organizations and individuals to begin working now to address energy issues early in the next Congress. We have two distinct problems to address. First, we must ensure that Americans continue to enjoy reasonably priced energy now and in the future. Second, we must work on the development of environmentally sound solutions to our energy problem in the mid- to long-term timeframe.

In the last few months we have had several hearings on electricity restructuring, oil prices, supply and demand, gasoline price hikes, natural gas, and the Strategic Petroleum Reserve. All these hearings point to one thing—that we have problems with our energy picture, and they need to be fixed, and fixed soon.

Our energy problem has been in the making for a long time. For the last thirty years, we have had several energy crises. The reasons for all of these crises were the same: actions and crises in the Middle East, rising American demand, bigger cars, and so on. The crisis this year is no different. Whenever the Middle East sneezes, Americans catch cold. American pockets books have suffered these periodic colds. But the people of Hawaii have suffered a long and almost interminable cold. Throughout the 1990's, Hawaii has been the number one state in terms of gas prices at the pump. It relinquished this dubious honor to states in the Midwest this summer. This has to stop. We must ensure that Americans get energy at reasonable prices.

Our import dependence has been rising for the past two decades. The combination of lower domestic production and increased demand has led to imports making up a larger share of total oil consumed in the United States. Last year crude oil imports amounted for 58 percent of our oil demand. Oil imports will exceed 60 percent of total demand this year. Imports will constitute 66 percent of the U.S. supply by 2010, and more than 71 percent by 2020. Continued reliance on such large quantities of imported oil will frustrate our efforts to develop a national energy policy and set the stage for energy emergencies in the future.

Transportation demands on imported oil remain as strong as ever. Since the oil shock of the 1970s, all major energy consuming sectors of our economy with the exception of transportation have significantly reduced their dependence on oil. The transportation sector remains almost totally dependent on oil-based motor fuels. The fuel efficiency of our vehicles needs to be improved.

U.S. natural gas demand in the last decades has increased significantly. It is expected to grow by more than 30 percent over the next decade. Demand for natural gas from each of the major consuming sectors—residential, commercial, industrial, and electricity generation will increase. Electricity generation accounts for the lion's share of this increase at 50 percent of the increase.

We are facing problems on both sides of the supply and demand equation. Worldwide supplies of available energy sources are getting tighter and demand is increasing. This only means that unless one side of the equation changes, we will continue to have energy problems.

We cannot look at our energy sources in a piecemeal fashion. We will have to take a comprehensive look at all aspects of our energy picture. The only way to deal with our energy problem is to have a multifaceted energy strategy and remain committed to that strategy. We must adopt energy conservation, encourage energy efficiency, and support renewable energy programs. Above all, we must develop energy resources that diversify our energy mix and strengthen our energy security.

I urge all interested organizations and individuals to work together to strengthen our energy policy, an energy policy that serves the American public.

In the short term, we can do this by building upon a lot of good work that has already been done. Initiatives such as the deep water royalty incentives proposed by our former colleague, Senator Bennett Johnston and supported by the Administration have been major contributors to the 65 percent increase in offshore oil production under this Administration. Policies that led to the increases in natural gas production in deep waters by 80 percent in just the past two years are welcome. Natural gas production on Federal lands has increased by nearly 60 percent since 1992. This is a good sign that we are able to utilize our national resources in an environmentally responsible manner.

Initiatives such as the Interagency Working Group on Natural Gas, the Federal Leadership Forum to address environmental review processes, a resource assessment for Wyoming oil and gas, and technology partnering with the Bureau of Land Management to improve access to Federal lands will provide increased energy resources.

In 1998, DOE and the Occidental Petroleum Corporation, concluded the largest divestiture of federal property in the history of the U.S. government. The sale of Elk Hills Naval Petroleum Reserve in California for $3.65 billion underscored the Clinton Administration's faith in the private sector to carry responsible development of the 11th largest of the Nation's oil and gas fields.

The Clinton Administration has proposed several tax incentives to encourage new domestic exploration and production and to lower the business costs of the producers when oil prices are low. It also proposed tax credits for improving energy efficiency and promoting use of renewable energy. Tax reforms would help us improve our energy supply picture.

The Administration has also advanced legislation to address the issue of restructuring the electric utility industry. A number of other restructuring proposals have been made. The electric utility industry is an integral part of the overall energy supply and demand equation.

The restructuring that we are talking about essentially involves the lower 48 States that are contiguous. Some may ask what is in it for Hawaii? It is not connected to the national grid. The answer is simple. Hawaii imports from the Mainland a vast portion of goods and services it consumes. Reduction in production costs on the Mainland because of competition unleashed by electric utility industry restructuring would benefit the people of Hawaii.

We can build upon the Clinton Administration's accomplishments. Its strategically focused energy policy encompasses economic, environmental,

and national security considerations. It is a balanced approach.

The effects of major global climate change on the U.S. and the rest of the world will be devastating. I will take a few minutes here to describe the effect of climate change on Hawaii. Being a state consisting of islands with limited land mass, we are, as we must be, sensitive to global climate changes. We are tropical paradise and we would like to stay that way. But the worldwide problem of greenhouse gases threatens our well-being.

Honolulu's average temperature has increased by 4.4 degrees over the last century. Rainfall has decreased by about 20 percent over the past 90 years. By 2100, average temperatures in Hawaii could increase by one to five degrees Fahrenheit in all seasons and slightly more in the fall. New data may revise this estimation upward.

Estimates for future rainfall are highly uncertain because reliable projections of El Niño do not exist. It is possible that large precipitation increases could occur in the summer and fall. It is also not yet clear how the intensity of hurricanes might be affected.

The health of Hawaii's people may be negatively affected by climate change. Higher temperatures may lead to greater numbers of heat-related deaths and illnesses. Increased respiratory illnesses may result due to greater ground-level ozone. Increased use of air conditioning could increase power plant emissions and air pollution. Viral and bacterial contamination of fish and shellfish habitats could also cause human illness. Expansion of the habitat and infectivity of disease-carrying insects could increase the potential for diseases such as malaria and dengue fever.

In Honolulu, Nawiliwili, and Hilo, the sea level has increased six to fourteen inches in the last century and is likely to rise another 17 to 25 inches by 2100. The expected rise in the sea level could cause flooding of low-lying property, loss of coastal wetlands, beach erosion, saltwater contamination of drinking water, and damage to coastal roads and bridges. During storms, coastal areas would be increasingly vulnerable to flooding.

Agriculture might be enhanced by climate change, unless droughts decrease water supplies. Forests may find adapting to climate change more difficult. For example, 'ohi'a trees are sensitive to drought and heavy rains. Changes could disproportionately stress native tree species because nonnative species are more tolerant of temperature and rainfall changes. Climatic stress on trees also makes them vulnerable to fungal and insect pests.

Hawaii's diverse environment and geographic isolation have resulted in a great variety of native species found only in Hawaii. However, 70 percent of U.S. extinctions of species have occurred in Hawaii, and many species are endangered. Climate change would add another threat. Higher temperatures could also cause coral bleaching and the death of coral reefs.

Hawaii's economy could also be hurt if the combination of higher temperatures, changes in weather, and the effects of sea level rise on beaches make Hawaii less attractive to visitors. Adapting to the sea level rise could be very expensive, as it may necessitate the protection or relocation of coastal structures to prevent their damage or destruction.

We have to address the problems that may be created by the climate change and the sooner we start on this the better off we will be. We would have to invest in the development of new technologies that will provide new and environmentally friendly sources of energy, newer and environmentally friendly technologies that allow use of conventional energy sources. We would have to work closely with other nations in a cooperative manner. We can help the rest of the world through our well known technological prowess.

Our energy policy for the 21st century requires forward thinking. Sustainable economic growth requires a sustainable energy policy. In an era with revolutionary changes in communications and information technologies, information exchange, interdependent trade, the world economies are becoming increasingly globalized. Our challenge will be to sustain this global economy while enhancing the global environment. Our energy challenge will be to formulate and implement policies that provide not only the U.S. but all nations with reasonably priced energy.

We need fundamentally different sources of energy for the 21st century. Hydrogen is one such energy source. The long-term vision for hydrogen energy is that sometime well into the 21st century, hydrogen will join electricity as one of our Nation's primary energy carriers, and hydrogen will ultimately be produced from renewable sources. But fossil fuels, especially natural gas, will be a significant long-term transitional resource. In the next twenty years, increasing concerns about global climate changes and energy security concerns will help bring about penetration of hydrogen in several niche markets. The growth of fuel cell technology will allow the introduction of hydrogen in both the transportation and electricity sectors.

We are a long way from realizing this vision for hydrogen energy. But progress is being made and many challenges and barriers remain. Sustained effort is the only way to overcome these challenges and barriers. We need to support a strategy that focuses on midterm and long-term goals.

While we develop suitable technologies for using this clean source of energy, we can rely on other clean sources such as natural gas. Natural gas is a good choice for the fuel of the future. It is safe and reliable to deliver, more environmentally friendly than oil, and more than three times as energy-efficient as electricity from the point of origin to point of use. There are other potential sources of clean energy such as methane hydrates that need to be explored and developed.

We need to unleash American ingenuity to find solutions to our energy problem. This Senator is convinced that we can do this only when we have a national commitment to, and a strategy for technological advancement as part of national energy policy. Only a national commitment will help us maintain a sustainable economic growth while protecting environmental values. We should recognize that there is a growing intersection between national economy, environment, and energy. If we ignore energy policy, then we only imperil our economy and national security.

I want to compliment my friends, Senators MURKOWSKI and BINGAMAN, the Chairman and Ranking Member of the Senate Energy Committee for the great effort that they put into educating us all and trying to build a consensus on very difficult issues. Our Senate Energy Committee has committed a great deal of time in discussing our energy problems. I believe the time has come for us to act. I am committed to help move the energy agenda with alacrity in the coming Congress.

In the coming session, we must try to move legislation that encourages, adopts, and strengthens energy conservation. We must encourage energy efficiency, and support renewable energy programs. Above all, we must formulate and advance policies that encourage the development of energy resources that diversify our energy mix and strengthen our energy security without sacrificing the environment.

We have had eight long years of unparalleled economic growth. The health of our economy is threatened by the escalating price of energy and dire predictions about our energy supply and demand equation. We cannot allow our energy problem to derail our economy. We cannot allow the greenhouse gases to negatively impact the American people and their way of life. We must act at the earliest possible moment in the coming session to address energy issues that we were not able to address in a bipartisan fashion in the 106th Congress.

TRIBUTE TO SID YATES

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to pay tribute to my friend and colleague, Sid Yates, who first came to Congress in 1948 and who served with great distinction until his retirement at the end

of the last Congress. All of us who knew and loved Sid were saddened by his recent death. He was a soft-spoken leader who demonstrated time and again his unequivocal commitment to his constituents in Chicago and his unwavering respect for the nation's best principles. He was a public servant in the truest and most noble sense, and he was a powerful inspiration to all of us who were fortunate enough to work with him.

During his years as Chairman of the Interior Appropriations Subcommittee, Sid skillfully advanced legislation to sustain and protect our national parks and historic sites. He was a brilliant legislator who has done more to preserve our national historic and cultural legacy than any other member of Congress.

Sid was also well known as Congress's leading advocate for the National Endowment for the Arts and Humanities. He was a strong and courageous defender of these important agencies. Especially during times of controversy over the agencies, he spoke effectively and persuasively to preserve their vital programs. Because of Sid Yates, art and music and dance and theater are now more accessible to families across the nation through their schools and in their cultural institutions. It's an outstanding legacy, and I know I join my colleagues in Congress in a commitment to honor Sid Yates' memory with a renewed effort to support the Endowments.

Sid Yates will long be remembered as a man who brought graciousness, integrity and civility to public service. He is a patriot who is deeply missed here in Congress as well as in his beloved Chicago. I commend all that he accomplished, and all of us are grateful for his five decades of selfless and principled public service. He will be remembered fondly for many years to come.

VICTIMS OF GUN VIOLENCE

Mr. HARKIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun safety 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 31, 1999:

Francisco Aguillon, 31, Chicago, IL;
Helton Calderio, 42, Detroit, MI;
Lashon Carter, 18, Kansas City, MO;
Archie Dean, 29, Pittsburgh, PA;
Roland Ford, 15, Washington, DC;
Eddie Griffith, Sr., 71, Memphis, TN;
Richard Hall, 19, Pittsburgh, PA;
Larry Lavigne, 22, New Orleans, LA;
Willie Matthews, 48, Oakland, CA;
Preston Noble, 25, Philadelphia, PA;
William Ohlig, 21, Philadelphia, PA;
Billijo M. Pyle, 51, Akron, OH;
Derrick Smith, 20, Rochester, NY;
Doniell Smith, 14, Washington, DC;
Gene Thompkins, 57, Akron, OH; and
Jorge Vega, 34, Miami-Dade County, FL.

Two of the victims of gun violence I mentioned, 15-year-old Roland Ford and 14-year-old Doniell Smith of Washington, D.C., were shot and killed by four masked gunmen while the two boys and their friends were walking back from a Halloween party hosted by their church. The gunmen fired nearly 30 shots into the group, injuring two and killing Roland and Doniell. A police department representative described the two boys as ''strait-laced kids who weren't involved in any negative activity in the community.''

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.

ADDITIONAL STATEMENTS

COMMENDING IDAHO HIGH SCHOOL STUDENTS FOR HONORING WWII VETERANS

• Mr. CRAPO. Mr. President, I rise to commend the Idaho youth who have honored World War II veterans in recent months. Several Idaho high schools, including Pocatello High School, Highland High School, and Century High School, as well as Bosie high School, have become tremendously involved in Operation Recognition. In addition, students at Eagle High School have fundraised extensively for the National WWII Memorial that will be placed on the National Mall in Washington, DC.

Operation Recognition is a new program through which honorary high school diplomas are awarded to WWII veterans. The veterans who receive these diplomas left for service in the war before they completed their studies. The gesture of awarding an honorary diploma is a way to thank veterans and demonstrate appreciation for the sacrifices that they made.

Students whose high schools award honorary diplomas often assist in planning the details of the ceremony. In the process of developing memorable and personal additions to the graduation, these young people learn about the war and its historical significance.

Pocatello High School has selected December 7th of this year, which is the 59th anniversary of Pearl Harbor, as the date of its ceremony for graduating veterans. Honorary diplomas will also be awarded to those who attended nearby Highland High School and Century High School. As part of the festivities, one student from each high school will interview a veteran who attended his or her school. The graduates and their families are invited to stay after the ceremony for a reunion. Students have been asked to help decorate the stage and escort attendees to their seats.

The Boise High School History Club is already preparing for the April 17, 2001, Boise High veterans' graduation. Students in the club have done exhaustive research to find eligible veterans. They have also been working to publicize the event, preparing a yearbook for each graduating veteran, and making arrangements for a homeroom mentor program. The students are arranging speaking opportunities for the veterans and a range of social activities, including a cookout. Idaho State Veterans Home Volunteer Coordinator, Tom Ressler, says that the goal is to establish a relationship between veterans and students before the graduation.

Eagle High School students showed their appreciation for WWII veterans by raising more than twenty-three thousand dollars for the National WWII Memorial. Their year-and-a-half fundraising effort proved to be the most successful of all our nation's high schools. The enthusiastically-run fundraising campaign included candy sales, a giant tag sale, and concession stands. The students also marched in parades and ran advertisements on television.

Eleventh grade American history teacher, Gail Chumbley, and student chairs Fil Southerland and Kate Bowen spearheaded the initiative. Ms. Chumbley reported that the fundraising campaign has motivated many students to learn about WWII outside of class. Ms. Chumbley, Mr. Southerland, and Ms. Bowen will present The National Campaign Chairman, Senator Bob Dole, with a commemorative check at the monument's groundbraking ceremony that will be held on Veterans' Day this year.

I take great pride in the fact that members of the youngest generation of Idahoans, who have grown up in a time of relative peace and unprecedented prosperity for our country, take time to honor our nation's WWII veterans. Through their endeavors, these students have learned much about WWII. In the process, they have heightened their community's awareness of this important part of American history and the brave people who were part of it.•

COMMENDATION FOR JARED HOHN AND THE HOTSHOTS

• Mr. JOHNSON. Mr. President, I rise today to commend the Sawtooth Hotshots for their valiant efforts in fighting the recent forest fires that raged through the Black Hills of South Dakota and other western states. The Hotshots are U.S. Forest Service fire crews that specialize in putting out large forest fires. The work is tough, demanding and invaluable. The Hotshot crew is dedicated, spending countless hours training for situations like those faced this summer. Once the fires occur, they often literally work around the clock to save the forests.

Nowhere is this spirit more exemplified than by Jared Hohn, a 21-year old college student from Hill City, South Dakota. For the last four summers, Jared has worked as a member of the Hotshot crew, fighting fires all over the country to help put himself through college at the University of South Dakota. As a member of the crew, he often works 16 hour days and, in one instance, worked for 42 hours straight fighting desert fires.

The work is dangerous and many lives have been lost. But the 80 hours of training that the crew receives at the start of each summer greatly helps to minimize the danger that they face. The training teaches proper firefighter techniques and understanding of the forces that affect fires, like weather patterns.

The dedication to public service and to saving lives is reflected in Jared and the entire Hotshot crew. Jared and the Hotshots are a hard-working group who literally lay their lives on the line to improve the world around us and to protect us from fires. We owe a great deal to them and to the Forest Service for preforming such a valuable public service.•

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 5:16 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2485. An act to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

S. 3164. An act to protect seniors from fraud.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 154. Concurrent resolution to acknowledge and salute the contributions of coin collectors.

S. Con. Res. 156. Concurrent resolution to make a correction in the enrollment of the bill S. 1474.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the resolution (H.J. Res. 102) recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4907. An act to establish the Jamestown 400th Commemoration Commission, and for other purposes.

H.R. 5461. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

H.R. 5537. An act to waive the period of Congressional review of the Child in Need of Protection Amendment Act of 2000.

The message also announced that the House has agreed to the following concurrent resolutions, and requests the concurrence of the Senate:

H. Con. Res. 434. Concurrent resolution commending the men and women who fought the year 2000 wildfires for their heroic efforts in protecting human lives and safety and limiting property losses.

H. Con. Res. 439. Concurrent resolution correcting the enrollment of H.R. 2614.

ENROLLED BILLS SIGNED

At 5:16 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the ''Spanish Peaks Wilderness.''

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 710. An act to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estate of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1367. An act to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2060. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

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.

S. 2951. An act to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 2977. An act 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.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in

Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

H.R. 4788. An act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act.

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

Under the authority of the order of the Senate of October 30, 2000, at 8 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution:

H.J. Res. 121. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 121. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11384. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve'' (RIN2900–AJ88) received on October 26, 2000; to the Committee on Veterans' Affairs.

EC–11385. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''John D. Shea v. Commissioner'' (115 T.C. No. 8) received on October 27, 2000; to the Committee on Finance.

EC–11386. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Rul. 2000–51–BLS–LIFO Department Store Indexes—September 2000'' (Rev. Rul. 2000–51) received on October 27, 2000; to the Committee on Finance.

EC–11387. A communication from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN1090–AA64) received on October 26, 2000; to the Committee on Energy and Natural Resources.

EC–11388. A communication from the General Counsel, Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the report of a rule entitled ''Americans with Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities; Play Areas'' (RIN3014–AA21) received on October 23, 2000; to the Committee on Environment and Public Works.

EC–11389. A communication from the Alternate OSD Federal Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE Prime Enrollment'' received on October 26, 2000; to the Committee on Armed Services.

EC–11390. A communication from the Director of the Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Update of Small Business Specialist Functions'' (DFARS Case 2000–D021) received on October 26, 2000; to the Committee on Armed Services.

EC–11391. A communication from the Chief, Military Justice Division, Air Force Legal Services Agency, transmitting, pursuant to law, the report of a rule entitled ''Delivery of Personnel to United States Civilian Authorities for Trial'' (32 CFR 884) received on October 26, 2000; to the Committee on Armed Services.

EC–11392. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''12 CFR Part 747 Civil Monetary Penalty Inflation Adjustment'' received on October 26, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11393. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program (NFIP); Insurance and Rates 65 FR 60759 10/12/2000'' (RIN3067–AD01) received on October 26, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11394. A communication from the Secretary of the Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Delivery of Proxy Statements and Information Statements to Households'' (RIN3235–AH66) received on October 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11395. A communication from the Under Secretary of Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Non-Discretionary Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996'' (RIN0584–AC41) received on October 26, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11396. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Decreased Assessment Rate'' (Docket Number: FV00–920–3 FIR) received on October 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2665: A bill to establish a streamlined process to enable the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior of individual leases, except leases for exploration, development, or extraction of any mineral resources (Rept. No. 106–511).

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. CRAIG:

S. 3265. A bill to amend the Internal Revenue Code of 1986 to clarify treatment of employee stock purchase plans; to the Committee on Finance.

By Mr. BREAUX:

S. 3266. A bill to amend the Delta Development Act to expand the area covered by the Lower Mississippi Delta Development Commission to include Natchitoches Parish, Louisiana; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. Con. Res. 157. A concurrent resolution expressing the sense of the Congress that the Government of Mexico should adhere to the terms of the 1944 Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande Treaty between the United States and Mexico; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. CONRAD, and Mrs. HUTCHISON):

S. Con. Res. 158. A concurrent resolution expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. CRAIG:

S. 3265. A bill to amend the Internal Revenue Code of 1986 to clarify treatment of employee stock purchase plans; to the Committee on Finance.

WORKER INVESTMENT PROTECTION ACT

Mr. CRAIG. Mr. President, I rise to introduce important legislation designed to clarify the tax treatment of employee stock purchase plans (ESPPs). The Worker Investment Protection Act provides this needed clarification.

Employee stock purchase plans are a common tool used by employers to allow rank-and-file employees to set aside part of their paychecks to purchase the company's stock. The tax

code provides incentives for employees to participate in ESPPs to encourage employee ownership. This legislation is necessary because in selected cases around the country, the Internal Revenue Service (IRS) has begun to act contrary to almost 30 years of published policy, and is attempting to collect income taxes and payroll taxes on ESPPs. For three decades, the published IRS ruling position (Rev. Rul. 71–52) has been that transactions under qualified stock option plans do not give rise to income that is subject to employment taxes. In Notice 87–49, the IRS extended the principles of this ruling to incentive stock options (ISOs). In a series of private letter rulings, the IRS applied the same position to ESPP transactions, which are generally governed by the same Code provisions as qualified and incentive stock options. The IRS has periodically indicated that it may reconsider the positions in Rev. Rul. 71–52 and Notice 87–49, but no further official guidance has been forthcoming.

Rev. Rul. 71–52 and Notice 87–49 remain the best statements of current law and represent the only publicly published IRS position on current law. Nevertheless, IRS agents have selectively begun seeking to collect retroactive assessments of employment taxes, including withholdings, from employers who reasonably relied on these rulings and did not subject transactions under ESPPs to such taxes.

The IRS's actions in this area are inconsistent with long-standing published IRS positions. This legislation would clarify that any income arising from transactions under ISOs and ESPPs, either upon grant or exercise, or qualifying and disqualifying disposition, is not subject to employment taxes or federal income tax withholding.

ESPPs are the primary vehicle through which rank and file workers purchase stock in their companies. However, additional tax liabilities on employees and high administrative costs for plan administration will discourage employers from offering these programs that encourage broad-based employee stock ownership. Imposing employment taxes on otherwise nontaxable transactions will weaken incentives for employees to participate. The taxes involved are very modest when compared with the compliance costs and the unfair burdens on rank-and-file workers generally.

This legislation will clarify what is sensible tax policy regarding ESPPs. More important, it will empower workers during their working years because they will be both employees and owners of the company as well as additional providers of their own retirement security. Furthermore, it will thwart the arbitrary and selective IRS actions, contrary to all previously published Treasury and IRS policies.

I am introducing the Worker Investment Protection Act in the closing days of the 106th Congress with the hope that the Secretary of the Treasury, Lawrence Summers, will clarify longstanding IRS policy, and therefore preclude the need for this legislation. If not, I intend to pursue this legislation aggressively during the next session of Congress. I urge my colleagues to support the Worker Investment Protection Act.

Mr. President, I ask unanimous consent the attached letters from the American Electronic Association, Micron Technology, and the National Association of Manufacturers in support of my efforts regarding employee stock purchase plans be made a part of the RECORD, immediately following my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN ELECTRONICS ASSOCIATION,
Washington, DC, September 20, 2000.

Re tax withholding on employee stock purchase plans.

Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR SENATOR CRAIG: On behalf of the more than 3,000 small, medium and large company members of the American Electronics Association (AEA), I am writing to express our serious concern over the issue of payroll tax withholding on stock obtained from an employee stock purchase plan (ESPP) qualified under section 423 of the Internal Revenue Code. Many of our member companies' ESPPs have been an important part of their overall compensation packages, benefiting over hundreds of thousands high-tech employees.

We are writing to express our strong support of your effort to amend the Community Renewal and New Markets Act of 2000 to ensure that purchases from Employee Stock Purchase Plans (''ESPP'') continue to enjoy the favorable tax treatment that was intended.

AEA understands that the favorable tax treatment of equity ownership by employees is in jeopardy. The Treasury is working on guidance that could reverse 30 years of IRS precedent and business practice in this area by imposing employment taxes when employees exercise ESPP options. There simply is no reason to impose employment taxes on amounts that are not subject to current income tax, and no law has changed that validates the IRS' change in position. Sound tax policy supports rules that encourage companies to continue these plans and does not weaken the incentives for rank-and-file employees to participate in them.

We support your amendment to the Community Renewal and New Markets Act of 2000 legislation that would reaffirm the positions that taxpayers have been following in good faith in this area, consistent with Congressional intent. Please feel free to contact me or AEA's Tax Counsel, Caroline Graves Hurley, if we can provide you any additional information on this matter. We appreciate your attention to this important issue.

Sincerely,

JOHN P. PALAFOUTAS,
Sr. Vice President.

MICRON TECHNOLOGY, INC.,
Boise, ID, September 20, 2000.

Hon. LARRY CRAIG,
U.S. Senate,
Washington, DC.

DEAR MR. CRAIG: Micron Technology is writing to seek your support of legislation that would confirm the long-standing treatment under the tax code of Employee Stock Purchase Plans (''ESPPs''). This issue is very important to companies like ours who encourage employee-ownership.

To provide some background, an employer is generally required to withhold income and employment taxes on ''wages'' paid to an employee. However, the IRS ruled in 1971 that the acquisition of stock by an employee pursuant to a qualified stock option does not result in the payment of ''wages'' and, therefore, is not subject to income tax withholding and employment taxes. Employers and the IRS have followed this principles for almost 30 years.

Recently, and without proper notification to taxpayers, the IRS changed its position and instructed its auditors to retroactively impose deficiency assessments on companies that failed to withhold income and employment taxes on the benefits afforded by qualified ESPPs.

There are compelling legal and policy reasons to support the position that ESPP transactions are exempt from employment taxes and Federal income tax withholding. The IRS's change of position will discourage broad-based employee stock ownership; will weaken the incentives for workers to participate in these programs; and will increase corporate compliance costs far in excess of the potential tax amounts involved.

Sincerely,

RODERIC W. LEWIS,
Vice President and General Counsel.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, September 20, 2000.

Hon. WILLIAM V. ROTH,
Chairman, Committee on Finance,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the National Association of Manufacturers (NAM), the ''18 million people who make things in America'' and our 14,000 small, mid-sized and large member companies, I urge you to take action this year on a proposal to clarify the tax treatment of employee stock purchase plans (ESPPs). Specifically, I encourage you to include in your Chairman's Mark of the Community Renewal and New Markets Act of 2000 an ESPP amendment officer by committee member Larry Craig.

The tax code currently includes incentives for ESPPs that employees to purchase company stock at a discount of up of 15%. For nearly 30 years, IRS has taken the position in published guidance that ESPP transactions are exempt from employment taxes and federal income tax withholding. However, over the past two years, IRS agents have sought to collect employment taxes from employers who did not subject these transactions to such taxes. The amendment offered by Sen. Craig confirms that any income from ESPP transactions is not subject to employment taxes or federal income tax withholding.

Based on our experience, ESPPs motivate employees and create entrepreneurial zeal by giving workers a stake in their company's future. In contrast, the additional tax liabilities and administrative costs of IRS' change in position will discourage employers from offering these programs. At the same time,

imposing employment taxes on ESPP transactions will confuse employees and weaken incentives for them to participate. The Craig amendment will ensure that employers continue to offer ESPPs and that employees continue to benefit from company ownership. Thank you in advance for supporting this important initiative.

Sincerely,

DOROTHY COLEMAN,
Vice President, Tax Policy.

ADDITIONAL COSPONSORS

S. 751

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 751, a bill to combat nursing home fraud and abuse, increase protections for victims of telemarketing fraud, enhance safeguards for pension plans and health care benefit programs, and enhance penalties for crimes against seniors, and for other purposes.

S. 861

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 861, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1510

At the request of Mr. MCCAIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1510, a bill to revise the laws of the United States appertaining to United States cruise vessels, and for other purposes.

S. 2280

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2280, a bill to provide for the effective punishment of online child molesters.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2887

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3139

At the request of Mr. ABRAHAM, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 3139, 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.

S. 3152

At the request of Mr. ROTH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor 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. 3242

At the request of Mr. HARKIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3242, a bill to amend the Consolidated Farm and Rural Development Act to encourage equity investment in rural cooperatives and other rural businesses, and for other purposes.

SENATE CONCURRENT RESOLUTION 157—EXPRESSING THE SENSE OF THE CONGRESS THAT THE GOVERNMENT OF MEXICO SHOULD ADHERE TO THE TERMS OF THE 1944 UTILIZATION OF WATERS OF THE COLORADO AND TIJUANA RIVERS AND OF THE RIO GRANDE TREATY BETWEEN THE UNITED STATES AND MEXICO

Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 157

Whereas, the United States and Mexico signed a Treaty on Water Utilization on February 3, 1944, to divide the waters of the Rio Grande and Colorado River systems, and;

Whereas, the Treaty required Mexico to deliver a minimum of 350,000 acre feet of water per year on a five year average from six Mexican tributaries, and;

Whereas, the Treaty required the United States to deliver a minimum of 1,500,000 acre feet of water per year from the Colorado River, and;

Whereas, the United States has never failed to meet its obligations under the Treaty, and;

Whereas, during the period of 1992–1997, Mexico failed to meet its obligations under the treaty by 1,024,000 acre feet, and;

Whereas, a recent study conducted by the Texas A&M University agriculture program has determined the economic impact to South Texas from this water loss due to noncompliance with the Treaty at $441,000,000 per year;

Whereas, the Government of Mexico has not presented any plan to repay its entire water debt, as required by the Treaty; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that:

(1) The President of the United States should promptly utilize the full power of his office to bring about compliance with the 1944 Treaty on Water Utilization in order that the full requirement of water be available for United States use during the next full crop season.

(2) The United States Section of the International Boundary and Water Commission should work to bring about full compliance with the 1944 Treaty on Water Utilization and not accept any water debt or deficit repayment plan which does not provide for the full repayment of water owed.

SENATE CONCURRENT RESOLUTION 158—EXPRESSING THE SENSE OF CONGRESS REGARDING APPROPRIATE ACTIONS OF THE UNITED STATES GOVERNMENT TO FACILITATE THE SETTLEMENT OF CLAIMS OF FORMER MEMBERS OF THE ARMED FORCES AGAINST JAPANESE COMPANIES THAT PROFITED FROM THE SLAVE LABOR THAT THOSE PERSONNEL WERE FORCED TO PERFORM FOR THOSE COMPANIES AS PRISONERS OF WAR OF JAPAN DURING WORLD WAR II

Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. BINGAMAN, Mr. CONRAD, and Mrs. HUTCHISON) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 158

Whereas from December 1941 to April 1942, members of the United States Armed Forces fought valiantly against overwhelming Japanese military forces on the Bataan peninsula of the Island of Luzon in the Philippines, thereby preventing Japan from accomplishing strategic objectives necessary for achieving early military victory in the Pacific during World War II;

Whereas after receiving orders to surrender on April 9, 1942, many of those valiant combatants were taken prisoner of war by Japan and forced to march 85 miles from the Bataan peninsula to a prisoner-of-war camp at former Camp O'Donnell;

Whereas, of the members of the United States Armed Forces captured by Imperial Japanese forces during the entirety of World War II, a total of 36,260 of them survived their capture and transit to Japanese prisoner-of-war camps to be interned in those camps, and 37.3 percent of those prisoners of war died during their imprisonment in those camps:

Whereas that march resulted in more than 10,000 deaths by reason of starvation, disease, and executions;

Whereas many of those prisoners of war were transported to Japan where they were forced to perform slave labor for the benefit of private Japanese companies under barbaric conditions that included torture and

inhumane treatment as to such basic human needs as shelter, feeding, sanitation, and health care;

Whereas the private Japanese companies unjustly profited from the uncompensated labor cruelly exacted from the American personnel in violation of basic human rights;

Whereas these Americans do not make any claims against the Japanese Government or the people of Japan, but, rather, seek some measure of justice from the Japanese companies that profited from their slave labor;

Whereas they have asserted claims for compensation against the private Japanese companies in various courts in the United States;

Whereas the United States Government has, to date, opposed the efforts of these Americans to receive redress for the slave labor and inhumane treatment, and has not made any efforts to facilitate discussions among the parties;

Whereas in contrast to the claims of the Americans who were prisoners of war in Japan, the Department of State has facilitated a settlement of the claims made against private German businesses by individuals who were forced into slave labor by the Government of the Third Reich of Germany for the benefit of the German businesses during World War II: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is in the interest of justice and fairness that the United States, through the Secretary of State or other appropriate officials, put forth its best efforts to facilitate discussions designed to resolve all issues between former members of the Armed Forces of the United States who were prisoners of war forced into slave labor for the benefit of Japanese companies during World War II and the private Japanese companies who profited from their slave labor.

AMENDMENTS SUBMITTED

MARRIAGE TAX RELIEF ACT OF 2000

FEINGOLD (AND OTHERS) AMENDMENT NO. 4354

Mr. GRASSLEY (for Mr. FEINGOLD (for himself, Mr. ABRAHAM, and Mr. LEVIN)) proposed an amendment to the bill (S. 2346) to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction, 15-percent and 28-percent rate brackets, and earned income credit, and for other purposes: as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. STATE AND LOCAL ENFORCEMENT OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

''(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

''(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

''(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

''(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

''(3) The Commission shall, to the extent practicable, provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

''(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government agency enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

''(B) A person shall submit an appeal on a decision of a State or local government agency to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government agency becomes final, but prior to seeking judicial review of such decision.

''(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

''(D) If the Commission determines under subparagraph (C) that a State or local government agency has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

''(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

''(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

''(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle', as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1).''.

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

COLLINS (AND FEINSTEIN) AMENDMENT NO. 4355

Mr. GRASSLEY (for Ms. COLLINS (for herself and Mrs. FEINSTEIN)) proposed an amendment to the bill (S. 2924) to strengthen the enforcement of Federal statutes relating to false identification and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet False Identification Prevention Act of 2000''.

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents is vigorously investigated and prosecuted.

(b) MEMBERSHIP.—The coordinating committee shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) TERM.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) REPORT.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committees on the Judiciary of the Senate and House of Representatives on the activities of the committee.

(2) CONTENTS.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions; and

(E) specification of the sentence imposed as a result of each guilty plea and conviction.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''or'' after the semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

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

''(7) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document; or'';

(2) in subsection (b)(1)(D), by striking ''(7)'' and inserting ''(8)'';

(3) in subsection (b)(2)(B), by striking ''or (7)'' and inserting '', (7), or (8)'';

(4) in subsection (c)(3)(A), by inserting '', including the making available of a document by electronic means'' after ''commerce'';

(5) in subsection (d)—

(A) in paragraph (1), by inserting ''template, computer file, computer disc,'' after ''impression,'';

(B) by redesignating paragraph (6) as paragraph (8);

(C) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

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

''(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

''(A) is not issued by or under the authority of a governmental entity; and

''(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;''; and

(E) by inserting after paragraph (6), as redesignated (previously paragraph (5)), the following:

''(7) the term 'transfer' includes making available for acquisition or use by others; and''; and

(6) by adding at the end the following:

''(i) EXCEPTION.—

''(1) IN GENERAL.—Subsection (a)(7) shall not apply to an interactive computer service used by another person to produce or transfer a document making implement in violation of that subsection except—

''(A) to the extent that such service conspires with such other person to violate subsection (a)(7);

''(B) if, with respect to the particular activity at issue, such service has knowingly permitted its computer server or system to be used to engage in, or otherwise aided and abetted, activity that is prohibited by subsection (a)(7), with specific intent of an officer, director, partner, or controlling shareholder of such service that such server or system be used for such purpose; or

''(C) if the material or activity available through such service consists primarily of material or activity that is prohibited by subsection (a)(7).

''(2) DEFINITION.—In this subsection, the term 'interactive computer service' means an interactive computer service as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service, system, or access software provider that—

''(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

''(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.''.

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that privileges of the floor be granted for Dr. Cate McClain, a fellow with the Aging Committee.

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

AUTHORIZING THE ENFORCEMENT BY STATE AND LOCAL GOVERNMENTS OF FCC REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2346, 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. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

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

AMENDMENT NO. 4354

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. FEINGOLD, for himself, Mr. ABRAHAM, and Mr. LEVIN, proposes an amendment numbered 4354.

The amendment reads as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. STATE AND LOCAL ENFORCEMENT OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

''(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

''(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

''(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

''(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

''(3) The Commission shall, to the exent practicable, provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

''(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government agency enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

''(B) A person shall submit an appeal on a decision of a State or local government agency to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government agency becomes final, but prior to seeking judicial review of such decision.

''(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

''(D) If the Commission determines under subparagraph (C) that a State or local government agency has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

''(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

''(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

''(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle', as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1).''.

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

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

The amendment (No. 4354) was agreed to.

The bill (H.R. 2346), as amended, was read the third time and passed.

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 861, which is S. 2924.

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

The legislative clerk read as follows:

A bill (S. 2924) to strengthen enforcement of Federal statutes relating to false identification, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet False Identification Prevention Act of 2000''.

SEC. 2. SPECIAL TASK FORCE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a task force to investigate and prosecute the creation and distribution of false identification documents.

(b) MEMBERSHIP.—The task force shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) TERM.—The task force shall terminate 2 years after the effective date of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''or'' after the semicolon;

(B) in paragraph (7), by inserting ''or'' after the semicolon; and

(C) by adding after paragraph (7) the following:

''(8) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document.'';

(2) in subsection (b)(2)(B), by striking ''or (7)'' and inserting '', (7), or (8)'';

(3) in subsection (c)(3)(A), by inserting '', including the making available of a document by electronic means'' after ''commerce''; and

(4) in subsection (d)—

(A) in paragraph (1), by inserting ''template, computer file, computer disc,'' after ''impression,'';

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively;

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

''(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

''(A) is not issued by or under the authority of a governmental entity; and

''(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;''; and

(D) in paragraph (6), as redesignated (previously paragraph (5)), by inserting '', including making available for acquisition or use by others'' after ''assemble''.

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

AMENDMENT NO. 4355

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Ms. COLLINS, for herself and Mrs. FEINSTEIN, proposes an amendment numbered 4355.

The amendment reads as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet False Identification Prevention Act of 2000''.

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents is vigorously investigated and prosecuted.

(b) MEMBERSHIP.—The coordinating committee shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) TERM.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) REPORT.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committees on the Judiciary of the Senate and House of Representatives on the activities of the committee.

(2) CONTENTS.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions; and

(E) specification of the sentence imposed as a result of each guilty plea and conviction.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''or'' after the semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

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

''(7) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document; or'';

(2) in subsection (b)(1)(D), by striking ''(7)'' and inserting ''(8)'';

(3) in subsection (b)(2)(B), by striking ''or (7)'' and inserting '', (7), or (8)'';

(4) in subsection (c)(3)(A), by inserting '', including the making available of a document by electronic means'' after ''commerce'';

(5) in subsection (d)—

(A) in paragraph (1), by inserting ''template, computer file, computer disc,'' after ''impression,'';

(B) by redesignating paragraph (6) as paragraph (8);

(C) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

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

''(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

''(A) is not issued by or under the authority of a governmental entity; and

''(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;''; and

(E) by inserting after paragraph (6), as redesignated (previously paragraph (5)), the following:

''(7) the term 'transfer' includes making available for acquisition or use by others; and''; and

(6) by adding at the end the following:

''(i) EXCEPTION.—

''(1) IN GENERAL.—Subsection (a)(7) shall not apply to an interactive computer service used by another person to produce or transfer a document making implement in violation of that subsection except—

''(A) to the extent that such service conspires with such other person to violate subsection (a)(7);

''(B) if, with respect to the particular activity at issue, such service has knowingly permitted its computer server or system to be used to engage in, or otherwise aided and abetted, activity that is prohibited by subsection (a)(7), with specific intent of an officer, director, partner, or controlling shareholder of such service that such server or system be used for such purpose; or

''(C) if the material or activity available through such service consists primarily of material or activity that is prohibited by subsection (a)(7).

''(2) DEFINITION.—In this subsection, the term 'interactive computer service' means an interactive computer service as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service, system, or access software provider that—

''(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

''(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.''.

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Ms. COLLINS. Mr. President, I am pleased that the Senate is now considering legislation I introduced to stem the proliferation of websites that distribute counterfeit identification documents and credentials over the Internet. I appreciate the timely action on this legislation by the chairman of the Judiciary Committee, Senator HATCH, as well as the support and assistance of Senators KYL, LEAHY, and FEINSTEIN. The substitute amendment proposed by Senator FEINSTEIN and me improves the bill while retaining all of its key features.

After this measure becomes law, Internet commerce in computer discs, files, and templates designed for use in the production of false identification documents will be illegal. The bill will also outlaw the practice of producing false identification containing easily removable disclaimers, a method currently used to avoid prosecution. Finally, the legislation will establish a coordinating committee to concentrate resources of several federal agencies on investigating and prosecuting the creation of false identification. I authored this legislation after the Permanent Subcommittee on Investigations, which I chair, held hearings on a disturbing new trend—the use of the

Internet to manufacture and market counterfeit identification documents and credentials. Our hearing and investigation revealed the widespread availability on the Internet of a variety of fake identification documents and computer templates that allow individuals to manufacture authentic-looking IDs in the seclusion of their own homes. The Internet False Identification Prevention Act of 2000 will strengthen current law to prevent the distribution of false identification documents over the Internet and make it easier to prosecute this criminal activity.

Mr. President, the high quality of the counterfeit identification documents that can be obtained through the Internet is astounding. With little difficulty, my staff was able to use Internet materials to manufacture convincing IDs that would allow me to pass as a member of our Armed Forces, a reporter, a student at Boston University, or a licensed driver in Florida, Michigan, or Wyoming, to name just a few of the identities I could assume. For instance, using the Internet my staff created a counterfeit Connecticut driver's license that is virtually identical to an authentic license issued by the Connecticut Department of Motor Vehicles. Just like the real Connecticut license, this fake with my picture includes a signature written over the picture and an adjacent ''shadow picture'' of the license holder. The State of Connecticut added both of these sophisticated security features to the license in order to reduce counterfeiting. Unfortunately, some websites offer to sell fake IDs complete with State seals, holograms, and bar codes to replicate a license virtually indistinguishable from the real thing. Thus, technology now allows website operators to copy authentic identification documents with an extraordinary level of sophistication and then mass produce those fraudulent documents for their customers. The websites investigated by the subcommittee offer a vast and varied product line, ranging from driver's licenses to military identification cards to federal agency credentials, including those of the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA). Other sites offer to produce Social Security cards, birth certificates, diplomas, and press credentials.

Testimony before the subcommittee demonstrated that the availability of false identification documents from the Internet is a growing problem. Special Agent David Myers, Identification Fraud Coordinator of the State of Florida's Division of Alcoholic Beverages and Tobacco, testified that 2 years ago only 1 percent of false identification documents came from the Internet. Last year, he testified, a little less than 5 percent came from the Internet. Now he estimates that about 30 percent of the false identification documents he seizes comes from the Internet. He predicts that by next year his unit will find at least 60 to 70 percent of the false identification documents they seize will come from the Internet. The General Accounting Office (GAO) and the FBI have both confirmed the findings of the subcommittee's investigation. Earlier this year the GAO used counterfeit credentials and badges, readily available for purchase on the Internet, to breach the security at 19 federal buildings and two commercial airports. GAO's findings demonstrate that, in addition to the poor security measures at federal facilities, the Internet and computer technology allow nearly anyone to create convincing identification cards and credentials. The FBI has also focused on the potential for misuse of official identification, and recently executed search warrants at the homes of several individuals who had been selling federal law enforcement badges over the Internet.

In response to these findings, the House has passed legislation that will complement the provisions in the bill we currently have under consideration. H.R. 4827, the Enhanced Federal Security Act of 2000, was introduced by Congressman STEVE HORN, and would make it a crime to enter federal property under false pretenses or for an unauthorized individual to traffic in genuine or counterfeit police badges. The House bill, supported by Congressman MCCOLLUM, chairman of the House Judiciary Subcommittee on Crime, provides an additional measure to curb the use of false identification, and I hope that the Senate will approve it along with S. 2924.

Mr. President, the Internet is a revolutionary tool of commerce and communication that benefits us all. But many of the Internet's greatest attributes also further its use for criminal purposes. While the manufacture of false identification documents by criminals is nothing new, the Internet allows those specializing in the sale of counterfeit identification to reach a broader market of potential buyers than they ever could by standing on a street corner in a shady part of town. They can sell their products with virtual anonymity through the use of e-mail services and free Web hosting services, and by providing false information when registering their domain names. Similarly, the Internet allows criminals to obtain fake IDs in the privacy of their own homes, substantially diminishing the risk of apprehension that attends purchasing counterfeit documents on the street. Because this is a relatively new phenomenon, there are no good data on the size of the false identification industry or the growth it has experienced as a result of the Internet. The subcommittee's investigation, however, found that some Web site operators apparently have made hundreds of thousands of dollars through the sale of phony identification documents. One website operator that we investigated told a state law enforcement official that he sold approximately 1,000 fake IDs every month and generated about $600,000 in annual sales.

Identity theft is a growing problem that these Internet sites encourage. Recent testimony by the Federal Trade Commission noted that the number of calls to their ID theft hotline had doubled between March and July of this year, that the agency was receiving between 800 and 850 calls a week, and that their phone counselors had handled more than 20,000 calls in an 8-month period earlier this year. Fake IDs, however, facilitate a broader array of criminal conduct. The subcommittee's investigation found that some Internet sites were used to obtain counterfeit identification documents for the purpose of committing other crimes, ranging from very serious offenses such as bank fraud to the more common problem of underage teenagers buying alcohol or gaining access to bars. The legislation under consideration today is designed to address the problem of counterfeit identification documents in several ways. The central features of the bill are provisions that modernize existing law to address the widespread availability of false identification documents on the Internet.

First, the legislation strengthens federal law against false identification to ensure that it is suited to the Internet age and the technology associated with it. The primary law prohibiting the use and distribution of false identification documents was enacted in 1982. Advances in computer technology and the use of the Internet may have rendered the law inadequate to encompass the technology of the present day. This bill will clarify that current law prohibits the sale or distribution of false identification documents through computer files and templates, which our investigation found are the vehicles of choice for manufacturing fake IDs in the Internet age.

Second, the legislation will make it easier to prosecute those criminals who manufacturer, distribute or sell counterfeit identification documents by ending the practice of using easily removable disclaimers as part of an attempt to shield the illegal conduct from prosecution through a bogus claim of ''novelty.'' No longer will it be acceptable to provide computer templates of government-issued identification containing an easily removable layer saying it is not a government document.

For instance, the subcommittee staff purchased a fake Oklahoma driver's license as part of an undercover operation conducted during our investigation. The fake license appears to bear the disclaimer, ''Not a Government

Document,'' which is required by federal law. We found, however, that with one simple snip of the scissors, the fake ID could be removed from his laminated pouch, effectively discarding the disclaimer. It will no longer be acceptable under my bill to sell a false identification document in this fashion.

Finally, my legislation seeks to encourage more aggressive enforcement by dedicating investigative and prosecutorial resources to this emerging problem. The bill establishes a multi-agency coordinating committee that will concentrate the investigative and prosecutorial resources of several agencies with responsibility for enforcing laws that criminalize the manufacture, sale, and distribution of counterfeit identification documents. While the new provisions are intended to cover any individual or entity using a computer disc, file, template, or the Internet to produce, transfer or make available false identification documents or document-making implements, the substitute bill makes clear that the new offense does not cover companies providing interactive computer services, such as Internet service providers, communications facilities, or electronic mail services, who are innocent conduits of false identification documents. Just as the counterfeiting laws do not cover an unknowing provider of a device or service used to manufacture or transmit counterfeit money, the provisions in this legislation are not meant to apply to unknowing parties whose devices or services are used in the production or transfer of false identification documents. This exception is inapplicable, however, and ordinary common law doctrines of criminal lability will apply in cases of conspiracy between the interactive computer service and the user; knowledge of and specific intent of an officer, director, partner or controlling shareholder that the server or system be used for this criminal purposes; or when the material available through a service consists primarily of material that is covered by the new offense in this legislation.

This bill is one in a line of bills that have been considered by Congress in recent years that address the issue of service provider liability relevant to the unlawful conduct of third parties. These have ranged from bills dealing with the liability of service providers in cases of defamation suits, to copyright infringement actions, to criminal prosecutions for online drug trafficking, Internet gambling, and in this case, online distribution of false identification document-making implements. Through these bills, Congress has had to consider the complexities of the particular area of law at hand, the application of common law doctrines, such as respondant superior and theories of contributory and vicarious liability, and the nature of liability with respect to specific violations in both civil and criminal contexts. In short, I believe that my bill, while addressing a number of these issues, does not necessarily set a standard for Congress to follow when considering the issue of service provider liability in future bills, in future contexts.

Mr. President, our investigation established that federal law enforcement officials have failed to devote the necessary resources and attention to this serious problem. By striking at the purveyors of false identification materials, I believe we can reduce the end-use crime that often depends upon the availability of counterfeit identification. For instance, the convicted felon who testified at the subcommittee's hearing said that he would not have been able to commit bank fraud had he not been able to easily and quickly obtain high quality, fraudulent identification documents over the Internet. I am confident that, if federal law enforcement officials prosecute the most blatant violators of the law, the false ID industry on the Internet will wither in short order. By strengthening the law and by focusing our prosecution efforts, I believe that we can curb the widespread availability of false identification documents that the Internet encourages. The Director of the United States Secret Services testified at our hearing that the use of fraudulent identification documents and credentials almost always accompanies the serious financial crimes that they investigate. Thus, I believe that a stronger law against making false identification documents will deter criminal activity in other areas as well. I urge my colleagues to support S. 2924.

I ask unanimous consent to have print in the RECORD a brief section-by-section summary of the substitute for S. 2924.

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

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000 (COLLINS/FEINSTEIN SUBSTITUTE)—SECTION-BY-SECTION SUMMARY

Section 1 names the bill as the Internet False Identification Prevention Act of 2000.

Section 2 establishes a coordinating committee to ensure the vigorous investigation and prosecution of the creation and distribution of false identification documents. The coordinating committee, appointed by the Attorney General and the Secretary of the Treasury, shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service, and shall exist for two years. The coordinating committee will focus investigative and prosecutorial resources of the federal agencies concerned with false identification in order to curb this growing problem, and will report the results of agency actions each year.

Section 3 will amend 18 U.S.C. §1028 to modernize the primary federal law pertaining to false identification documents. The bill modifies the existing definition of ''document-making implement'' to include computer templates and files that are now frequently used to create counterfeit identification documents from the Internet.

A new provision will make it illegal to ''knowingly produce or transfer a document making implement that is designed for use in the production of a false identification document.'' This provision will close a loophole which currently allows a person to transfer, through a Web site or e-mail, false identification templates that can easily be made into actual finished documents. Current law will also be amended to cover, in addition to documents used in interstate or foreign commerce, any document made available by ''electronic means.'' This will ensure that a false identification document offered for download on a Web site is captured by the statute. Innocent third parties, such as Internet service providers or transmission companies, are excluded from coverage under the legislation.

Finally, this section will provide for the first time a definition of ''false identification document.'' A ''false identification document'' will be defined as a document that is intended or commonly accepted for the purpose of identification which is not issued by or under the authority of a government, but which appears to be issued by or under the authority of any government entity. This provision, in conjunction with the removal of the disclaimer provision below, will make it clear that it is illegal for anyone but a government entity to produce any document that is commonly accepted for legal identification.

Section 4 will repeal 18 U.S.C. §1738, thus ending the ability to use a disclaimer and legally produce identification documents that include the age or birth date of an individual. Repealing Section 1738 will prohibit the practice, which was frequently encountered during the Subcommittee's investigation, of attempting to avoid criminal liability for manufacturing and selling counterfeit identification products by displaying a ''NOT A GOVERNMENT DOCUMENT'' disclaimer. This type of disclaimer can be fashioned so as to be easily removable on both computer templates and counterfeit identification documents. It will now be illegal to produce or sell any document that resembles a government identification document.

Section 5 will make the provisions effective 90 days after enactment.

Mr. LEAHY. Mr. President, the Internet False Identification Prevention Act, S. 2924, is intended to provide additional tools to law enforcement to combat the theft of, and fraud associated with, identification documents and credentials. I share the concerns of the sponsors of this legislation over this matter. In fact, in the last Congress, I sponsored, along with Senators KYL, HATCH, FEINSTEIN and others, legislation to prohibit fraud in connection with identification information, not just physical documents. We recognized that criminals do not necessarily need a physical identification document to create a new identity; they just need the information itself to facilitate the creation of false identification documents.

I note that improvements to the bill as originally introduced were made during consideration of the legislation by the Senate Judiciary Committee. Specifically, as originally introduced

this bill would have made it a crime to possess with intent to use or transfer any false identification document, rather than ''five or more'' as required under current law. See 18 U.S.C. 1028(a)(3). I raised concern that the scope of this proposed offense would have resulted in the federalization of the status offenses of an underage teenager using a single fake ID card. The substitute bill reported by the Judiciary Committee eliminated this change in current law.

The substitute amendment that the Senate considers today would require the Attorney General and the Secretary of the Treasury to coordinate through a ''coordinating committee'' the investigation and prosecution of offenses related to false identification documents, and report to the Judiciary Committees of the House and the Senate on the number and results of prosecutions. In addition, the substitute amendment amends 18 U.S.C. 1028 in a number of ways, including by creating a new criminal prohibition on the knowing production or transfer of a document-making implement designed for use in the production of false identification documents. A new definition is provided for the term ''transfer'' to include ''making available for acquisition or use by others.'' To address the concerns of internet service providers that the combination of the new crime and the new definitions would expose them to criminal liability, the bill also includes an exemption from the new crime for an interactive computer service.

In addition, the bill repeals 18 U.S.C. 1738, which allows businesses that sell identification documents bearing the birth date or age of the person being identified to avoid criminal liability by printing clearly and indelibly on both the front and the back ''Not a Government Document.''

While I do not object to moving this bill at this time, I must note two lingering concerns that we have to revisit. First, I appreciate that the sponsors wish to repeal 18 U.S.C. 1738 to stop the practice of selling counterfeit identification products with disclaimers that are intentionally fashioned to be easily removable on both computer templates and counterfeit identification documents but that nevertheless avoid criminal liability by displaying the disclaimer. This is a practice that deserves congressional attention, but I am concerned that repeal of this section may go too far, since it may remove legal protection for some legitimate businesses that sell identification documents for legitimate reasons, such as for security or private guard services.

The legislative history of section 1738 makes clear that this provision was considered necessary when passed because private identification documents ''are used by many persons who have no official record of their date of birth and are unable to obtain official identification cards for that reason. The conferees determined that to simply require privately issued identification cards to carry a prominent disclaimer that they are not government documents would adequately protect the public interest.'' Conference Report on False Identification Crime Control Act of 1982 (H.R. 6946), 97th Cong., 2d Sess., Rpt. 97–975, at p. 4 (December 17, 1982). It remains unclear to me how many legitimate uses and businesses will be affected by repeal of this section, and the manner in which this repeal is being enacted makes it impossible to know in advance.

Second, the substitute amendment contains an exemption for interactive computer services that was added after consideration by the Judiciary Committee. Representatives of internet service providers expressed concern that the breadth of the intent standard in the bill, which provides that a defendant need only knowingly transfer or make available by electronic means an illegal document-making implement, such as computer template, to risk criminal liability. They contend that this scienter requirement could put at risk ISPs that simply offer a third party the ability to communicate or locate material that is otherwise illegal, even though the ISP does not know that the document-making implement can be or will be used to make false identification documents and does not intend to be facilitating an illegal transaction.

The ISPs may have correctly pointed out a problem in the scope of the criminal liability but the cure should not be to grant a blanket exemption for service providers. There is no comparable exemption anywhere else in the federal criminal code. A better cure would have been to clarify the scope of the criminal prohibition and to define more precisely the scienter requirement for criminal liability. Instead of making the new crime applicable to anyone who ''knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document,'' the bill could have been more precisely drawn to cover only a person who ''knowingly produces or transfers a document-making implement with the intent that it be used in the production of a false identification document.'' This would have avoided the necessity of carving out exemptions for innocent ISPs that merely facilitate the transfer of illegal document-making implements, without knowing the nature of the what is being transferred.

Moreover, including an immunity provision in this bill for ISPs raises a question about their criminal liability exposure under many other criminal statutes that make illegal the knowing transfer of illegal materials without requiring specific knowledge on the part of the transferor that the material is illegal. For example, federal law prohibits the knowing distribution, including by computer, of any material that contains child pornography. 18 U.S.C. 2251A(a)(2)(B). There is no blanket immunity for ISPs for facilitating the distribution of such illegal material. Will inclusion of a blanket immunity provision in this bill encourage courts to construe broadly the prohibitions in other statutes to cover innocent ISPs? This is a matter that could benefit from additional scrutiny.

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

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

The amendment (No. 4355) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2924), as amended, was passed, as follows:

S. 2924

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 ''Internet False Identification Prevention Act of 2000''.

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents is vigorously investigated and prosecuted.

(b) MEMBERSHIP.—The coordinating committee shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) TERM.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) REPORT.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committees on the Judiciary of the Senate and House of Representatives on the activities of the committee.

(2) CONTENTS.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions; and

(E) specification of the sentence imposed as a result of each guilty plea and conviction.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''or'' after the semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

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

''(7) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document; or'';

(2) in subsection (b)(1)(D), by striking ''(7)'' and inserting ''(8)'';

(3) in subsection (b)(2)(B), by striking ''or (7)'' and inserting '', (7), or (8)'';

(4) in subsection (c)(3)(A), by inserting '', including the making available of a document by electronic means'' after ''commerce'';

(5) in subsection (d)—

(A) in paragraph (1), by inserting ''template, computer file, computer disc,'' after ''impression,'';

(B) by redesignating paragraph (6) as paragraph (8);

(C) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

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

''(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

''(A) is not issued by or under the authority of a governmental entity; and

''(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;''; and

(E) by inserting after paragraph (6), as redesignated (previously paragraph (5)), the following:

''(7) the term 'transfer' includes making available for acquisition or use by others; and''; and

(6) by adding at the end the following:

''(i) EXCEPTION.—

''(1) IN GENERAL.—Subsection (a)(7) shall not apply to an interactive computer service used by another person to produce or transfer a document making implement in violation of that subsection except—

''(A) to the extent that such service conspires with such other person to violate subsection (a)(7);

''(B) if, with respect to the particular activity at issue, such service has knowingly permitted its computer server or system to be used to engage in, or otherwise aided and abetted, activity that is prohibited by subsection (a)(7), with specific intent of an officer, director, partner, or controlling shareholder of such service that such server or system be used for such purpose; or

''(C) if the material or activity available through such service consists primarily of material or activity that is prohibited by subsection (a)(7).

''(2) DEFINITION.—In this subsection, the term 'interactive computer service' means an interactive computer service as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service, system, or access software provider that—

''(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

''(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.''.

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

EXPRESSING THE SENSE OF CONGRESS REGARDING ACTIONS OF THE UNITED STATES GOVERNMENT REGARDING CLAIMS OF FORMER MEMBERS OF THE ARMED FORCES AGAINST JAPANESE COMPANIES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 158 submitted by Senator HATCH.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 158) expressing the sense of Congress regarding appropriate actions of the U.S. Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as POWs of Japan during World War II.

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

Mr. HATCH. I rise today with my cosponsors, Senators FEINSTEIN and BINGAMAN, in support of a sense of the Senate resolution to encourage the U.S. Government, through the State Department or other appropriate offices, to use its best efforts to open a dialog between former American POW's forced into slave labor in Japan and the private Japanese companies that profited from their labor. This is a very important issue to our veterans and I think they deserve our help.

On April 9, 1942, Allied forces in the Philippines surrendered Bataan to the Japanese. Ten to twelve thousand American soldiers were forced to march some 60 miles in broiling heat in a deadly trek known as the Bataan Death March. Following a lengthy internment under horrific conditions, thousands of POW's were shipped to Japan in the holds of freighters known as ''Hell Ships.'' Once in Japan, many of these POW's were forced into slave labor for private Japanese steel mills and other private companies until the end of the war.

Fifty years have passed since the atrocities occurred, yet our veterans are still waiting for accountability and justice. Unfortunately, global political and security needs of the time often overshadowed their legitimate claims for justice—and these former POW's were once again asked to sacrifice for their country. Following the end of the war, for example, our government allegedly instructed many of the POW's held by Japan not to discuss their experiences and treatment. Some were even asked to sign nondisclosure agreements. Consequently, many Americans remain unaware of the atrocities that took place and the suffering our POW's endured.

Following the passage of a California statute extending the statute of limitations for World War II claims until 2010 and the recent litigation involving victims of Holocaust, a new effort is underway by the former POW's in Japan to seek compensation from the private companies which profited from their labor. Let me say at the outset, that this is not a dispute with the Japanese people and these are not claims against the Japanese Government. Rather, these are private claims against the private Japanese companies that profited from the slave labor of our American soldiers who they held as prisoners. These are the same types of claims raised by survivors of the Holocaust against the private German corporations who forced them into labor.

The Senate Judiciary Committee held a hearing on the claims being made by the former American POW's against the private Japanese companies. One issue of concern for the Committee was whether the POW's held in Japan are receiving an appropriate level of advocacy from the U.S. Government. In the Holocaust litigation, the United States appropriately played a facilitating role in discussions between the German companies and the victims. The Justice Department also declined to file a statement of interest in the litigation—even when requested by the court. The efforts of the administration were entirely appropriate and the settlement, which was just recently finalized, was an invaluable step toward moving forward from the past.

Here, in contrast, there has been no effort by our Government, through the State Department or otherwise, to open a dialog between the Japanese and the former POW's. Moreover, in response to a request from the court, the Justice Department did, in fact, file two statements of interest which were very damaging to the claims of the POW's—stating in essence that their claims were barred by the 1951 Peace Treaty with Japan and the War Claims Act.

From a moral perspective, the claims of those forced into labor by private

German companies and private Japanese companies appear to be of similar merit, yet they have spurred different responses from the administration. Why?

Here in the Senate, we have been doing what we can to help these former prisoners of war. With the help of Senator FEINSTEIN, we have moved through the Judiciary Committee Senate bill 1902, the Japanese Records Disclosure Act, which would set up a commission to declassify thousands of Japanese Imperial Army records held by the U.S. Government after appropriate screening for sensitive national security information and the like.

The Senate is also doing what it can to fulfill our Government's responsibility to these men by including a provision in the DOD authorization bill which would pay a $20,000 gratuity to POW's from Bataan and Corregidor who were forced into labor. Such payment would be in addition to any other payments these veterans may receive under law—and thus would not compromise any of the claims asserted in the litigation against the Japanese companies.

The bill I introduce today, an expression of the sense of the Senate that the U.S. Government should attempt to facilitate a dialog, as it did in the German case, is a logical and appropriate extension of our other efforts. Ultimately, I do not know where we will come out on the precise meaning of the Treaty. Regardless of how the technical legal issues are resolved—which the courts will determine—in light of the moral imperative and interests of simple fairness, we must ask ourselves why shouldn't the United States facilitate a dialog between the parties? When is good faith discussion a bad idea? I think we owe this much to these brave veterans and their families. I believe a good faith dialog is the first step towards a just resolution that accommodates the various moral, legal, national security, and foreign policy interests which are at play.

I urge all Members to support this amendment.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 158) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 158

Whereas from December 1941 to April 1942, members of the United States Armed Forces fought valiantly against overwhelming Japanese military forces on the Bataan peninsula of the Island of Luzon in the Philippines, thereby preventing Japan from accomplishing strategic objectives necessary for achieving early military victory in the Pacific during World War II;

Whereas after receiving orders to surrender on April 9, 1942, many of those valiant combatants were taken prisoner of war by Japan and forced to march 85 miles from the Bataan peninsula to a prisoner-of-war camp at former Camp O'Donnell;

Whereas, of the members of the United States Armed Forces captured by Imperial Japanese forces during the entirety of World War II, a total of 36,260 of them survived their capture and transit to Japanese prisoner-of-war camps to be interned in those camps, and 37.3 percent of those prisoners of war died during their imprisonment in those camps:

Whereas that march resulted in more than 10,000 deaths by reason of starvation, disease, and executions;

Whereas many of those prisoners of war were transported to Japan where they were forced to perform slave labor for the benefit of private Japanese companies under barbaric conditions that included torture and inhumane treatment as to such basic human needs as shelter, feeding, sanitation, and health care;

Whereas the private Japanese companies unjustly profited from the uncompensated labor cruelly exacted from the American personnel in violation of basic human rights;

Whereas these Americans do not make any claims against the Japanese Government or the people of Japan, but, rather, seek some measure of justice from the Japanese companies that profited from their slave labor;

Whereas they have asserted claims for compensation against the private Japanese companies in various courts in the United States;

Whereas the United States Government has, to date, opposed the efforts of these Americans to receive redress for the slave labor and inhumane treatment, and has not made any efforts to facilitate discussions among the parties;

Whereas in contrast to the claims of the Americans who were prisoners of war in Japan, the Department of State has facilitated a settlement of the claims made against private German businesses by individuals who were forced into slave labor by the Government of the Third Reich of Germany for the benefit of the German businesses during World War II: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is in the interest of justice and fairness that the United States, through the Secretary of State or other appropriate officials, put forth its best efforts to facilitate discussions designed to resolve all issues between former members of the Armed Forces of the United States who were prisoners of war forced into slave labor for the benefit of Japanese companies during World War II and the private Japanese companies who profited from their slave labor.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 2000

Mr. GRASSLEY. I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 1550.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1550) entitled "An Act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes", with the following House amendments to Senate amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

TITLE I—UNITED STATES FIRE ADMINISTRATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Fire Administration Authorization Act of 2000".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon; and

(3) by adding at the end the following:

"(I) $44,753,000 for fiscal year 2001, of which $3,000,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $6,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel;

"(J) $47,800,000 for fiscal year 2002, of which $3,250,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $7,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel; and

"(K) $50,000,000 for fiscal year 2003, of which $3,500,000 is for research activities, and $250,000 may be used for contracts or grants to non-Federal entities for data analysis, including general fire profiles and special fire analyses and report projects, and of which $8,000,000 is for anti-terrorism training, including associated curriculum development, for fire and emergency services personnel.".

None of the funds authorized for the United States Fire Administration for fiscal year 2002 may be obligated unless the Administrator has verified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with the strategic plan transmitted under section 103 of this Act.

SEC. 103. STRATEGIC PLAN.

(a) REQUIREMENT.—Not later than April 30, 2001, the Administrator of the United States Fire Administration shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a 5-year strategic plan of program activities for the United States Fire Administration.

(b) CONTENTS OF PLAN.—The plan required by subsection (a) shall include—

(1) a comprehensive mission statement covering the major functions and operations of the United States Fire Administration in the areas of training; research, development, test and evaluation; new technology and non-developmental item implementation; safety; counterterrorism; data collection and analysis; and public education;

(2) general goals and objectives, including those related to outcomes, for the major functions and operations of the United States Fire Administration;

(3) a description of how the goals and objectives identified under paragraph (2) are to be achieved, including operational processes, skills and technology, and the human, capital, information, and other resources required to meet those goals and objectives;

(4) an analysis of the strengths and weaknesses of, opportunities for, and threats to the United States Fire Administration;

(5) an identification of the fire-related activities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies, and a discussion of how those activities can be coordinated with and contribute to the achievement of the goals and objectives identified under paragraph (2);

(6) a description of objective, quantifiable performance goals needed to define the level of performance achieved by program activities in training, research, data collection and analysis, and public education, and how these performance goals relate to the general goals and objectives in the strategic plan;

(7) an identification of key factors external to the United States Fire Administration and beyond its control that could affect significantly the achievement of the general goals and objectives;

(8) a description of program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations;

(9) a plan for the timely distribution of information and educational materials to State and local firefighting services, including volunteer, career, and combination services throughout the United States;

(10) a description of how the strategic plan prepared under this section will be incorporated into the strategic plan and the performance plans and reports of the Federal Emergency Management Agency;

(11)(A) a description of the current and planned use of the Internet for the delivery of training courses by the National Fire Academy, including a listing of the types of courses and a description of each course's provisions for real time interaction between instructor and students, the number of students enrolled, and the geographic distribution of students, for the most recent fiscal year;

(B) an assessment of the availability and actual use by the National Fire Academy of Federal facilities suitable for distance education applications, including facilities with teleconferencing capabilities; and

(C) an assessment of the benefits and problems associated with delivery of instructional courses using the Internet, including limitations due to network bandwidth at training sites, the availability of suitable course materials, and the effectiveness of such courses in terms of student performance;

(12) timeline for implementing the plan; and

(13) the expected costs for implementing the plan.

SEC. 104. RESEARCH AGENDA.

(a) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Fire Administration, in consultation with the Director of the Federal Emergency Management Agency, the Director of the National Institute of Standards and Technology, representatives of trade, professional, and non-profit associations, State and local firefighting services, and other appropriate entities, shall prepare and transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing the United States Fire Administration's research agenda and including a plan for implementing that agenda.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) identify research priorities;

(2) describe how the proposed research agenda will be coordinated and integrated with the programs and capabilities of the National Institute of Standards and Technology, the Department of Defense, and other Federal agencies;

(3) identify potential roles of academic, trade, professional, and non-profit associations, and other research institutions in achieving the research agenda;

(4) provide cost estimates, anticipated personnel needs, and a schedule for completing the various elements of the research agenda;

(5) describe ways to leverage resources through partnerships, cooperative agreements, and other means; and

(6) discuss how the proposed research agenda will enhance training, improve State and local firefighting services, impact standards and codes, increase firefighter and public safety, and advance firefighting techniques.

(c) USE IN PREPARING STRATEGIC PLAN.—The research agenda prepared under this section shall be used in the preparation of the strategic plan required by section 103.

SEC. 105. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

The Federal Fire Prevention and Control Act of 1974 is amended by adding at the end the following new section:

"SEC. 33. SURPLUS AND EXCESS FEDERAL EQUIPMENT.

''The Administrator shall make publicly available, including through the Internet, information on procedures for acquiring surplus and excess equipment or property that may be useful to State and local fire, emergency, and hazardous material handling service providers.''.

SEC. 106. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

The Federal Fire Prevention and Control Act of 1974, as amended by section 105, is amended by adding at the end the following new section:

"SEC. 34. COOPERATIVE AGREEMENTS WITH FEDERAL FACILITIES.

''The Administrator shall make publicly available, including through the Internet, information on procedures for establishing cooperative agreements between State and local fire and emergency services and Federal facilities in their region relating to the provision of fire and emergency services.''.

SEC. 107. NEED FOR ADDITIONAL TRAINING IN COUNTERTERRORISM.

(a) IN GENERAL.—The Administrator of the United States Fire Administration shall conduct an assessment of the need for additional capabilities for Federal counterterrorism training of emergency response personnel.

(b) CONTENTS OF ASSESSMENT.—The assessment conducted under this section shall include—

(1) a review of the counterterrorism training programs offered by the United States Fire Administration and other Federal agencies;

(2) an estimate of the number and types of emergency response personnel that have, during the period between January 1, 1994, and October 1, 1999, sought training described in paragraph (1), but have been unable to receive that training as a result of the oversubscription of the training capabilities; and

(3) a recommendation on the need to provide additional Federal counterterrorism training centers, including—

(A) an analysis of existing Federal facilities that could be used as counterterrorism training facilities; and

(B) a cost-benefit analysis of the establishment of such counterterrorism training facilities.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prepare and submit to the Congress a report on the results of the assessment conducted under this section.

SEC. 108. WORCESTER POLYTECHNIC INSTITUTE FIRE SAFETY RESEARCH PROGRAM.

From the funds authorized to be appropriated by the amendments made by section 102, $1,000,000 may be expended for the Worcester Polytechnic Institute fire safety research program.

SEC. 109. INTERNET AVAILABILITY OF INFORMATION.

Upon the conclusion of the research under a research grant or award of $50,000 made with funds authorized by this title (or any amendments made by this title), the Administrator of the United States Fire Administration shall make available through the Internet home page of the Administration a brief summary of the results and importance of such research grant or award. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 110. CONFORMING AMENDMENTS AND REPEALS.

(a) 1974 ACT.—

(1) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) by striking subsection (b) of section 10 (15 U.S.C. 2209) and redesignating subsection (c) of that section as subsection (b);

(B) by striking sections 26 and 27 (15 U.S.C. 2222; 2223);

(C) by striking ''(a) The'' in section 24 (15 U.S.C. 2220) and inserting ''The''; and

(D) by striking subsection (b) of section 24.

(2) REFERENCES TO SECRETARY.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended—

(A) in section 4 (15 U.S.C. 2203)—

(i) by inserting ''and'' after the semicolon in paragraph (7);

(ii) by striking paragraph (8); and

(iii) by redesignating paragraph (9) as paragraph (8);

(B) by striking ''Secretary'' and inserting ''Director''—

(i) in section 5(b) (15 U.S.C. 2204(b));

(ii) each place it appears in section 7 (15 U.S.C. 2206);

(iii) the first place it appears in section 11(c) (15 U.S.C. 2210(c));

(iv) in section 15(b)(2), (c), and (f) (15 U.S.C. 2214(b)(2), (c), and (f));

(v) the second place it appears in section 15(e)(1)(A) (15 U.S.C. 2214(e)(1)(A));

(vi) in section 16 (15 U.S.C. 2215);

(vii) the second place it appears in section 19(a) (42 U.S.C. 290a(a));

(viii) both places it appears in section 20 (15 U.S.C. 2217); and

(ix) in section 21(c) (15 U.S.C. 2218(c)); and

(C) in section 15, by striking ''Secretary's'' each place it appears and inserting ''Director's''.

(b) DEPARTMENT OF COMMERCE.—Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended—

(1) by inserting ''and'' after ''Census;'' in paragraph (5);

(2) by striking paragraph (6); and

(3) by redesignating paragraph (7) as paragraph (6).

SEC. 111. NATIONAL FIRE ACADEMY CURRICULUM REVIEW.

(a) IN GENERAL.—The Administrator of the United States Fire Administration, in consultation with the Board of Visitors and representatives of trade and professional associations, State and local firefighting services, and other appropriate entities, shall conduct a review of the courses of instruction available at the National Fire Academy to ensure that they are up-to-date and complement, not duplicate, courses of instruction offered elsewhere. Not later than

180 days after the date of enactment of this Act, the Administrator shall prepare and submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall—

(1) examine and assess the courses of instruction offered by the National Fire Academy;

(2) identify redundant and out-of-date courses of instruction;

(3) examine the current and future impact of information technology on National Fire Academy curricula, methods of instruction, and delivery of services; and

(4) make recommendations for updating the curriculum, methods of instruction, and delivery of services by the National Fire Academy considering current and future needs, State-based curricula, advances in information technologies, and other relevant factors.

SEC. 112. REPEAL OF EXCEPTION TO FIRE SAFETY REQUIREMENT.

(a) REPEAL.—Section 4 of Public Law 103–195 (107 Stat. 2298) is hereby repealed.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 1 year after the date of the enactment of this Act.

SEC. 113. NATIONAL FALLEN FIREFIGHTERS FOUNDATION TECHNICAL CORRECTIONS.

(a) PURPOSES.—Section 151302 of title 36, United States Code, is amended—

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

''(1) primarily—

''(A) to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with the memorial; and

''(B) to, in coordination with the Federal Government and fire services (as that term is defined in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203)), plan, direct, and manage the memorial service referred to in subparagraph (A);'';

(2) by inserting ''and Federal'' in paragraph (2) after ''non-Federal'';

(3) in paragraph (3)—

(A) by striking ''State and local'' and inserting ''Federal, State, and local''; and

(B) by striking ''and'' after the semicolon;

(4) by striking ''firefighters.'' in paragraph (4) and inserting ''firefighters;''; and

(5) by adding at the end the following:

''(5) to provide for a national program to assist families of fallen firefighters and fire departments in dealing with line-of-duty deaths of those firefighters; and

''(6) to promote national, State, and local initiatives to increase public awareness of fire and life safety.''.

(b) BOARD OF DIRECTORS.—Section 151303 of title 36, United States Code, is amended—

(1) by striking subsections (f) and (g) and inserting the following:

''(f) STATUS AND COMPENSATION.—

''(1) Appointment to the board shall not constitute employment by or the holding of an office of the United States.

''(2) Members of the board shall serve without compensation.''; and

(2) by redesignating subsection (h) as subsection (g).

(c) OFFICERS AND EMPLOYEES.—Section 151304 of title 36, United States Code, is amended—

(1) by striking ''not more than 2'' in subsection (a); and

(2) by striking ''are not'' in subsection (b)(1) and inserting ''shall not be considered''.

(d) SUPPORT BY THE ADMINISTRATOR.—Section 151307(a)(1) of title 36, United States Code, is amended—

(1) by striking ''The Administrator'' and inserting ''During the 10-year period beginning on the date of enactment of the Fire Administration Authorization Act of 2000, the Administrator''; and

(2) by striking ''shall'' in subparagraph (B) and inserting ''may''.

TITLE II—EARTHQUAKE HAZARDS REDUCTION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Earthquake Hazards Reduction Authorization Act of 2000''.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 12(a)(7) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)(7)) is amended—

(1) by striking ''and'' after ''1998,''; and

(2) by striking ''1999.'' and inserting ''1999; $19,861,000 for the fiscal year ending September 30, 2001, of which $450,000 is for National Earthquake Hazard Reduction Program-eligible efforts of an established multi-state consortium to reduce the unacceptable threat of earthquake damages in the New Madrid seismic region through efforts to enhance preparedness, response, recovery, and mitigation; $20,705,000 for the fiscal year ending September 30, 2002; and $21,585,000 for the fiscal year ending September 30, 2003.''.

(b) UNITED STATES GEOLOGICAL SURVEY.—Section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)) is amended—

(1) by inserting after ''operated by the Agency.'' the following: ''There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director of the United States Geological Survey, the responsibilities that may be assigned to the Director under this Act $48,360,000 for fiscal year 2001, of which $3,500,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee established under section 210 of the Earthquake Hazards Reduction Authorization Act of 2000; $50,415,000 for fiscal year 2002, of which $3,600,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee; and $52,558,000 for fiscal year 2003, of which $3,700,000 is for the Global Seismic Network and $100,000 is for the Scientific Earthquake Studies Advisory Committee.'';

(2) by striking ''and'' at the end of paragraph (1);

(3) by striking ''1999,'' at the end of paragraph (2) and inserting ''1999;''; and

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

''(3) $9,000,000 of the amount authorized to be appropriated for fiscal year 2001;

''(4) $9,250,000 of the amount authorized to be appropriated for fiscal year 2002; and

''(5) $9,500,000 of the amount authorized to be appropriated for fiscal year 2003,''.

(c) REAL-TIME SEISMIC HAZARD WARNING SYSTEM.—Section 2(a)(7) of the Act entitled ''An Act To authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes'' (111 Stat. 1159; 42 U.S.C. 7704 nt) is amended by striking ''1999.'' and inserting ''1999; $2,600,000 for fiscal year 2001; $2,710,000 for fiscal year 2002; and $2,825,000 for fiscal year 2003.''.

(d) NATIONAL SCIENCE FOUNDATION.—Section 12(c) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(c)) is amended—

(1) by striking ''1998, and'' and inserting ''1998,''; and

(2) by inserting after ''1999.'' the following: ''There are authorized to be appropriated to the National Science Foundation $19,000,000 for engineering research and $11,900,000 for geosciences research for fiscal year 2001; $19,808,000 for engineering research and $12,406,000 for geosciences research for fiscal year 2002; and $20,650,000 for engineering research and $12,933,000 for geosciences research for fiscal year 2003.''.

(e) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 12(d) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(d)) is amended—

(1) by striking ''1998, and''; and inserting ''1998,''; and

(2) by striking ''1999.'' and inserting ''1999, $2,332,000 for fiscal year 2001, $2,431,000 for fiscal year 2002, and $2,534,300 for fiscal year 2003.''.

SEC. 203. REPEALS.

Section 10 and subsections (e) and (f) of section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705d and 7706 (e) and (f)) are repealed.

SEC. 204. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new section:

''SEC. 13. ADVANCED NATIONAL SEISMIC RESEARCH AND MONITORING SYSTEM.

''(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish and operate an Advanced National Seismic Research and Monitoring System. The purpose of such system shall be to organize, modernize, standardize, and stabilize the national, regional, and urban seismic monitoring systems in the United States, including sensors, recorders, and data analysis centers, into a coordinated system that will measure and record the full range of frequencies and amplitudes exhibited by seismic waves, in order to enhance earthquake research and warning capabilities.

''(b) MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of the Earthquake Hazards Reduction Authorization Act of 2000, the Director of the United States Geological Survey shall transmit to the Congress a 5-year management plan for establishing and operating the Advanced National Seismic Research and Monitoring System. The plan shall include annual cost estimates for both modernization and operation, milestones, standards, and performance goals, as well as plans for securing the participation of all existing networks in the Advanced National Seismic Research and Monitoring System and for establishing new, or enhancing existing, partnerships to leverage resources.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) EXPANSION AND MODERNIZATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to establish the Advanced National Seismic Research and Monitoring System—

''(A) $33,500,000 for fiscal year 2002;

''(B) $33,700,000 for fiscal year 2003;

''(C) $35,100,000 for fiscal year 2004;

''(D) $35,000,000 for fiscal year 2005; and

''(E) $33,500,000 for fiscal year 2006.

''(2) OPERATION.—In addition to amounts appropriated under section 12(b), there are authorized to be appropriated to the Secretary of the Interior, to be used by the Director of the United States Geological Survey to operate the Advanced National Seismic Research and Monitoring System—

''(A) $4,500,000 for fiscal year 2002; and

''(B) $10,300,000 for fiscal year 2003.''.

SEC. 205. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

The Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is further amended by adding at the end the following new section:

"SEC. 14. NETWORK FOR EARTHQUAKE ENGINEERING SIMULATION.

''(a) ESTABLISHMENT.—The Director of the National Science Foundation shall establish the George E. Brown, Jr. Network for Earthquake Engineering Simulation that will upgrade, link, and integrate a system of geographically distributed experimental facilities for earthquake engineering testing of full-sized structures and their components and partial-scale physical models. The system shall be integrated through networking software so that integrated models and databases can be used to create model-based simulation, and the components of the system shall be interconnected with a computer network and allow for remote access, information sharing, and collaborative research.

''(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated under section 12(c), there are authorized to be appropriated to the National Science Foundation for the George E. Brown, Jr. Network for Earthquake Engineering Simulation—

''(1) $28,200,000 for fiscal year 2001;

''(2) $24,400,000 for fiscal year 2002;

''(3) $4,500,000 for fiscal year 2003; and

''(4) $17,000,000 for fiscal year 2004.''.

SEC. 206. BUDGET COORDINATION.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704) is amended—

(1) by striking subparagraph (A) of subsection (b)(1) and redesignating subparagraphs (B) through (F) of subsection (b)(1) as subparagraphs (A) through (E), respectively; and

(2) by adding at the end the following new subsection:

''(c) BUDGET COORDINATION.—

''(1) GUIDANCE.—The Agency shall each year provide guidance to the other Program agencies concerning the preparation of requests for appropriations for activities related to the Program, and shall prepare, in conjunction with the other Program agencies, an annual Program budget to be submitted to the Office of Management and Budget.

''(2) REPORTS.—Each Program agency shall include with its annual request for appropriations submitted to the Office of Management and Budget a report that—

''(A) identifies each element of the proposed Program activities of the agency;

''(B) specifies how each of these activities contributes to the Program; and

''(C) states the portion of its request for appropriations allocated to each element of the Program.''.

SEC. 207. REPORT ON AT-RISK POPULATIONS.

Not later than one year after the date of the enactment of this Act, and after a period for public comment, the Director of the Federal Emergency Management Agency shall transmit to the Congress a report describing the elements of the Program that specifically address the needs of at-risk populations, including the elderly, persons with disabilities, non-English-speaking families, single-parent households, and the poor. Such report shall also identify additional actions that could be taken to address those needs and make recommendations for any additional legislative authority required to take such actions.

SEC. 208. PUBLIC ACCESS TO EARTHQUAKE INFORMATION.

Section 5(b)(2)(A)(ii) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(2)(A)(ii)) is amended by inserting '', and development of means of increasing public access to available locality-specific information that may assist the public in preparing for or responding to earthquakes'' after ''and the general public''.

SEC. 209. LIFELINES.

Section 4(6) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7703(6)) is amended by inserting ''and infrastructure'' after ''communication facilities''.

SEC. 210. SCIENTIFIC EARTHQUAKE STUDIES ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the United States Geological Survey shall establish a Scientific Earthquake Studies Advisory Committee.

(b) ORGANIZATION.—The Director shall establish procedures for selection of individuals not employed by the Federal Government who are qualified in the seismic sciences and other appropriate fields and may, pursuant to such procedures, select up to ten individuals, one of whom shall be designated Chairman, to serve on the Advisory Committee. Selection of individuals for the Advisory Committee shall be based solely on established records of distinguished service, and the Director shall ensure that a reasonable cross-section of views and expertise is represented. In selecting individuals to serve on the Advisory Committee, the Director shall seek and give due consideration to recommendations from the National Academy of Sciences, professional societies, and other appropriate organizations.

(c) MEETINGS.—The Advisory Committee shall meet at such times and places as may be designated by the Chairman in consultation with the Director.

(d) DUTIES.—The Advisory Committee shall advise the Director on matters relating to the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program, including the United States Geological Survey's roles, goals, and objectives within that Program, its capabilities and research needs, guidance on achieving major objectives, and establishing and measuring performance goals. The Advisory Committee shall issue an annual report to the Director for submission to Congress on or before September 30 of each year. The report shall describe the Advisory Committee's activities and address policy issues or matters that affect the United States Geological Survey's participation in the National Earthquake Hazards Reduction Program.

Amend the title so as to read as follows: ''An Act to authorize appropriations for the United States Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes.''.

Mr. GRASSLEY. I ask unanimous consent that the Senate agree to the House amendments.

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

LIBRARY OF CONGRESS FISCAL OPERATIONS IMPROVEMENT ACT OF 2000

Mr. GRASSLEY. I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5410, 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. 5410) to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

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

Mr. GRASSLEY. I ask unanimous consent that 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. 5410) was read the third time and passed.

ORDERS FOR WEDNESDAY, NOVEMBER 1, 2000

Mr. GRASSLEY. I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, November 1st. I further ask 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 that the Senate then proceed to a cloture vote on H.R. 2415, the bankruptcy legislation, as under the previous order.

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

Mr. WELLSTONE. Mr. President, I object. We need to have a discussion about this.

The PRESIDING OFFICER. The objection is heard.

Mr. GRASSLEY. I yield 15 minutes, and hopefully less, to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

BANKRUPTCY REFORM

Mr. ENZI. Mr. President, I congratulate the distinguished Senator from Iowa, Mr. GRASSLEY, for all of the work he has done on bankruptcy. He has shown some real leadership and he has pulled a bipartisan group of people together to get this incredibly important work done.

The United States has been saying to other countries that if they were going to get the International Monetary Fund moneys to bail them out, they have to do bankruptcy reform. Guess who are the last ones demanding that other people do bankruptcy reform.

I thank the Senator from Iowa for his efforts on this, the people he has brought into it from both sides of the aisle, and I thank the Senator from Alabama for his incredible record, too.

BUDGET NEGOTIATIONS

Mr. ENZI. Mr. President, I need to address a slightly different issue at this point, to again explain why we are where we are. I began in June with regular speeches about how we were going to wind up in this position: The other side of the aisle was objecting to motions to proceed to appropriations bills and the extended debate we had to have on whether we could debate put the Senate in a situation where we had to do all of our negotiations with the White House, instead of with the House as the Constitution says.

That is exactly what has happened. There has been delay after delay after

delay that has pushed the appropriations process to this point. Yesterday, the President vetoed the Treasury-Postal bill. Through a quote from Congress Daily, we learn a top administration official confirmed Wednesday that the President would sign it; we didn't need to make changes to it.

There is a lot of speculation why this was vetoed. The President said yesterday there was nothing really wrong with the Treasury-Postal bill, but he just didn't think we ought to have that bill signed until we complete the few other remaining bills. He arbitrarily vetoed the bill after a top administration official said the President would sign it and after the Democratic leadership in Congress had agreed to it.

The President keeps moving the goalposts in an attempt to provoke a confrontation with Congress. As a result, it has made negotiations next to impossible. How can you negotiate when the commitments aren't kept, when the rules aren't followed?

One most important to me is the ergonomics amendment. That is an amendment passed in the Senate on a bipartisan vote. The exact same amendment was passed on the House side by a bipartisan vote. Labor-HHS has some monetary items that are different between the two sides but not that amendment. A conference committee was formed and they met. The White House said, we don't like the amendment on ergonomics. Both sides of the conference committee said that is not conferenceable. It was the same on both sides.

Now, because we get in this little bit of a jam and the President gets a little more leverage in his negotiations, we are now at a point where some of the leadership had said, OK, we won't make it a year's delay before more work can be done on OSHA with ergonomics; it will only be until March 1st. In the last minutes, that goalpost was moved again. The President said, no, I want to be able to put it into effect, and they can just take it out of effect if there is a new administration next year.

Let me state how difficult a procedure that would be. It would be next to impossible to remove an absolutely ridiculous rule that is landsliding through this place by an agency out of control, that has known what it wanted to do from the very first day that it wrote the rule. It has done every single thing it can to make sure that rule comes into effect. They don't care who doesn't like it.

Our ergonomics amendment, which delays it one year, is not about whether we should have an ergonomics rule. It is not a prohibition against an ergonomics rule. It is most definitely not a dispute about the importance of safety for American workers. We need to have safety for American workers, but we need to do it the right way.

This amendment was passed in a bipartisan way. It is imperative that Congress insists there be a reasonable amount of time on this rule. The rule was only published a year ago. They are anticipating that maybe they can even squeak by and get this rule finalized before we have agreement on this amendment. That will be quicker than OSHA has done a rule. That would be record time.

They mention this was brought up about 12 or 13 years ago. But there has not been agreement on it since that time. This rule never got published until a year ago. There was no official action on it until a year ago.

Let me state why we ought to be concerned about this rule and why the delay occurred, in a bipartisan way, for a year. People didn't approve of the way OSHA was handling it, the way they were going about it. OSHA paid over 70 contractors a total of $1.75 million to help with the ergonomics rule. They paid 28 contractors $10,000 each to testify at the public rulemaking hearings. They didn't only pay the witnesses to testify; they didn't notify the public, and then they assisted the witnesses with the preparation of their testimony. Then thubj brought them in for practice runs for the hearing. Then they paid them to tear apart the testimony of the opposition. That is not the way we do things around here.

That resulted in people on both sides of the aisle being extremely upset with the way it was handled. The way that OSHA has handled this gives every indication that the way they wrote it is the way it has to be; that they are not going to pay attention to any of the comments or the additional testimony. They think they were right when they wrote it and they will be darned if they are going to change it. That is not how we do rules, particularly ones that cost billions of dollars, without getting the desired effect. That is the purpose of a rule, to get a desired effect. This one will not get the desired effect.

It is interesting to note the Bureau of Labor Statistics says that without the rule, United States employers reduced ergonomic injuries by 29 percent. What do the hearing records show? With the ergonomics rule they would get zero percent the first year and 7 percent the second year. American business is doing better than that without the rule. How are they doing it? Somebody is helping them to figure out what they need to do.

Small business in this country has trouble handling the OSHA rules. They have over 12,000 pages of regulations they have to digest. If you are a small employer, you cannot read 12,000 pages in a year. Any time they get help on knowing what they can do to provide safety in the business, they do it. It is shown time and time again on every kind of injury there is. So we put in the amendment to slow down OSHA a little bit, to make sure they took the necessary time to look at the rule and to get rid of this perception that their first idea was the only idea and the right idea and going to be the final idea. Somehow, they have to work past that perception.

The amendment is a reasonable 1-year delay. It will ensure that OSHA takes the time to evaluate all 7,000 comments it has received and try to resolve the problems with the rule. It also gives Congress the time to perform its appropriate oversight function.

So there is a reason for a delay. Rules in OSHA have been extremely permanent. Any one that has ever passed has had court trials and a number of them have been reversed. But if they make it through the court trial, did you know they have not been revised in the time that OSHA has been around? Do you think technology has changed a little bit? Do you think there is any reason we ought to look at rules that are 29 years old? We probably ought to. Instead, we are rushing into an area here that not only provides a rule without sufficient oversight, but it provides a rule that gets into workers comp. Yes, it gets into workers comp. OSHA's authorizing statute specifically prohibits any right to impose on workers comp, and there is good reason for that. Workers comp has been around a long time. There are precedents that have been developed. They are important precedents.

Here is the biggest problem with it. You can get paid twice for the same injury. And people are going to think: If I can make more by not working than I can working, don't expect me to show up. That is going to cause some major problems for business in this country. It is something that needs to be revised. Again, there is no indication at all it will be revised. And there is another serious problem with OSHA's rule—OSHA is trying to push through the rule without considering the devastating impact of the cost of the rule on hospitals and nursing homes dependent on Medicare. Our hearing showed OSHA's rule, under OSHA's *own* cost estimates, will put these valuable facilities out of business leaving the sick and elderly with nowhere to go. But OSHA doesn't care as long as it gets its rule so Clinton can have his legacy.

So the House folks and the Senate folks—not just the House folks, as has been written up in some of the papers—have been incensed the President is insisting this rule be allowed to go into force but not to be enforced until next year. That is not the way we do it. That is one of the things that is keeping Labor-HHS from being approved now. It should not be the major crux of an appropriations bill, but it is a very important point that we need ensure that any changes made in rules that work on the worker get the proper amount of oversight.

That is all we are asking for, an opportunity to do the proper oversight on

it and to get an indication of some sort from OSHA that they are going to pay attention to any of the 7,000 comments they received.

We are at a point where we need to wrap up this session. We are at a point where we need to get the work done. But that is one item I will stay around here for until next year, if I have to, to be sure we do the job right and not in a hurry. We do not need to rush things.

I thank the Senator from Iowa, and I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

ORDERS FOR WEDNESDAY, NOVEMBER 1, 2000

Mr. GRASSLEY. Mr. President, for the leader, I have a unanimous consent request.

I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 a.m. on Wednesday, November 1. 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 a cloture vote on H.R. 2415, the bankruptcy legislation, as under the previous order.

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

Mr. GRASSLEY. Further, I ask unanimous consent that the Senate stand in recess from the hour of 12:30 to 2:15 p.m. for the weekly policy conference meetings.

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

PROGRAM

Mr. GRASSLEY. For the information of all Senators, the Senate will convene tomorrow at 9:30 a.m. A cloture vote on the bankruptcy bill is scheduled to occur immediately following the prayer and opening statement. Following the vote, under rule XXII, the Senate will begin 30 hours of postcloture debate on the bankruptcy bill. The Senate will recess for the weekly party conferences from 12:30 to 2:15 p.m. Senators can expect a vote on a continuing resolution late tomorrow afternoon and will be notified as to when that vote is scheduled.

ORDER FOR RECESS

Mr. GRASSLEY. If there is no further business to come before the Senate, I now ask the Senate stand in recess under the previous order, following the remarks of myself and Senator SESSIONS.

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

BANKRUPTCY

Mr. GRASSLEY. We have had a good discussion on the bankruptcy bill. We will have further discussion postcloture. I think we have a good product. This conference report is basically the Senate-passed bankruptcy bill with certain minimal changes made to accommodate the House of Representatives. The means test retains the essential flexibility that we passed in the Senate. The new consumer protections sponsored by Senator REED of Rhode Island relating to reaffirmation is in our conference report before the Senate. The credit card disclosure sponsored by Senator TORRICELLI is also in this final conference report. We also maintain Senator LEAHY's special protections for victims of domestic violence and Senator FEINGOLD's special protections for expenses associated with caring for nondependent family members.

I think it is pretty clear that on the consumer bankruptcy side, we maintain the Senate's position. Anybody who says otherwise has not read the conference report.

It is also important to realize how much of an improvement this legislation is for child support claims. The organizations that specialize in tracking down deadbeat fathers think this bill will be a tremendous help in collecting child support.

I have a letter I am going to ask to have printed in the RECORD from Mr. Philip Strauss of the Family Support Bureau of the San Francisco district attorney's office. Mr. Strauss notes that professional organizations of people who actually collect child support

> . . . have endorsed the child support provisions of the Bankruptcy Reform Act as crucially needed modifications of the Bankruptcy Code, which will significantly improve the collection of support during bankruptcy.

There you have it. According to people in the front lines, the bankruptcy bill is good for collecting child support. So I say to my colleagues, if you have concerns about child support, look at this letter.

I ask unanimous consent to have it printed in the RECORD.

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

DISTRICT ATTORNEY FAMILY SUPPORT BUREAU,
San Francisco, CA, September 14, 1999.

Re S. 625 [Bankruptcy Reform Act].

DEAR SENATORS: I am writing this letter in response to the July 14, 1999 letter prepared by the National Women's Law Center. That letter asserts in conclusory terms that the Bankruptcy Reform Act would put women and children support creditors at greater risk than they are under current bankruptcy law. The letter ends with the endorsement of numerous women's organizations.

I have been engaged in the profession of collecting child support for the past 27 years in the Office of the District Attorney of San Francisco, Family Support Bureau. I have practiced and taught bankruptcy law for the past ten years. I participated in the drafting of the child support provisions in the House version of bankruptcy reform and testified on those provisions before the House Subcommittee on Commercial and Administrative Law this year.

I believe it is important to point out that none of the organizations opposing this legislation which are listed in the July 14th letter actually engages in the collection of support. On the other hand, the largest professional organizations which perform this function have endorsed the child support provisions of the Bankruptcy Reform Act as crucially needed modifications of the Bankruptcy Code which will significantly improve the collection of support during bankruptcy. These organizations include:

1. The National Child Support Enforcement Association.
2. The National District Attorneys Association.
3. The National Association of Attorneys General.
4. The Western Interstate Child Support Enforcement Council.

The thrust of the criticism made by the National Women's Law Center is that by not discharging certain debts owed to credit and finance companies, the institutions would be in competition with women and children for scarce resources of the debtor and that the bill fails ''to insure that support payments will come first.'' They say that the ''bill does not ensure that, in this intensified competition for the debtor's limited resources, parents and children owed support will prevail over the sophisticated collection departments of these powerful interests.''

With all due respect, nothing could be further from the truth. While the argument is superficially plausible, it ignores the reality of the mechanisms actually available for collection of domestic support obligations in contrast with those available for non-support debts.

Absent the filing of the bankruptcy case, no professional support collector considers the existence of a debt to a financial institution as posing a significant obstacle to the collection of the support debt. The reason is simple: the tools available to collect support debts outside of the bankruptcy process are vastly superior to those available to financial institutions and, in the majority of cases, take priority over the collection of non-support debts.

More than half of all child support is collected by earnings withholding. Under federal law such procedures have priority over any other garnishments of the debtor's salary or wages and can take as much as 65% of such salary or wages. By contrast the Consumer Credit Act prevents non-support creditors from enforcing their debts by garnishing more that twenty-five percent of the debtor's salary.

In addition, there are many other techniques that are only made available to support creditors and not to those ''sophisticated collection departments of . . . [those] powerful interests:'' These include:

1. Interception of state and federal tax refunds to pay child support arrears.
2. Garnishment or interception of Workers' Compensation or Unemployment Insurance Benefits.
3. Free or low cost collection services provided by the government.
4. Use of interstate processes to collect support arrearage, including interstate earnings withholding orders and interstate real estate support liens.

5. License revocation for support delinquents.

6. Criminal prosecution and contempt procedures for failing to pay support debts.

7. Federal prosecution for nonpayment of support and federal collection of support debts.

8. Denial of passports to support debtors.

9. Automatic treatment of support debts as judgments which are collectible under state judgment laws, including garnishment, execution, and real and personal property liens.

10. Collection of support debts from exempt assets.

11. The right of support creditors or their representatives to appear in any bankruptcy court without the payment of filing fees or the requirements of formal admission.

While the above list is not exhaustive, it is illustrative of the numerous advantages given to support creditors over other creditors. And while all of these advantages may not ultimately guarantee that support will be collected, they profoundly undermine the assumption of the National Women's Law Center that the mere existence of financial institution debt will somehow put support creditors at a disadvantage. To put it otherwise, support may sometimes be difficult to collect, but collection of support debt does not become more difficult simply because financial institutions also seek to collect their debts.

The National Women's Law Center analysis includes without specification that the support ''provisions fail to insure that support payments will come first, ahead of the increased claims of the commercial creditors.'' Professional support collectors, on the other hand, have no trouble in understanding how this bill will enhance the collection of support ahead of the increased claims of commercial creditors. To them, such creditors are irrelevant outside the bankruptcy process. And in light of the treatment of domestic support obligations as priority claims under current law and the enhanced priority treatment of such claims in the proposed legislation, this objection seems particularly unfounded.

Where support creditors are indeed at a disadvantage under current law is during the bankruptcy of a support debtor. Under existing bankruptcy law support creditors frequently have to hire attorneys to enforce support obligations during bankruptcy or attempt the treacherous task of maneuvering through the complexities of bankruptcy process themselves. Attorneys working in the federal child support program—indeed, even experienced family law attorneys—may find bankruptcy courts and procedures so unfamiliar that they are ineffective in ensuring that the debtor pays all support when due. Ideally, procedures for the enforcement of support during bankruptcy should be self-executing and uninterrupted by the bankruptcy process. The pending bankruptcy reform legislation goes far in this direction. To suggest that women and children support creditors are not vastly aided by this bill is to ignore the specifics of the legislation.

In the first place support claims are given the highest priority. Commercial debts do not have any statutory priority. Thus when there is competition between commercial and support creditors, support creditors will be paid first. And, unlike commercial creditors, support creditors must be paid in full when the debtor files a case under chapter 12 or 13. Unlike payments to commercial creditors, the trustee cannot recover as preferential transfers support payments made during the ninety days preceding the filing of the bankruptcy petition, and liens securing support may not be avoided as they may be with commercial judgment liens. Unlike commercial creditors, support creditors may collect their debts through interception of income tax refunds, license revocations, and adverse credit reporting, all—under this bill—without the need to seek relief from the automatic bankruptcy stay.

In addition, support creditors will benefit—again, unlike commercial creditors—from chapter 12 and 13 plans which must provide for full payment of on-going support and unassigned support arrears. Further benefits to support creditors which are not available to commercial creditors is the security in knowing that chapter 12 and 13 debtors will not be able to discharge other debts unless all postpetion support and prepetition unassigned arrears have been paid in full.

Finally, and most importantly, support creditors will receive—even during bankruptcy—current support and unassigned arrearage payments through the federally mandated earnings withholding procedures without the usual interruption caused by the filing of a bankruptcy case. Like many other provisions of the bill, this provision is self-executing, the bankruptcy proceeding will not affect this collection process. Frankly, and contrary to the assertions of the National Women's Law Center, it is difficult to conceive how this bill could better insure that ''support payments will come first, ahead of the increased claims of the commercial creditors.''

The National Women's Law Center states that some improvements were made in the Senate Judiciary Committee. This organization may wish to think twice about that conclusion. What the Senate amendments did was to distinguish in some cases between support arrears that are assigned (to the government) and those that are unassigned (owned directly to the parent). The NWLC might have a point if assigned arrears were strictly government property and provided no benefit to women and children creditors. However, upon a closer look, arrears assigned to the government may greatly inure to the benefit of such creditors.

In the first place the entire federal child support program was created to recover support which should have been paid by absent parents, but was not. Such recovered funds became and remain a source of funding to pay public assistance benefits, especially by the states which contribute about one half of the costs of such benefits.

More directly significant, however, is the fact that under the welfare legislation of 1996 (the Personal Responsibility and Work Opportunity Reconciliation Act) support arrearage assigned to the government and not collected during the period aid is paid reverts to the custodial parent when aid ceases. This scenario will become increasingly common in the very near future as the five year lifetime right to public assistance ends for individual custodial parents. In such cases this parent will face the double whammy of being disqualified from receiving the caretaker share of public assistance and—because of the Senate amendments—not receiving arrears or intercepted tax refunds because they were assigned at the time the debtor filed for bankruptcy protection.

In addition, prior to the Senate Judiciary Committee amendments a debtor could not obtain confirmation of a plan if he were not current in making all postpetition support payments. The advantage of this scheme was that it was self-executing. Under the Senate amendments a debtor may obtain confirmation even when he is not paying his on-going support obligation. He is only required to provide for such payments in his plan. In such cases it will then be the burden of the support creditor to bring a bankruptcy proceeding to dismiss the case if the debtor stops paying. While this procedure is a welcome addition to the arsenal of remedies available to support creditors, it should not have supplanted the self-executing remedy which required the debtor to certify he was current in postpetition support payments before the court could confirm the plan.

While the Senate version of bankruptcy reform should certainly be amended to restore the advantages of the earlier draft, it does, even in its present form, provide crucial improvements in the protections and advantages afforded spousal and child support creditors over other creditors during the bankruptcy process. These improvements will ease the plight of all support creditors—men, women, and children—whose well-being and prosperity may be wholly or partially dependent on the full and timely payment of support. Congress has created the federal child support program within title IV–D of the Social Security Act. It is the opinion of those whose job it is to carry out this program that the Bankruptcy Reform Act provides the long overdue assistance needed for success in collecting money during bankruptcy for child and spousal support creditors.

Most of the concerns raised by the groups opposing the bill do not, in fact, center on the language of the domestic support provisions themselves. Instead they are based on vague generalized statements that the bill hurts debtors, or the women and children living with debtors, or the ex-wives and children who depend on the debtor for support. It is difficult to respond point by point to such claims when they provide no specifics, but they appear to fall into two categories.

The first suggests that the reform legislation will result in leaving debtors with greater debt after bankruptcy which will ''compete'' with the claims of former spouses and children. As discussed above there is little likelihood that such competition would adversely affect the collection of support debts. In any event the bill does little to change the number or types of nondischargeable debt held by commercial lenders. it will slightly expand the presumption of nondischargeability for luxury goods charged during the immediate pre-bankruptcy period and will make debt incurred to pay a nondischargeable debt also nondischargeable. It is doubtful that either provision will, in reality, have much effect on the vast majority of ''poor but honest'' debtors who do not use bankruptcy as a financial planning mechanism or run up debts immediately before filing for bankruptcy in anticipation of discharging those obligations.

The second contention is presumably directed at a number of provisions in the bill that are designed to eliminate perceived abuses by debtors in the current system. The primary brunt of this attack is borne by the so-called ''means testing'' or ''needs based bankruptcy'' provisions which would amend the current language of Section 707(b). Most of the opposition appears to stem from the notion that means testing would be a wholly novel proposition. Such a conclusion is plainly incorrect. Virtually every court that has ever considered the issue holds that Section 707(b) already includes a means test or, more accurately, a hundred or a thousand means tests, one for each judge who considers the issue. The current Code language

sets no standards or guidelines for applying this test, thus leaving the outcome of a motion subject to the unstructured discretion of each bankruptcy judge. The proposed bankruptcy reform legislation attempts to prescribe one test that all courts must apply.

The precise terms of that standard have been under constant revision since the bankruptcy reform bills were introduced last year, and undoubtedly they will continue to be fine-tuned to ensure that they strike a balance between preventing abuse and becoming unduly expensive and burdensome. But mere opposition to any change in the present law, and vague claims that any and all attempts to address such existing abuses as serial filings are oppressive and will harm women and children, does nothing to advance the dialogue. And worse, the critics appear content to sacrifice the palpable advantages which this legislation would provide to support creditors during the bankruptcy process for defeat of this legislation based on vague and unarticulated fears that women will be unfairly disadvantaged as bankruptcy debtors. In more ways than one the critics would favor throwing out the baby with the bath water. No one who has a genuine interest in the collection of support should permit such inexplicit and speculative fears to supplant the specific and considerable advantages which this reform legislation provides to those in need of support.

Yours very truly,

PHILIP L. STRAUSS,
Assistant District Attorney.

Mr. GRASSLEY. Mr. President, listen to the people who actually know how it is in the trenches collecting child support. Don't listen to inside-Washington special interests. Don't listen to academics who have no real world knowledge on this subject.

I would add a word about cracking down on the very wealthy individuals who abuse the bankruptcy system. If you listened to the Senator from Minnesota last night, you might have had the impression that the Homestead exemption is a giant loophole that this bill does not deal with. We have had the General Accounting Office look at the question of how frequently the Homestead exemption is abused by wealthy people in bankruptcy. The General Accounting Office found that less than 1 percent of bankruptcy filings in States where there are unlimited Homestead exemptions involving homesteads of over $100,000. That means 99 percent of bankruptcy filings were not abusive. So this is not a loophole. We might say it is a little tiny pinhole.

But there is a real problem with very wealthy people filing for bankruptcy under chapter 11, which is the chapter of the bankruptcy code normally left for corporations. Because chapter 11 is not designed for individuals, there are numerous loopholes that allow the wealthy to live high on the hog while paying nothing to their creditors. This bill before the Senate fixes this very major problem so these wealthy people will know they are no longer going to get off scot-free.

This bill combats abuse wherever we find it. The Homestead exemption is capped at $500,000 for homes purchased within 2 years prior to the declaration of bankruptcy. The chapter 11 loophole is closed. This is what real reform is all about.

In sum, in this conference report we preserve the proconsumer amendment adopted in the Senate. We crack down hard on abuses by the wealthy. We help child support claimants in a very major way. This bill is good for the American consumer.

I yield the floor.

The PRESIDING OFFICER. Under the previous agreement, the Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator GRASSLEY for his tremendous leadership on this bill. As he has said so plainly and effectively, that anyone who is concerned about consumer problems, debtors, fraud and abuse, and who does not believe this bill is an improvement over current law, has not read the bill.

I am going to talk about some of those things. This bill makes progress in virtually every area over current law. Senator GRASSLEY has patiently, for over 3 years, gone through hearings in the Judiciary Committee, on which I have been honored to serve, in his subcommittee, on the floor of this Senate, in conferences, committees, and meetings trying to eliminate every possible objection anyone could have to this bill.

When we get to this point after having tremendous votes—over 90 votes, one time 97–1 we passed this legislation—and we still have not made it law because a few dedicated people are threatening to hold it up and the President has indicated he may veto this bill that makes real progress in protecting consumers and fair and just legal dispute resolution.

Bankruptcy law is operative in Federal court. It is presided over by a Federal bankruptcy judge, not an Article III judge that presides over Federal district court, but a Federal judge nevertheless. All the laws used in this court, unless the Federal law says otherwise, are federal.

There was a Bankruptcy Reform Act passed by Congress in 1978. We have had no significant reforms since then. During the time since 1980, just 2 short years after the passage of that act, there were 330,000 bankruptcy filings. In 1998, there were 1.4 million bankruptcy filings—a 423-percent increase during a time of unprecedented economic growth and prosperity.

What is happening? Certainly it is time for us, as good stewards of American legal policy, to take a minute to find out what is happening in bankruptcy court, to see what the abuses are and what loopholes clever lawyers are now using—to see if we can't improve it and make it fairer and better for all concerned. We absolutely can do that. That is why this legislation, essentially as it is today, has repeatedly passed the House and the Senate with overwhelming majorities. It passed the Judiciary Committee 15–3 and 16–2. That is why it ought to pass today.

It is absolutely stunning to me that we are at a point where this bill may not pass because of the misinformation and politics that is happening here. There are now 3,474 bankruptcy filings per day. This chart shows the increase in filings subsequent to the Bankruptcy Reform Act of 1978. It shows a tremendous increase. We are not making up these numbers. There are a lot of reasons for it.

Actually, what has happened is that a cottage industry has sprung up. Turn on your TV, turn on your cable channels, look in your newspapers. You will see the ads: ''Lawyers: Wipe out your debts. Got problems paying your debts? Call old Joe the attorney, he will take care of you. He will save you rent. You can get out of paying rent.'' All of a sudden people are doing that.

In fact, here is an ad in one paper—and I am going to talk about it a little later—''7 months free rent,'' just call your old buddy the bankruptcy lawyer. ''We guarantee you can stay in your apartment or house 2 to 7 months more''—that means more than you would get under eviction rules of the State which protect tenants from being evicted unfairly—''more without paying a penny. Find out how. We can stop the sheriff or the marshal.'' Call old John your bankruptcy lawyer. This bill ends a host of abuses. It will greatly benefit women and children in their child support and alimony, and those facts cannot be denied.

Let me talk about some of the complaints we have heard first. They say this is a procedural unfairness; that this is a bizarre way we have done this, unprecedented, and unfair. We have had this bill up and about for 3 years. It has been debated in so many different ways. It is now part of the embassy security bill which is not at all unusual for one piece of legislation to be made a part of another piece of legislation as it passes through the Senate.

The Senate rules allow for that to happen and for it to come forward as a conference bill if the House has voted on it. The House has voted on it and voted in favor of this bill. The House acted on October 12. It is perfectly proper for it to be in the form it is.

There have been statements made that we have not had a chance to amend or that we have not had full discussion. There has been constant discussion. There has been agreement time and again to amend it. Senator KOHL, a member of the Democratic Party who worked hard on this bill, and I battled to improve the homestead law. We did not get all we wanted, but we made substantial progress. The homestead law in this legislation is

significantly more fair than the unlimited homestead in current law, and if we do not pass the bill, current law will remain in effect, and the homestead abuses will continue unchecked; whereas, this bill eliminates the most serious homestead law abuses.

That cannot be denied. I do not understand. We are almost in 1984 land. Is it perfect? Is it the enemy of the good? Yes, I would have liked to have made more progress. I debated it on this floor. I argued for reform. A number of States have laws that would be overridden by changes I would like to see, and they fought tenaciously to hold on to their own laws. We had to make some compromises to move this bill forward, though, and I think we have made substantial progress. If anybody is concerned about the homestead law, why in the world would they vote to keep an old bill and not pass this new bill which improves the homestead provisions. Senator BIDEN, a member of the Judiciary Committee who was intimately involved in this bankruptcy law, was the ranking member of this conference committee. He voted to bring the bill out to this floor in the form we are in today.

Senator KENNEDY raised an odd objection. He claims he is worried about poor people, but he wanted to put in language that would allow pensioners who had millions of dollars in their pension accounts—no matter how much they had in there—to keep that money and to not have to pay the guy who put the roof on their house when they filed for bankruptcy. They could file for bankruptcy and keep everything in their pension account, even if it was millions of dollars.

Senator GRASSLEY and I thought that was an unfair advantage to the rich. We wanted to cap the amount of money that could be kept in a pension account. If you had a reasonable amount, $1 million, $750,000, whatever the amount would be, we tried to contain it at a reasonable amount. Why should a person keep $2 million in a pension account and not pay his doctor, not pay the local hospital, not pay the man who fixed his roof, not pay the guy who repaired his car or his brother-in-law who loaned him money? Why should that happen? That is not fair, but that is what Senator KENNEDY wanted. He pushed for it and, as a compromise—in fact, it does not happen that often—we agreed to concede to that. To say that we were not making changes at the last minute is really strange.

Senator SCHUMER is going to vote against the bill if it does not have his abortion clinic language in it; when, in fact, it does not have abortion clinic language in it now. And he is not going to get it in there because it is an unfair targeting of one group of wrongdoers. He will not agree to have broad-based language, as I would support, and others will. So everybody is losing. The perfect becomes the enemy of the good.

Let me mention this. In the 105th Congress, 2 years ago, the House passed this bill 306–118. It passed the Senate September 23, 1998, 97–1. In the 106th Congress, in May, the House voted 313–108 to pass this bill—an even higher vote. In the Senate, we voted in February of this year, 83–14, to pass this bill.

It has broad bipartisan support. It is a tremendous step forward. Why in the world we are having the difficulties we are in having to overcome a filibuster remains difficult for me to understand.

I want to talk a little bit about the homestead situation.

The Federal bankruptcy law says, with regard to how much money you can protect as your homestead will be determined by State law.

In Alabama, the State says you cannot keep more than $5,000 in your homestead. If you have more than $5,000 equity in your house, you need to go refinance it and use that money to pay the people the debts that you owe them. Why should you keep it and not pay your debt if you have this money?

In Texas, they say you can have an unlimited homestead exemption; also in Florida, Kansas, and several other States there is an unlimited homestead exemption. They did not want to give that up. I think it is an abuse.

We have an example of people leaving New York to go to Florida and buying a multimillion-dollar mansion on the beach, pumping all their assets into it, holding off creditors for a few months, and then filing bankruptcy, wiping out what they owe to everybody; and they are free to sell their million-dollar mansion and use the million dollars to live high and carefree for the rest of their days. That is not right.

So we dealt with that. It was not easy. We had a lot of people here who did not want to change that privilege of a State to set that homestead exemption.

In Alabama, you can, for example, move from Mobile to Pensacola, FL—50 miles away—put all your money in a multimillion-dollar house on the beach and defeat your creditors. That is not right, either. So we tried to do better. We came up with language that would stop that. Senator KOHL and I debated it right here.

This legislation provides for a 7-year look-back. If you can prove that a person moved to a State to gain preferential homestead treatment, and he moved assets into a house in order to file bankruptcy and defeat creditors, and if that happened within 7 years, you could set that aside. That is a big step forward—a big step to attack the most blatant fraud that occurs in this area. This provision is in the legislation.

By passing this legislation, we can stop this abuse right now. If we do not pass the legislation, we will be allowing this abuse to continue.

Let me talk about another very real problem, a loophole, a source of abuse that is causing problems and is very common.

People are using Federal bankruptcy laws to hold over on expired leases. That is a lease whose term is 1 year, and they are already beyond that 1 year. They have not paid their rent. It has been terminated, without the debtor paying rent, just like this ad refers to.

The sheriff of Los Angeles County has really spoken out aggressively on this. He said: ''3,886 people filed bankruptcy in Los Angeles County in 1996 alone in order to prevent the execution of valid, court-issued eviction notices.''

As this ad says: ''We can stop the sheriff and the marshal and get you more time.'' You do not have to pay your rent. You do not have to pay maybe the lady who has two duplexes and it is her retirement income. You do not have to pay that. You can rip her off for 7 months. Just listen to us.

How does it happen? It does happen. Judge Zurzolo, in In re Smith, a Federal bankruptcy judge in Los Angeles, wrote this:

> . . . the bankruptcy courts in the Central District of California are flooded with Chapter 7 and Chapter 13 cases filed solely for the purpose of delaying unlawful detainer evictions. Inevitably and swiftly following the filing of these bankruptcy cases is the filing of motions for relief of the Stay by landlords who are temporarily thwarted in this abuse of the bankruptcy court system.

In other words, what happens? They file bankruptcy. The landlord is seeking to evict them. They file a motion in the bankruptcy court to stay the landlord from proceeding with his eviction until the bankruptcy case is completed. Then the landlord has to go and hire a lawyer to file a motion to say that this isn't a valid use of the stay. A stay only protects you in an asset. If your lease has expired, it is not an asset. If it is not an asset, the court cannot protect it. It is the landlord's; it is not the tenant's, if the lease has expired.

So what happens? Mr. President, 3,886 of those were filed, according to the sheriff, simply for that purpose—to get this unfair extension of time without paying rent.

How we have a law in this country that promotes and allows this kind of abuse is beyond me.

The truth is when the landlord files these motions, he always wins because the lease has expired or it has been legally terminated, and as such the tenant does not have any property. He does not have an interest to be protected. It is the landlord's property, not the tenant's. It costs the landlord a lot of money; and a lot of months and weeks go by while he waits to be returned to rightful possession. The current law is abusive to these law-abiding landlords. We can help them—we can improve on current law—and we should. This bill provides that help.

It also allows, of course, all the State protections for eviction that every State provides.

California provides a lot before you can be evicted from an apartment or house. As the judge says: Contrary to the false representations made by these ''bankruptcy mills''—he is talking about this cottage industry of lawyers and advertisers who run this stuff—despite their representations, the debtor/tenants usually only obtain a brief respite from the consummation of the unlawful detainer convictions, after having paid hundreds of dollars to the lawyers. That is what the judge said.

There are 50,000 bankruptcies a year filed in the Central District of California. The judge says:

> The mountain of paperwork that accompanies the thousands of abusive ''unlawful detainer'' case filings places an unnecessary burden on our already overworked and under-compensated clerk's office. Of course this mountain of paperwork flows from our clerk's office to the chambers of our judges when landlords file their relief from Stay motions. Because of the increased workload caused by these blatantly abusive unlawful detainer case filings, our court has had to establish special procedures dismissing these cases as quickly as possible so that the court's dockets and the clerk's files will not become more choked with paperwork than they already are.

I am not saying this. This is a Federal judge saying this, who deals with these cases every day. I am quoting:

> These relief from stay motions are rarely contested and never lost as long as the moving party provides adequate notice of the motion and competent evidence to establish a prima facie case.

Well, how did this arise? How could such happen? Bankruptcy provides for an automatic stay. If someone is suing you and you file bankruptcy, you don't have to go to court and defend all those cases where you have not been able to pay your debts on time and a bunch of people sue you. If you go into bankruptcy, everything stops. You have only to answer to the bankruptcy judge who sorts out all these legal problems and tells you whom to pay and how much to pay. An expired lease does not constitute an asset of a bankruptcy estate, as the courts have plainly held. That is what this language says, and it will stop this abuse from continuing unchecked and spreading around the rest of the country as more and more of these bankruptcy mills are created.

It is expensive for the landlord to do this. He has to hire an attorney. Weeks go by. Maybe the lease was up. Maybe the mother wanted to turn the apartment over to her daughter to live in and the lease was up in January. She starts trying to get the person out, and come March or April or May or June, the person is still there. She has had to file for eviction. Then they get a lawyer who stays it for all this kind of time and really costs individuals a lot of money. There are 7, 8, 9 months without rent being paid and all the while the attorney's fees are adding up. This scenario is a real problem that this legislation fixes.

What about women and children? There have been suggestions that somehow women and children are disadvantaged under this legislation. Nothing could be further from the truth.

Priority payment: Under current Federal law, child support and alimony payments are seventh in the list of priority debts that must be paid off in a bankruptcy proceeding. Incidentally, what do you think is No. 1? Attorney's fees. In this bankruptcy business and industry, who has been roundly critical of this legislation and who has lobbied their buddies around this Senate telling them this is such a bad piece of legislation? Who is going to have to change their ways? The lawyers. They don't get No. 1 priority over child support any longer, under this bill, and that makes them nervous.

What do I mean by No. 1? Often people who file bankruptcy do have certain assets. Those assets are brought into the bankruptcy estate and added up. Let's say there is $5,000 of assets and $50,000 worth of debts. The bankruptcy judge starts paying off. Under the old law, the current law today, if the bankruptcy attorney's fee is $5,000, he gets it all. He has to go down six different steps, paying off six different groups of creditors, before he gets to child support and alimony. We say, if there is $5,000 in the estate and there is child support money owed, the child support money gets paid first out of that, and alimony.

How anyone can say that that is unfair to women and children is beyond me. It is beyond comprehension. Those who say that are not right. This is historic change to the benefit of women and children. Nobody can dispute what I have just said about that. It is plain fact. Let me say some other things it does.

This legislation requires that a parent who is filing bankruptcy—let's say a father, deadbeat dad, files for bankruptcy—must fulfill past due and current child support before he can get discharged from bankruptcy. The court is going to monitor him to make sure he is paying his child support. If he is not paying his child support, the court will not give the final discharge that wipes out his debts. He has to take care of his children first.

It also will ensure that custodial parents, the parents who have the custody of the children, get effective and timely assistance from child support agencies. It requires the bankruptcy trustee or administrator—that is, this new law we are proposing and asking to be passed—to notify both the parent and the State child support collection agency when the debtor owing child support or alimony files for bankruptcy. In other words, a mother may not know that her ex-husband or the father of her child who lives in a distant State is even filing bankruptcy. What this says is, the mother has to be told; not only that, the State collection agency which is helping mothers collect the money has to be told so that they can intervene and make sure the child is protected.

It will provide timely and valuable information to parents to help collect child support.

Jonathon Burris of the California Family Support Council, a group that tries to protect mothers and children, wrote in an open letter to Congress that the provisions in this bill are ''a veritable wish list of provisions which substantially enhance our efforts to enforce support debts when a debtor has other creditors''—and they always have other creditors—''who are also seeking participation in the distribution of the assets of a debtor's bankruptcy estate.''

Phillip Strauss of the District Attorney Family Support Bureau wrote the Judiciary Committee. I was Attorney General of Alabama. I was involved in this. States have district attorneys associations. They can intervene on behalf of women and children to make sure child support is being paid and that the money is being collected. That is what he does full time.

He recently wrote the Judiciary Committee. This is a man whose business full-time is collecting money for children. He wrote our committee to express his unqualified support for this bill.

Mr. Strauss notes that he has been in the business of collecting child support for 27 years. He knows what he is talking about. He also notes that the National Child Support Enforcement Association, a national group of which he is a part, and the National District Attorneys Association and the Western Interstate Child Support Enforcement Council agree with him and support this legislation.

There has been this big talk about how this harms families. Let me describe an amendment I added that I think would be of tremendous benefit.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute.

Mr. SESSIONS. Mr. President, I ask unanimous consent for an additional 7 minutes.

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

Mr. SESSIONS. One of the things I have learned is that within every community in America there are agencies called credit counseling agencies. They sit down with families who have debt problems. They sit around a table. They even get the children in. They talk about what the income is, how much the debts are, how much current living expenses are. They help them establish a budget.

Some of them will even receive the money and pay the current debts regularly. They call up the banks and credit card companies and other people and ask for modifications of the payment schedule, a reduction in interest rates, and that sort of thing. They are very successful. They help families get mental health counseling if that is needed. They help families get treatment for gambling problems or drinking problems or drug problems. They help families—not like these mills, these bankruptcy mills, where people respond to an ad, a lawyer says they need so much money, and they say: I don't have this much money. The lawyer says to them—I am not exaggerating here—Use your credit card. Put all your bills on the credit card. Bring me your paycheck and pay me my fee. Don't pay anything else. Then we will file bankruptcy, and we will wipe out all those debts. So they get that.

They have a little clerk or a secretary or a paralegal who fills out the bankruptcy form. He doesn't see him again until they come to court. He shows up. They present their petition, and eventually the debts are wiped out. And they don't know the names hardly of the people with whom they are dealing. They have no concern or empathy to really deal with the problems in that family. And we also know, from statistics, that the largest cause of marital breakup in America is financial problems. We need to do better about that.

So I offered an amendment that has been accepted, and everybody seems to be pleased with it—except some of the lawyers—and that is to say that every person, before filing bankruptcy ought to talk with a credit counseling agency to see if what they offer might be better than going through bankruptcy—no obligation, just talk to them.

I think a lot of people are going to find that they have other choices than just going to bankruptcy court. Some people need bankruptcy. We are not trying to stop bankruptcy. Some people need it to start over again—but not everybody. A lot of people can work their way through it with the help of a good credit counseling agency. I think this is a tremendous step forward. I am very excited about it, and I believe it will offer a lot of help to people struggling with their budgets today.

Now we have had a most curious development. We have had Senators for the last 2 years come down on this floor and go forward with the most vigorous attacks on credit card companies. Do you know what it is they say they do wrong? They say they write people letters and offer them credit cards. They say this is some sort of an abuse, some sort of preying on the poor, to offer people credit cards.

I am telling you, we have laws that this Congress has passed—banking laws and other rules—that say you can't deny credit to poor people unless you have a serious, objective reason to do so. Why in the world would we want to pass a law that would keep MasterCard, Visa, or American Express from writing somebody and saying: If you take my credit card, your interest rate will be such and such, and you can have 6 months at 3 percent interest—or whatever they offer—and if you want to change from the one you have, we have a better deal?

What is wrong with that? We often have competition. Interest rates, in my opinion, for credit cards are too high. I am too frugal to have much money run up on my credit card if I can avoid it. I don't like paying 18 or 20 percent interest. What is wrong with offering people an opportunity to choose a different credit card? If these companies were refusing poor people and would not send them notices of the opportunities to sign up, I suppose we would be beating them up and saying they are unfair to poor people or they are redlining them and cutting them off. I wanted to say that. To me, that is sort of bizarre.

Second, this is a bankruptcy court reform bill. We are here to deal with the process of what happens when a person files for bankruptcy. We are not here to reform banking laws and credit card laws that are within the jurisdiction of the Banking Committee. That committee considers that. It is really not a bankruptcy court problem, fundamentally.

But what have we done in order to get support for this bill and answer questions? We made a number of consumer-friendly amendments in this bill to satisfy those who have complained. Of course, as soon as you give them something, they are not happy, and they say you are defending the evil credit card companies; that is all you are doing, they say.

I am trying to create a rational way for people who can't pay their debts to go to court and wipe out their debts, but not rip off people whom they can pay because they have the money to pay. So we have a minimal credit warning, a toll-free number so debtors can find out information about their records. That will be required of credit card companies.

There are a lot of good things here that are not in current law. So to not pass this bill will eliminate the steps we have made to put more limits and controls on credit card companies. Without a doubt, that is true. They might like to have a whole rewrite of credit card law in the bankruptcy bill, but that would be inappropriate. I think we have made steps in the right direction and we should continue in that direction.

As Senator GRASSLEY noted, there are terrific benefits for farmers under chapter 12. Chapter 12 provisions give additional benefits to farmers who file bankruptcy, and it expires this year. By not passing this bill, we are going to throw away the added protections that farmers have. How is that helping poor people and consumers? How does it help those who are having trouble with credit cards to vote down a bill that provides more demands on credit cards?

These are just a few ways, Mr. President, that this legislation improves current bankruptcy law. If time permitted, there are many more improvements that I would like to share with the members of this body.

In conclusion, I would just like to say that this bill includes many protections for women and children. It provides a long-overdue homestead fix, credit counseling, help for the family farmer and many other worthy provisions. A vote for this bill is a vote for much-needed change in the bankruptcy law in this country. As such, I strongly urge my colleagues to vote in favor of this bill.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m.

There being no objection, the Senate, at 6:37 p.m., recessed until Wednesday, November 1, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 31, 2000:

INTER-AMERICAN FOUNDATION

GEORGE MUNOZ, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, VICE MARK L. SCHNEIDER, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

C. E. ABRAMSON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2005. (REAPPOINTMENT)

HOUSE OF REPRESENTATIVES—*Tuesday, October 31, 2000*

The House met at 6 p.m. and was called to order by the Speaker pro tempore (Mr. BARR of Georgia).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 31, 2000.

I hereby appoint the Honorable BOB BARR to act as Speaker pro tempore on this day.

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

PRAYER

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

God of all grace, You have called us to eternal glory. Help us to be ever mindful of our final destiny and our purpose while here on Earth.

You not only call each of us by name, You draw us to Yourself by our innate desire to know the truth, to seek what is good, to take delight in beauty and to hunger for lasting justice.

Complete Your work in us and through us that we may prove ourselves public servants and bring this Nation to Your honor and give You glory, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker pro tempore's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 70, answered ''present'' 1, not voting 70, as follows:

[Roll No. 584]

YEAS—291

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Packard
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pitts
Pombo
Pomeroy
Porter
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stark
Stearns
Stump
Sununu
Tanner
Tauscher
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tierney
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—70

Baird
Becerra
Berry
Bilbray
Bonior
Brady (PA)
Capuano
Chenoweth-Hage
Clyburn
Costello
Crane
Davis (FL)
DeFazio
English
Filner
Ford
Gejdenson
Gutierrez
Gutknecht
Hall (OH)
Hefley
Hilleary
Hilliard
Holt
Hooley
Hulshof
Johnson, E.B.
Kaptur
Kucinich
LaFalce
Latham
LoBiondo
Lowey
Maloney (NY)
Markey
McDermott
McGovern
McNulty
Menendez
Miller, George
Moore
Moran (KS)
Neal
Oberstar
Obey
Olver
Pallone
Peterson (MN)
Pickett
Price (NC)
Ramstad
Rangel
Rothman
Sabo
Sanchez
Slaughter
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watkins
Weller
Wicker
Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—70

Archer
Bentsen
Blagojevich
Blunt
Borski
Boucher
Brown (FL)
Brown (OH)
Camp
Campbell
Canady
Clay
Collins
Conyers
Cummings
Danner
DeGette
DeMint
Dickey
Dooley
Dunn
Etheridge
Fattah
Fossella
Fowler
Franks (NJ)
Gephardt
Goode
Greenwood
Hastings (FL)
Hill (MT)
Hostettler
Isakson
Kennedy
Kilpatrick
Kingston
Klink
Lantos
Lazio
McCollum
McCrery
McIntosh
Meeks (NY)
Metcalf
Mica
Mollohan
Moran (VA)
Ose
Oxley
Payne
Pickering
Portman
Ros-Lehtinen
Salmon
Sanford
Scarborough
Sensenbrenner
Shaw
Spratt
Stabenow
Stenholm
Talent
Taylor (NC)
Tiahrt
Towns
Waters
Waxman
Weldon (FL)
Wise
Wynn

□ 1827

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

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

Mr. PACKARD 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.

CONFERENCE REPORT ON S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. SHUSTER submitted the following conference report and statement on the Senate bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–1020)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2796), to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, 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 authorizations.
Sec. 102. Small projects for flood damage reduction.
Sec. 103. Small projects for emergency streambank protection.
Sec. 104. Small projects for navigation.
Sec. 105. Small projects for improvement of the quality of the environment.
Sec. 106. Small projects for aquatic ecosystem restoration.
Sec. 107. Small projects for shoreline protection.
Sec. 108. Small projects for snagging and sediment removal.
Sec. 109. Small project for mitigation of shore damage.
Sec. 110. Beneficial uses of dredged material.
Sec. 111. Disposal of dredged material on beaches.
Sec. 112. Petaluma River, Petaluma, California.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.
Sec. 206. National recreation reservation service.
Sec. 207. Interagency and international support authority.
Sec. 208. Reburial and conveyance authority.
Sec. 209. Floodplain management requirements.
Sec. 210. Nonprofit entities.
Sec. 211. Performance of specialized or technical services.
Sec. 212. Hydroelectric power project funding.
Sec. 213. Assistance programs.
Sec. 214. Funding to process permits.
Sec. 215. Dredged material marketing and recycling.
Sec. 216. National academy of sciences study.
Sec. 217. Rehabilitation of Federal flood control levees.
Sec. 218. Maximum program expenditures for small flood control projects.
Sec. 219. Engineering consulting services.
Sec. 220. Beach recreation.
Sec. 221. Design-build contracting.
Sec. 222. Enhanced public participation.
Sec. 223. Monitoring.
Sec. 224. Fish and wildlife mitigation.
Sec. 225. Feasibility studies and planning, engineering, and design.
Sec. 226. Administrative costs of land conveyances.
Sec. 227. Flood mitigation and riverine restoration.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi.
Sec. 302. Nogales Wash and tributaries, Nogales, Arizona.
Sec. 303. Boydsville, Arkansas.
Sec. 304. White River Basin, Arkansas and Missouri.
Sec. 305. Sacramento Deep Water Ship Channel, California.
Sec. 306. Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania.
Sec. 307. Rehoboth Beach and Dewey Beach, Delaware.
Sec. 308. Fernandina Harbor, Florida.
Sec. 309. Gasparilla and Estero Islands, Florida.
Sec. 310. East Saint Louis and vicinity, Illinois.
Sec. 311. Kaskaskia River, Kaskaskia, Illinois.
Sec. 312. Waukegan Harbor, Illinois.
Sec. 313. Upper Des Plaines River and tributaries, Illinois.
Sec. 314. Cumberland, Kentucky.
Sec. 315. Atchafalaya Basin, Louisiana.
Sec. 316. Red River Waterway, Louisiana.
Sec. 317. Thomaston Harbor, Georges River, Maine.
Sec. 318. Poplar Island, Maryland.
Sec. 319. William Jennings Randolph Lake, Maryland.
Sec. 320. Breckenridge, Minnesota.
Sec. 321. Duluth Harbor, Minnesota.
Sec. 322. Little Falls, Minnesota.
Sec. 323. New Madrid County, Missouri.
Sec. 324. Pemiscot County Harbor, Missouri.
Sec. 325. Fort Peck fish hatchery, Montana.
Sec. 326. Sagamore Creek, New Hampshire.
Sec. 327. Passaic River basin flood management, New Jersey.
Sec. 328. Times Beach Nature Preserve, Buffalo, New York.
Sec. 329. Rockaway Inlet to Norton Point, New York.
Sec. 330. Garrison Dam, North Dakota.
Sec. 331. Duck Creek, Ohio.
Sec. 332. John Day Pool, Oregon and Washington.
Sec. 333. Fox Point hurricane barrier, Providence, Rhode Island.
Sec. 334. Nonconnah Creek, Tennessee and Mississippi.
Sec. 335. San Antonio Channel, San Antonio, Texas.
Sec. 336. Buchanan and Dickenson Counties, Virginia.
Sec. 337. Buchanan, Dickenson, and Russell Counties, Virginia.
Sec. 338. Sandbridge Beach, Virginia Beach, Virginia.
Sec. 339. Mount St. Helens, Washington.
Sec. 340. Lower Mud River, Milton, West Virginia.
Sec. 341. Fox River System, Wisconsin.
Sec. 342. Chesapeake Bay oyster restoration.
Sec. 343. Great Lakes dredging levels adjustment.
Sec. 344. Great Lakes remedial action plans and sediment remediation.
Sec. 345. Treatment of dredged material from Long Island Sound.
Sec. 346. Declaration of nonnavigability for Lake Erie, New York.
Sec. 347. Project deauthorizations.
Sec. 348. Land conveyances.
Sec. 349. Project reauthorizations.
Sec. 350. Continuation of project authorizations.
Sec. 351. Water quality projects.

TITLE IV—STUDIES

Sec. 401. Studies of completed projects.
Sec. 402. Lower Mississippi River Resource Assessment.
Sec. 403. Upper Mississippi River Basin sediment and nutrient study.
Sec. 404. Upper Mississippi River comprehensive plan.
Sec. 405. Ohio River system.
Sec. 406. Baldwin County, Alabama.
Sec. 407. Bridgeport, Alabama.
Sec. 408–409. Arkansas River navigation system.
Sec. 410. Cache Creek basin, California.
Sec. 411. Estudillo Canal, San Leandro, California.
Sec. 412. Laguna Creek, Fremont, California.
Sec. 413. Lake Merritt, Oakland, California.
Sec. 414. Lancaster, California.
Sec. 415. Oceanside, California.
Sec. 416. San Jacinto watershed, California.
Sec. 417. Suisun Marsh, California.
Sec. 418. Delaware River watershed.
Sec. 419. Brevard County, Florida.
Sec. 420. Choctawhatchee River, Florida.
Sec. 421. Egmont Key, Florida.
Sec. 422. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
Sec. 423. Lake Allatoona watershed, Georgia.
Sec. 424. Boise River, Idaho.
Sec. 425. Wood River, Idaho.
Sec. 426. Chicago, Illinois.
Sec. 427. Chicago sanitary and ship canal system, Chicago, Illinois.
Sec. 428. Long Lake, Indiana.
Sec. 429. Brush and Rock Creeks, Mission Hills and Fairway, Kansas.
Sec. 430. Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana.
Sec. 431. Boeuf and Black, Louisiana.
Sec. 432. Iberia Port, Louisiana.
Sec. 433. Lake Pontchartrain Seawall, Louisiana.
Sec. 434. Lower Atchafalaya Basin, Louisiana.
Sec. 435. St. John the Baptist Parish, Louisiana.
Sec. 436. South Louisiana.
Sec. 437. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
Sec. 438. Merrimack River basin, Massachusetts and New Hampshire.
Sec. 439. Wild Rice River, Minnesota.
Sec. 440. Port of Gulfport, Mississippi.
Sec. 441. Las Vegas Valley, Nevada.
Sec. 442. Upland disposal sites in New Hampshire.
Sec. 443. Southwest Valley, Albuquerque, New Mexico.

Sec. 444. Buffalo Harbor, Buffalo, New York.
Sec. 445. Jamesville Reservoir, Onondaga County, New York.
Sec. 446. Bogue Banks, Carteret County, North Carolina.
Sec. 447. Duck Creek watershed, Ohio.
Sec. 448. Fremont, Ohio.
Sec. 449. Steubenville, Ohio.
Sec. 450. Grand Lake, Oklahoma.
Sec. 451. Columbia Slough, Oregon.
Sec. 452. Cliff Walk in Newport, Rhode Island.
Sec. 453. Quonset Point channel, Rhode Island.
Sec. 454. Dredged material disposal site, Rhode Island.
Sec. 455. Reedy River, Greenville, South Carolina.
Sec. 456. Chickamauga Lock and Dam, Tennessee.
Sec. 457. Germantown, Tennessee.
Sec. 458. Milwaukee, Wisconsin.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Lakes program.
Sec. 502. Restoration projects.
Sec. 503. Support of Army civil works program.
Sec. 504. Export of water from Great Lakes.
Sec. 505. Great Lakes tributary model.
Sec. 506. Great Lakes fishery and ecosystem restoration.
Sec. 507. New England water resources and ecosystem restoration.
Sec. 508. Visitors centers.
Sec. 509. CALFED Bay-Delta program assistance, California.
Sec. 510. Seward, Alaska.
Sec. 511. Clear Lake basin, California.
Sec. 512. Contra Costa Canal, Oakley and Knightsen, California.
Sec. 513. Huntington Beach, California.
Sec. 514. Mallard Slough, Pittsburg, California.
Sec. 515. Port Everglades, Florida.
Sec. 516. Lake Sidney Lanier, Georgia, home preservation.
Sec. 517. Ballard's Island, LaSalle County, Illinois.
Sec. 518. Lake Michigan diversion, Illinois.
Sec. 519. Illinois River basin restoration.
Sec. 520. Koontz Lake, Indiana.
Sec. 521. West View Shores, Cecil County, Maryland.
Sec. 522. Muddy River, Brookline and Boston, Massachusetts.
Sec. 523. Soo Locks, Sault Ste. Marie, Michigan.
Sec. 524. Minnesota dam safety.
Sec. 525. Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness, Minnesota.
Sec. 526. Duluth, Minnesota, alternative technology project.
Sec. 527. Minneapolis, Minnesota.
Sec. 528. Coastal Mississippi wetlands restoration projects.
Sec. 529. Las Vegas, Nevada.
Sec. 530. Urbanized peak flood management research, New Jersey.
Sec. 531. Nepperhan River, Yonkers, New York.
Sec. 532. Upper Mohawk River basin, New York.
Sec. 533. Flood damage reduction.
Sec. 534. Cuyahoga River, Ohio.
Sec. 535. Crowder Point, Crowder, Oklahoma.
Sec. 536. Lower Columbia River and Tillamook Bay ecosystem restoration, Oregon and Washington.
Sec. 537. Access improvements, Raystown Lake, Pennsylvania.
Sec. 538. Upper Susquehanna River basin, Pennsylvania and New York.
Sec. 539. Charleston Harbor, South Carolina.
Sec. 540. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and South Dakota terrestrial wildlife habitat restoration.
Sec. 541. Horn Lake Creek and tributaries, Tennessee and Mississippi.
Sec. 542. Lake Champlain watershed, Vermont and New York.
Sec. 543. Vermont dams remediation.
Sec. 544. Puget Sound and adjacent waters restoration, Washington.
Sec. 545. Willapa Bay, Washington.
Sec. 546. Wynoochee Lake, Wynoochee River, Washington.
Sec. 547. Bluestone, West Virginia.
Sec. 548. Lesage/Greenbottom Swamp, West Virginia.
Sec. 549. Tug Fork River, West Virginia.
Sec. 550. Southern West Virginia.
Sec. 551. Surfside/Sunset and Newport Beach, California.
Sec. 552. Watershed management, restoration, and development.
Sec. 553. Maintenance of navigation channels.
Sec. 554. Hydrographic survey.
Sec. 555. Columbia River treaty fishing access.
Sec. 556. Release of use restriction.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

Sec. 601. Comprehensive Everglades restoration plan.
Sec. 602. Sense of Congress concerning Homestead Air Force Base.

TITLE VII—MISSOURI RIVER RESTORATION, NORTH DAKOTA

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

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

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

TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

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

SEC. 2. DEFINITION OF SECRETARY.

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

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

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

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for 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, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(2) 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 $1,781,234,000, with an estimated Federal cost of $743,954,000 and an estimated non-Federal cost of $1,037,280,000.

(B) NON-FEDERAL SHARE.—

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

(ii) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to 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 to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,552,000, with an estimated Federal cost of $9,374,000 and an estimated non-Federal cost of $6,178,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000, except that the date for completion of the favorable report of the Chief of Engineers shall be December 31, 2001, instead of December 31, 2000.

(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 for 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) MURRIETA CREEK, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Murrieta Creek, California, described as alternative 6, based on the District Engineer's Murrieta Creek feasibility report and environmental impact statement dated October 2000, at a total cost of $89,846,000, with an estimated Federal cost of $25,556,000 and an estimated non-Federal cost of $64,290,000.

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

(8) 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.

(9) 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.

(10) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of

$28,900,000, with an estimated Federal cost of $18,800,000 and an estimated non-Federal cost of $10,100,000.

(11) 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, and at an estimated average annual cost of $920,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $460,000 and an estimated annual non-Federal cost of $460,000.

(12) PORT SUTTON, FLORIDA.—The project for navigation, Port Sutton, Florida, at a total cost of $7,600,000, with an estimated Federal cost of $4,900,000 and an estimated non-Federal cost of $2,700,000.

(13) 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.

(14) 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 $181,700,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

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

(16) OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.—

(A) IN GENERAL.—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.

(B) NON-FEDERAL SHARE.—

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

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

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

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

(B) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of work carried out by the non-Federal interest for interim flood protection after March 31, 1989, if the Secretary determines that the work is integral to the project.

(18) MONARCH-CHESTERFIELD, MISSOURI.—The project for flood damage reduction, Monarch-Chesterfield, Missouri, at a total cost of $58,090,000, with an estimated Federal cost of $37,758,500 and an estimated non-Federal cost of $20,331,500.

(19) ANTELOPE CREEK, LINCOLN, NEBRASKA.—The project for flood damage reduction, Antelope Creek, Lincoln, Nebraska, at a total cost of $46,310,000, with an estimated Federal cost of $23,155,000 and an estimated non-Federal cost of $23,155,000.

(20) SAND CREEK WATERSHED, WAHOO, NEBRASKA.—The project for ecosystem restoration and flood damage reduction, Sand Creek watershed, Wahoo, Nebraska, at a total cost of $29,840,000, with an estimated Federal cost of $16,870,000 and an estimated non-Federal cost of $12,970,000.

(21) WESTERN SARPY AND CLEAR CREEK, NEBRASKA.—The project for flood damage reduction, Western Sarpy and Clear Creek, Nebraska, at a total cost of $15,643,000, with an estimated Federal cost of $9,518,000 and an estimated non-Federal cost of $6,125,000.

(22) 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, and at an estimated average annual cost of $110,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $55,000 and an estimated annual non-Federal cost of $55,000.

(23) 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, and at an estimated average annual cost of $173,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $86,500 and an estimated annual non-Federal cost of $86,500.

(24) DARE COUNTY BEACHES, NORTH CAROLINA.—The project for hurricane and storm damage reduction, Dare County beaches, North Carolina, at a total cost of $71,674,000, with an estimated Federal cost of $46,588,000 and an estimated non-Federal cost of $25,086,000, and at an estimated average annual cost of $34,990,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $17,495,000 and an estimated annual non-Federal cost of $17,495,000.

(25) WOLF RIVER, MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $9,118,000, with an estimated Federal cost of $5,849,000 and an estimated non-Federal cost of $3,269,000.

(26) DUWAMISH/GREEN, WASHINGTON.—The project for ecosystem restoration, Duwamish/Green, Washington, at a total cost of $112,860,000, with an estimated Federal cost of $73,360,000 and an estimated non-Federal cost of $39,500,000.

(27) STILLAGUMAISH RIVER BASIN, WASHINGTON.—The project for ecosystem restoration, Stillagumaish River basin, Washington, at a total cost of $23,590,000, with an estimated Federal cost of $15,680,000 and an estimated non-Federal cost of $7,910,000.

(28) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—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.

(B) NON-FEDERAL SHARE.—

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

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

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

(6) COLUMBIA LEVEE, COLUMBIA, ILLINOIS.—Project for flood damage reduction, Columbia Levee, Columbia, Illinois.

(7) EAST-WEST CREEK, RIVERTON, ILLINOIS.—Project for flood damage reduction, East-West Creek, Riverton, Illinois.

(8) PRAIRIE DU PONT, ILLINOIS.—Project for flood damage reduction, Prairie Du Pont, Illinois.

(9) MONROE COUNTY, ILLINOIS.—Project for flood damage reduction, Monroe County, Illinois.

(10) WILLOW CREEK, MEREDOSIA, ILLINOIS.—Project for flood damage reduction, Willow Creek, Meredosia, Illinois.

(11) DYKES BRANCH CHANNEL, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch channel improvements, Leawood, Kansas.

(12) DYKES BRANCH TRIBUTARIES, LEAWOOD, KANSAS.—Project for flood damage reduction, Dykes Branch tributary improvements, Leawood, Kansas.

(13) KENTUCKY RIVER, FRANKFORT, KENTUCKY.—Project for flood damage reduction, Kentucky River, Frankfort, Kentucky.

(14) BAYOU TETE L'OURS, LOUISIANA.—Project for flood damage reduction, Bayou Tete L'Ours, Louisiana.

(15) BOSSIER CITY, LOUISIANA.—Project for flood damage reduction, Red Chute Bayou levee, Bossier City, Louisiana.

(16) BOSSIER PARISH, LOUISIANA.—Project for flood damage reduction, Cane Bend Subdivision, Bossier Parish, Louisiana.

(17) BRAITHWAITE PARK, LOUISIANA.—Project for flood damage reduction, Braithwaite Park, Louisiana.

(18) CROWN POINT, LOUISIANA.—Project for flood damage reduction, Crown Point, Louisiana.

(19) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood damage reduction, Donaldsonville Canals, Louisiana.

(20) GOOSE BAYOU, LOUISIANA.—Project for flood damage reduction, Goose Bayou, Louisiana.

(21) GUMBY DAM, LOUISIANA.—Project for flood damage reduction, Gumby Dam, Richland Parish, Louisiana.

(22) HOPE CANAL, LOUISIANA.—Project for flood damage reduction, Hope Canal, Louisiana.

(23) JEAN LAFITTE, LOUISIANA.—Project for flood damage reduction, Jean Lafitte, Louisiana.

(24) 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.

(25) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood damage reduction, Lockport to Larose, Louisiana.

(26) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood damage reduction, Lower Lafitte basin, Louisiana.

(27) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood damage reduction, Oakville to LaReussite, Louisiana.

(28) PAILET BASIN, LOUISIANA.—Project for flood damage reduction, Pailet basin, Louisiana.

(29) POCHITOLAWA CREEK, LOUISIANA.—Project for flood damage reduction, Pochitolawa Creek, Louisiana.

(30) ROSETHORN BASIN, LOUISIANA.—Project for flood damage reduction, Rosethorn basin, Louisiana.

(31) SHREVEPORT, LOUISIANA.—Project for flood damage reduction, Twelve Mile Bayou, Shreveport, Louisiana.

(32) STEPHENSVILLE, LOUISIANA.—Project for flood damage reduction, Stephensville, Louisiana.

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

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

(35) PENNSVILLE TOWNSHIP, SALEM COUNTY, NEW JERSEY.—Project for flood damage reduction, Pennsville Township, Salem County, New Jersey.

(36) HEMPSTEAD, NEW YORK.—Project for flood damage reduction, Hempstead, New York.

(37) HIGHLAND BROOK, HIGHLAND FALLS, NEW YORK.—Project for flood damage reduction, Highland Brook, Highland Falls, New York.

(38) LAFAYETTE TOWNSHIP, OHIO.—Project for flood damage reduction, Lafayette Township, Ohio.

(39) WEST LAFAYETTE, OHIO.—Project for flood damage reduction, West Lafayette, Ohio.

(40) BEAR CREEK AND TRIBUTARIES, MEDFORD, OREGON.—Project for flood damage reduction, Bear Creek and tributaries, Medford, Oregon.

(41) DELAWARE CANAL AND BROCK CREEK, YARDLEY BOROUGH, PENNSYLVANIA.—Project for flood damage reduction, Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania.

(42) FRITZ LANDING, TENNESSEE.—Project for flood damage reduction, Fritz Landing, Tennessee.

(43) FIRST CREEK, FOUNTAIN CITY, KNOXVILLE, TENNESSEE.—Project for flood damage reduction, First Creek, Fountain City, Knoxville, Tennessee.

(44) 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 may 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 EMERGENCY STREAMBANK PROTECTION.

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 emergency streambank protection, Maumee River, Fort Wayne, Indiana.

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

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

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

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

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

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

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

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

(10) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge 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 SOUTH SPREADER WATERWAY, FLORIDA.—Project for navigation, Cape Coral South Spreader Waterway, Lee County, Florida.

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

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

(5) EAST TWO RIVERS, TOWER, MINNESOTA.—Project for navigation, East Two Rivers, Tower, Minnesota.

(6) ERIE BASIN MARINA, BUFFALO, NEW YORK.—Project for navigation, Erie Basin marina, Buffalo, New York.

(7) LAKE MICHIGAN, LAKESHORE STATE PARK, MILWAUKEE, WISCONSIN.—Project for navigation, Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin.

(8) SAXON HARBOR, FRANCIS, WISCONSIN.—Project for navigation, Saxon Harbor, Francis, Wisconsin.

SEC. 105. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

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

(1) NAHANT MARSH, DAVENPORT, IOWA.—Project for improvement of the quality of the environment, Nahant Marsh, Davenport, Iowa.

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

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

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

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

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

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

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

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

(10) MUSKINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Muskingum County, Ohio.

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

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

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

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

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

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

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

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

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

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

(16) SAGINAW BAY, BAY CITY, MICHIGAN.—Project for aquatic ecosystem restoration, Saginaw Bay, Bay City, Michigan.

(17) RAINWATER BASIN, NEBRASKA.—Project for aquatic ecosystem restoration, Rainwater Basin, Nebraska.

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

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

(20) 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.

(21) 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.

(22) EAGLE LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Eagle Lake, Ticonderoga, New York.

(23) OSSINING, NEW YORK.—Project for aquatic ecosystem restoration, Ossining, New York.

(24) SARATOGA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Saratoga Lake, New York.

(25) SCHROON LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Schroon Lake, New York.

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

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

(28) MIDDLE CUYAHOGA RIVER, KENT, OHIO.—Project for aquatic ecosystem restoration, Middle Cuyahoga River, Kent, Ohio.

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

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

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

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

(33) BEAR CREEK WATERSHED, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

(34) LONE PINE AND LAZY CREEKS, MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Lone Pine and Lazy Creeks, Medford, Oregon.

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

(36) TULLYTOWN BOROUGH, PENNSYLVANIA.—Project for aquatic ecosystem restoration, Tullytown Borough, Pennsylvania.

(b) SALMON RIVER, IDAHO.—The Secretary may credit toward the non-Federal share of the cost of the project for aquatic ecosystem restoration, Salmon River, Idaho, to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) the cost of work (consisting of surveys, studies, and development of technical data) carried out by the non-Federal interest if the Secretary determines that the work is integral to the project.

SEC. 107. SMALL PROJECTS FOR SHORELINE PROTECTION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act 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):

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

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

(3) HUDSON RIVER, DUTCHESS COUNTY, NEW YORK.—Project for beach restoration and protection, Hudson River, Dutchess County, New York.

SEC. 108. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, the Secretary may carry out the project under section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g):

(1) SANGAMON RIVER AND TRIBUTARIES, RIVERTON, ILLINOIS.—Project for removal of snags and clearing and straightening of channels for flood control, Sangamon River and tributaries, Riverton, Illinois.

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

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

SEC. 109. SMALL PROJECT FOR MITIGATION OF SHORE DAMAGE.

The Secretary shall conduct a study of shore damage at Puget Island, Columbia River, Washington, to determine if the damage is the result of the project for navigation, Columbia River, Washington, authorized by the first section of the Rivers and Harbors Appropriations Act of June 13, 1902 (32 Stat. 369), and, if the Secretary determines that the damage is the result of the project for navigation and that a project to mitigate the damage is appropriate, the Secretary may carry out the project to mitigate the damage under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

SEC. 110. BENEFICIAL USES OF DREDGED MATERIAL.

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

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

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

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

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

(5) ST. LOUIS COUNTY, MINNESOTA.—Project to make beneficial use of dredged material from a Federal navigation project in St. Louis County, Minnesota.

(6) OTTAWA COUNTY, OHIO.—Project to make beneficial use of dredged material from a Federal navigation to protect, restore, and create aquatic and related habitat, East Harbor State Park, Ottawa County, Ohio.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

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

''(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from a Federal navigation project under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) or section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).''.

SEC. 112. 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) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for any project costs that the non-Federal interest has incurred in excess of the non-Federal share of project costs, regardless of the date on which the costs were incurred.

(c) COST SHARING.—For purposes of reimbursement under subsection (b), cost sharing for work performed on the project before the date of enactment of this Act shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

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

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

(2) by striking ''State constitutional'' and inserting ''constitutional; and

(3) by inserting before the period at the end the following: ''of the State or a political subdivision of the State''.

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

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

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

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

''(1) ecosystem protection and restoration;

''(2) flood damage reduction;

''(3) navigation and ports;

''(4) watershed protection;

''(5) water supply; and

''(6) drought preparedness.

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

''(1) the Secretary of the Interior;

''(2) the Secretary of Agriculture;

''(3) the Secretary of Commerce;

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

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

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

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

''(1) the Delaware River basin;

''(2) the Kentucky River basin;

''(3) the Potomac River basin;

''(4) the Susquehanna River basin; and

''(5) the Willamette River basin.

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

''(f) COST-SHARING REQUIREMENTS.—

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

''(2) CREDIT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may credit toward the non-Federal share of an assessment under this section the cost of services, materials, supplies, or other in-kind contributions provided by the non-Federal interests for the assessment.

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

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

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

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

(A) will substantially benefit Indian tribes; and

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

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

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

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

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

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

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

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

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

(d) COST SHARING.—

(1) ABILITY TO PAY.—

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

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

(2) CREDIT.—The Secretary may credit toward the non-Federal share of the costs of a study under subsection (b) the cost of services, studies, supplies, or other in-kind contributions provided by the non-Federal interest if the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the study.

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

SEC. 204. ABILITY TO PAY.

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

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

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

''(2) CRITERIA AND PROCEDURES.—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, not later than 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. 205. PROPERTY PROTECTION PROGRAM.

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for fiscal year 2001 and each fiscal year thereafter.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

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

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

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

SEC. 207. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

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

(1) by striking the first sentence and inserting the following: ''There is authorized to be appropriated to carry out this section $250,000 for fiscal year 2001 and each fiscal year thereafter.''; and

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

SEC. 208. REBURIAL AND CONVEYANCE AUTHORITY.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) REBURIAL.—

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

(A) have been discovered on project land; and

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

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

(c) CONVEYANCE AUTHORITY.—

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

(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 209. FLOODPLAIN MANAGEMENT REQUIREMENTS.

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

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

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

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

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

''(A) address''; and

(4) in paragraph (2) (as designated by paragraph (3) of this subsection)—

(A) by inserting ''to be undertaken by non-Federal interests to'' after ''policies'';

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

(C) by adding at the end the following:

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

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

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

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

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

SEC. 210. 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), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.''.

(b) 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), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.''.

(c) 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 subsections (g) and (h) as subsections (h) and (i), respectively, and by inserting after subsection (f) 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.''.

SEC. 211. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

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

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

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

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

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

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

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

(d) ANNUAL REPORT TO CONGRESS.—

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

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

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

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

(C) the status of the request;

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

(E) the status of reimbursement;

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

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

SEC. 212. HYDROELECTRIC POWER PROJECT FUNDING.

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

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

''(1) are'';

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

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

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

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

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

SEC. 213. ASSISTANCE PROGRAMS.

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

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

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

SEC. 214. FUNDING TO PROCESS PERMITS.

(a) IN GENERAL.—In fiscal years 2001 through 2003, the Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) EFFECT ON PERMITTING.—In carrying out this section, the Secretary shall ensure that the use of funds accepted under subsection (a) will not impact impartial decisionmaking with respect to permits, either substantively or procedurally.

SEC. 215. DREDGED MATERIAL MARKETING AND RECYCLING.

(a) DREDGED MATERIAL MARKETING.—

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

(2) LIMITATIONS.—The Secretary shall not establish the program under paragraph (1) unless the Secretary determines that the program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(3) REGIONAL RESPONSIBILITY.—The program described in paragraph (1) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the United States Treasury.

(4) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall transmit to Congress a report on the program established under paragraph (1).

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

(b) DREDGED MATERIAL RECYCLING.—

(1) PILOT PROGRAM.—The Secretary shall conduct a pilot program to provide incentives for the removal of dredged material from confined disposal facilities associated with Corps of Engineer navigation projects for the purpose of recycling the dredged material and extending the life of the confined disposal facilities.

(2) 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.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000, except that not to exceed $1,000,000 may be expended with respect to any project.

SEC. 216. NATIONAL ACADEMY OF SCIENCES STUDY.

(a) DEFINITIONS.—In this section, the following definitions apply:

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

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

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

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

(b) INDEPENDENT PEER REVIEW OF PROJECTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 217. 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. 218. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the first sentence by striking ''$40,000,000'' and inserting ''$50,000,000''.

SEC. 219. 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. 220. BEACH RECREATION.

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 displayed in reports for such projects.

SEC. 221. DESIGN-BUILD CONTRACTING.

(a) PILOT PROGRAM.—The Secretary may conduct a pilot program consisting of not more than 5 authorized projects to test the design-build method of project delivery on various authorized civil works 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 4 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the pilot program.

SEC. 222. 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. 223. 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 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. 224. 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(d)) is amended—

(1) by striking ''(1)'' and inserting ''(A)'';

(2) by striking ''(2)'' and inserting ''(B)'';

(3) by striking ''(d) After the date of enactment of this Act,'' and inserting the following:

''(d) MITIGATION PLANS AS PART OF PROJECT PROPOSALS.—

''(1) IN GENERAL.—After November 17, 1986,'';

(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.''; 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.—

(A) IN GENERAL.—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 carrying out the investigation, the Comptroller General shall determine—

(i) 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; and

(ii) the extent to which mitigation projects restore natural hydrologic conditions, restore native vegetation, and otherwise support native fish and wildlife species.

(B) SPECIAL RULE.—In carrying out subparagraph (A)(ii), the Comptroller General shall—

(i) establish a panel of independent scientists, comprised of individuals with expertise and experience in applicable scientific disciplines, to assist the Comptroller General; and

(ii) assess methods used by the Corps of Engineers to monitor and evaluate mitigation projects, and compare Corps of Engineers mitigation project design, construction, monitoring, and evaluation practices with those used in other publicly and privately financed mitigation projects.

(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. 225. 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. 226. ADMINISTRATIVE COSTS OF LAND CONVEYANCES.

Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property by the Secretary to a non-Federal governmental or nonprofit entity shall be limited to the extent that the Secretary determines that such limitation is necessary to complete the conveyance based on the entity's ability to pay.

SEC. 227. FLOOD MITIGATION AND RIVERINE RESTORATION.

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

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

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

(3) by adding at the end the following:

''(24) Perry Creek, Iowa;

''(25) Lester, St. Louis, East Savanna, and Floodwood Rivers, Duluth, Minnesota;

''(26) Lower Hudson River and tributaries, New York;

''(27) Susquehanna River watershed, Bradford County, Pennsylvania; and

''(28) Clear Creek, Harris, Galveston, and Brazoria Counties, Texas.''.

TITLE III—PROJECT-RELATED PROVISIONS

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

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

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

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

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

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

(c) LANDS TO BE SOLD.—

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

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

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

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

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

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

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

SEC. 302. 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. 303. BOYDSVILLE, ARKANSAS.

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

SEC. 304. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

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

(1) Beaver Lake, 1.5 feet.

(2) Table Rock, 2 feet.

(3) Bull Shoals Lake, 5 feet.

(4) Norfolk Lake, 3.5 feet.

(5) Greers Ferry Lake, 3 feet.

(b) REPORT.—

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

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

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

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

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

SEC. 305. 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 credit toward the non-Federal share of the cost of the project the value of dredged material from the project that is purchased by public agencies or nonprofit entities for environmental restoration or other beneficial uses if the Secretary determines that the use of such dredged material is technically sound, environmentally acceptable, and economically justified.

SEC. 306. DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA.

The project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802) and modified by section 308 of the Water Resources Development Act of 1999 (113 Stat. 300), is further modified to authorize the Secretary to credit toward the non-Federal share of the cost of the project under section 101(a)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(2)) the costs incurred 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. 307. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE.

The project for storm damage reduction and shoreline protection, Rehoboth Beach and Dewey Beach, Delaware, authorized by section 101(b)(6) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to authorize the project to be carried out at a total cost of $13,997,000, with an estimated Federal cost of $9,098,000 and an estimated non-Federal cost of $4,899,000, and an estimated average annual cost of $1,320,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $858,000 and an estimated annual non-Federal cost of $462,000.

SEC. 308. 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. 309. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073) by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of

1992 (33 U.S.C. 426i–1) if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 310. 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. 311. 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. 312. 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. 313. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

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

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

(2) the Secretary determines that the work is integral to the study.

SEC. 314. CUMBERLAND, KENTUCKY.

The Secretary shall initiate construction, using continuing contracts, of the city of Cumberland, Kentucky, flood control project, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), in accordance with option 4 in the detailed project report, dated September 1998, as modified, to prevent losses from a flood equal in magnitude to the April 1977 level by providing protection from the 100-year frequency event and to share all costs in accordance with section 103 of Public Law 99–662, as amended.

SEC. 315. ATCHAFALAYA BASIN, LOUISIANA.

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

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

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

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

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

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

SEC. 316. RED RIVER WATERWAY, LOUISIANA.

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

SEC. 317. 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. 318. POPLAR ISLAND, MARYLAND.

(a) IN GENERAL.—The project for the 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—

(1) to provide that the non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials; and

(2) to direct the Secretary to credit toward the non-Federal share of the cost of a project the cost of design and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to 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 subsection (a)(2).

SEC. 319. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

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

(b) NON-FEDERAL SHARE.—The Secretary shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities under subsection (a).

SEC. 320. BRECKENRIDGE, MINNESOTA.

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

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

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

SEC. 321. 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. 322. 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. 323. NEW MADRID COUNTY, MISSOURI.

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

(b) CREDIT.—The Secretary shall credit toward the non-Federal share of the cost of the project the costs of construction work for phase 1 of the project carried out by the non-Federal interest if the Secretary determines that the construction work is integral to the project.

SEC. 324. PEMISCOT COUNTY HARBOR, MISSOURI.

The Secretary shall credit toward the non-Federal share of the cost of the project for navigation, Pemiscot County Harbor, Missouri, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the cost of construction work carried out for the project after December 31, 1997, by the non-Federal interest if the Secretary determines that the work is integral to the project.

SEC. 325. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck

project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

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

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

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

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

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

(c) DEFINITIONS.—In this section, the following definitions apply:

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

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

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

(e) COST SHARING.—

(1) DESIGN AND CONSTRUCTION.—

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

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

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

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

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

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

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

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

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated—

(A) $20,000,000 to carry out this section (other than subsection (e)(2)(B)); and

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

(2) AVAILABILITY OF FUNDS.—Sums made available to carry out this section shall remain available until expended.

SEC. 326. SAGAMORE CREEK, NEW HAMPSHIRE.

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

SEC. 327. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

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

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

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

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

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

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

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

(f) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

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

(2) MEMBERSHIP.—The task force shall be composed of 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 the Association of New Jersey Environmental Commissions, the Passaic River Coalition, and 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 transmit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

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

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

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

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

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

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

SEC. 328. 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. 329. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

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

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

(c) CONFORMING AMENDMENT.—Section 541 of the Water Resources Development Act of 1999 (113 Stat. 350) is repealed.

SEC. 330. GARRISON DAM, NORTH DAKOTA.

The Secretary shall conduct a study of 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), to determine if the damage to the water transmission line for Williston, North Dakota, is the result of a design deficiency and, if the Secretary determines that the damage is the result of a design deficiency, shall correct the deficiency.

SEC. 331. DUCK CREEK, OHIO.

(a) IN GENERAL.—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 to carry out the project at a total cost of $36,323,000.

(b) NON-FEDERAL SHARE.—Notwithstanding section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the non-Federal share of the cost of the project shall not exceed $4,200,000.

SEC. 332. JOHN DAY POOL, OREGON AND WASHINGTON.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 333. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

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

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

(2) by adding at the end the following:

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

SEC. 334. 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—

(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;

if the Secretary determines that it is technically sound, environmentally acceptable, and economically justified.

SEC. 335. 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. 336. 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 Appropriation 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 criterion 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. 337. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA.

(a) IN GENERAL.—Subject to subsection (b), 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 (33 U.S.C. 2324), 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.

(b) LIMITATION.—The Secretary may only make the reallocation under subsection (a) to the extent the Secretary determines that such reallocation will not have an adverse impact on other project purposes of the John Flannagan Reservoir.

SEC. 338. 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. 339. 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), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report of the Chief of Engineers entitled "Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)", published as House Document No. 135, 99th Congress.

SEC. 340. 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.

SEC. 341. FOX RIVER SYSTEM, WISCONSIN.

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

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

"(1) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

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

SEC. 342. CHESAPEAKE BAY OYSTER RESTORATION.

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

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

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

"(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia if the reefs are preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999."; and

(3) by inserting after "25 percent." the following: "In carrying out paragraph (4), the Chief of Engineers may solicit participation by and the services of commercial watermen in the construction of the reefs.".

SEC. 343. 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. 344. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

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

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

(2) in subsection (b)—

(A) by striking paragraph (3);

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

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

(3) in subsection (c) by striking ''$5,000,000 for each of fiscal years 1998 through 2000.'' and inserting ''$10,000,000 for each of fiscal years 2001 through 2006.''.

SEC. 345. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

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

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

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

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

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

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

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

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

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of each project carried out under the demonstration program authorized by this section shall be 35 percent.

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

SEC. 346. 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 portion 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) is all that tract or parcel of land, situated in the town of Hamburg and the city of Lackawanna, Erie County, 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°l0′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) that are filled portions of Lake Erie. Any work on these filled portions shall be subject to all applicable Federal statutes and regulations, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401 and 403), section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) EXPIRATION DATE.—If, 20 years from the date of enactment of this Act, any area or part thereof described in subsection (a) is not occupied by permanent structures in accordance with the requirements set out in subsection (c), 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. 347. 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 the 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).

(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) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173): The portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(6) ROCKPORT HARBOR, 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.

(7) 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.

(8) 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.

(9) 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. 1030), 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.

(10) 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).

(11) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Rivers and Harbors Appropriations Act of March 3, 1899 (30 Stat. 1124), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682,300.86, E639,005.80).

(12) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

(13) WARWICK COVE, RHODE ISLAND.—The portion of the project for navigation, Warwick Cove, Rhode Island, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), that is located within the 5-acre, 6-foot anchorage area west of the channel: beginning at a point with coordinates N221,150.027, E528,960.028, thence running southerly about 257.39 feet to a point with coordinates N220,892.638, E528,960.028, thence running northwesterly about 346.41 feet to a point with coordinates N221,025.270, E528,885.780, thence running northeasterly about 145.18 feet to the point of origin.

(b) ROCKPORT HARBOR, MASSACHUSETTS.—The project for navigation, Rockport Harbor, Massachusetts, carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is modified—

(1) to redesignate a portion of the 8-foot north outer anchorage as part of the 8-foot approach channel to the north inner basin described as follows: the perimeter of the area starts at a point with coordinates N605,792.110, E838,020.009, thence running south 89 degrees 12 minutes 27.1 seconds east 64.794 feet to a point N605,791.214, E838,084.797, thence running south 47 degrees 18 minutes 54.0 seconds west 40.495 feet to a point N605,763.760, E838,055.030, thence running north 68 degrees 26 minutes 49.0 seconds west 43.533 feet to a point N605,779.750, E838,014.540, thence running north 23 degrees 52 minutes 08.4 seconds east 13.514 feet to the point of origin; and

(2) to realign a portion of the 8-foot north inner basin approach channel by adding an area described as follows: the perimeter of the area starts at a point with coordinates N605,792.637, E837,981.920, thence running south 89 degrees 12 minutes 27.1 seconds east 38.093 feet to a point N605,792.110, E838,020.009, thence running south 23 degrees 52 minutes 08.4 seconds west 13.514 feet to a point N605,779.752, E838,014.541, thence running north 68 degrees 26 minutes 49.0 seconds west 35.074 feet to the point of origin.

SEC. 348. 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 located 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, at the option of the United States.

(b) 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 aforesaid 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) JOLIET, ILLINOIS.—

(1) IN GENERAL.—Subject to the provisions of this subsection, 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 related purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

(d) 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 NE¼, 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 described 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 for the purposes for which the YMCA was established, all right, title, and interest in and to such easement shall revert to the United States, at the option of the United States.

(e) 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, title, and interests 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 that 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.

(f) ONTONAGON, MICHIGAN.—

(1) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at Federal expense—

(A) the lighthouse at Ontonagon, Michigan; and

(B) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(2) MAP.—The Secretary shall—

(A) determine the extent of the land conveyance under this subsection;

(B) determine the exact acreage and legal description of the land to be conveyed under this subsection; and

(C) prepare a map that clearly identifies any land to be conveyed.

(3) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this subsection.

(4) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this subsection, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with the lighthouse or the conveyed land and improvements.

(5) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

(6) REVERSION.—If the Secretary determines that the property conveyed under paragraph (1) ceases to be owned by the Ontonagon County Historical Society or to be used for public purposes, all right, title, and interest in and to such property shall revert to the United States, at the option of the United States.

(g) PIKE COUNTY, MISSOURI.—

(1) IN GENERAL.—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 all right, title, and interest of the United States in and to 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, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

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

(3) CONDITIONS.—The land exchange under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the parcel of land described in subsection (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in subsection (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.—

(i) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (2)(A).

(ii) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in paragraph (2)(A)—

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

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

(C) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the land exchange under paragraph (1) shall be completed.

(D) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in paragraph (2), which shall be used in the instruments of conveyance of the parcels.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under paragraph (1), S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

(h) 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 the property shall revert to the United States, at the option of the United States.

(i) 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''.

(j) 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 United States, at the option of the United States.

(k) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—Section 563(i) of the Water Resources Development Act of 1999 (113 Stat. 360–361) is amended to read as follows:

''(i) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

''(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of August 17, 1999, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

''(2) LAND DESCRIPTION.—

''(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21–1–93–0910 and associated supplemental agreements.

''(B) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

''(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

''(4) PERPETUAL STATUS.—

''(A) IN GENERAL.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

''(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States, at the option of the United States.

''(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

''(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

''(A) IN GENERAL.—The Secretary shall pay the State of South Carolina $4,850,000, subject to the Secretary and the State entering into a contract for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection.

''(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.''.

(l) SAVANNAH RIVER, SOUTH CAROLINA.—

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

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

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

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

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

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

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

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

(3) TREATMENT OF NEW SAVANNAH BLUFF LOCK AND DAM.—The New Savannah Bluff Lock and Dam shall not be considered to be part of any Federal project after the conveyance under paragraph (2).

(4) OPERATION AND MAINTENANCE.—

(A) BEFORE CONVEYANCE.—Before the conveyance under paragraph (2), the Secretary shall continue to operate and maintain the New Savannah Bluff Lock and Dam.

(B) AFTER CONVEYANCE.—After the conveyance under paragraph (2), operation and maintenance of all features of the project for navigation, Savannah River below Augusta, Georgia, described in paragraph (1)(B)(i), other than the New Savannah Bluff Lock and Dam, shall continue to be a Federal responsibility.

(m) 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 property 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''.

(n) 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. 349. 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. 350. 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. 351. 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''.

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 navigation, Port Orford, Oregon, authorized by section 301 of River and Harbor Act of 1965 (79 Stat. 1092).

SEC. 402. 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 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. 403. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—In conjunction with the Secretary of Agriculture and the Secretary of the Interior, the Secretary shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) STUDY COMPONENTS.—

(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

(c) USE OF INFORMATION.—On request of a Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall transmit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2001 through 2005.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out this section shall be 50 percent.

SEC. 404. 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. 405. OHIO RIVER SYSTEM.

The Secretary may conduct a study of commodity flows on the Ohio River system. 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. 406. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 407. BRIDGEPORT, ALABAMA.

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.

SEC. 408–409. 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.

SEC. 410. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

SEC. 411. 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. 412. 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. 413. 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. 414. 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. 415. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a study, at Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 416. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

SEC. 417. 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. 418. DELAWARE RIVER WATERSHED.

(a) STUDY.—The Secretary shall conduct studies and assessments to analyze the sources and impacts of sediment contamination in the Delaware River watershed.

(b) ACTIVITIES.—Activities authorized under this section may be conducted by a university with expertise in research in contaminated sediment sciences.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $5,000,000. Such sums shall remain available until expended.

(2) CORPS OF ENGINEERS EXPENSES.—10 percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer and implement studies and assessments under this section.

SEC. 419. BREVARD COUNTY, FLORIDA.

The Secretary shall prepare a general reevaluation report on 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), to determine, if the project were modified to direct the Secretary to 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, whether the project as modified would be technically sound, environmentally acceptable, and economically justified.

SEC. 420. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 421. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 422. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

SEC. 423. 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. 424. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Boise River, Idaho.

SEC. 425. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood damage reduction along the Wood River in Blaine County, Idaho.

SEC. 426. 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) SITES.—Under subsection (a), the Secretary shall study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 427. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS.

The Secretary shall conduct a study to determine the feasibility of reducing the use of the waters of Lake Michigan to support navigation in the Chicago sanitary and ship canal system, Chicago, Illinois.

SEC. 428. LONG LAKE, INDIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for ecosystem restoration, Long Lake, Indiana.

SEC. 429. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS.

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.

SEC. 430. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA.

The Secretary shall investigate the problems associated with the mixture of freshwater, saltwater, and fine river silt in the channel of 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), and recommend a solution to the problems.

SEC. 431. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 432. IBERIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation, Iberia Port, Louisiana.

SEC. 433. 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 include 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. 434. 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. 435. 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. 436. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 437. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1,000 feet.

SEC. 438. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

SEC. 439. 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). In carrying out the reevaluation, the Secretary shall include river dredging as a component of the study.

SEC. 440. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017).

SEC. 441. 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. 442. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 443. 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. 444. 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. 445. 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. 446. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.

The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina, including Atlantic Beach, Pine Knoll Shores Beach, Salter Path Beach, Indian Beach, and Emerald Isle Beach.

SEC. 447. DUCK CREEK WATERSHED, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out flood control, environmental restoration, and aquatic ecosystem restoration measures in the Duck Creek watershed, Ohio.

SEC. 448. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam on the Sandusky River at Fremont, Ohio.

SEC. 449. STEUBENVILLE, 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. 450. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary shall—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) transmit, not later than 180 days after the date of enactment of this Act, to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin, Oklahoma; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

SEC. 451. 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 Resources Development Act of 1986 (33 U.S.C. 2309a) a feasibility study for the ecosystem restoration project at Columbia Slough, Oregon. If the Secretary determines that the project is appropriate, the Secretary may carry out the project on an expedited basis under such section.

SEC. 452. CLIFF WALK IN NEWPORT, RHODE ISLAND.

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island, to meet its authorized purpose.

SEC. 453. QUONSET POINT CHANNEL, RHODE ISLAND.

The Secretary shall conduct a study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

SEC. 454. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

SEC. 455. 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. 456. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer to the Secretary the funds necessary to carry out subsection (a).

SEC. 457. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) CREDIT.—The Secretary—

(1) shall credit toward the non-Federal share of the cost 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, on, or after the date of execution of the feasibility study cost-sharing agreement; and

(2) shall consider, for the purposes of paragraph (1), 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 of the House of Representatives, dated March 7, 1996.

(d) LIMITATION.—The Secretary may not reject the project under the feasibility study based solely on a minimum amount of stream runoff.

SEC. 458. 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.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. LAKES PROGRAM.

Section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148–4149), as amended in section 210(b) of this Act, 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 $3,000,000. Such sums shall remain available until expended.''.

SEC. 502. RESTORATION PROJECTS.

(a) IN GENERAL.—Section 539 of the Water Resources Development Act of 1996 (110 Stat. 3776–3777) is amended—

*(1) in the section heading by striking ''**MARYLAND, PENNSYLVANIA, AND WEST VIRGINIA**'';*

(2) by striking ''and'' at the end of subsection (a)(1)(A);

(3) by striking the period at the end of subsection (a)(1)(B) and inserting a semicolon; and

(4) by adding at the end of subsection (a)(1) the following:

''(C) the Lackawanna River, Pennsylvania;

''(D) the Soda Butte Creek, Silver Creek, and Elkhorn Mountain drainages, Montana;

''(E) the Pemigewasset River watershed, New Hampshire;

''(F) the Hocking River, Ohio; and

''(G) the Clinch River watershed and Powell River watershed, Virginia.''.

(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 '', $5,000,000 for projects undertaken under subsection (a)(1)(C), $5,000,000 for projects undertaken under subsection (a)(1)(D), $1,500,000 for projects undertaken under subsection (a)(1)(E), $2,500,000 for projects undertaken under subsection (a)(1)(F), and $5,000,000 for projects undertaken under subsection (a)(1)(G)'' before the period at the end.

SEC. 503. 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 (33 U.S.C. 2313b) 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, Pennsylvania.

SEC. 504. EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

''(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;''.

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by—

(1) inserting ''or exported'' after ''diverted''; and

(2) inserting ''or export'' after ''diversion''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

SEC. 505. 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).

SEC. 506. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

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

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

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

(b) DEFINITIONS.—In this section, the following definitions apply:

(1) GREAT LAKE.—

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

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

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

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

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

(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) SUPPORT PLAN.—

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

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

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

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

(ii) other affected interests.

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

(3) EVALUATION PROGRAM.—

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

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

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

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

(f) COST SHARING.—

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

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

(3) NON-FEDERAL SHARE.—

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

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

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

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

(g) AUTHORIZATION OF APPROPRIATIONS.—

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

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $100,000,000.

SEC. 507. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

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

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

(b) ASSESSMENT.—

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

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

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

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

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

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

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

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

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

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

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

(5) REPORT.—Not later than October 1, 2002, the Secretary shall transmit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

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

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

(B) transmit the plan to Congress.

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

(A) a feasibility report; and

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

(d) CRITICAL RESTORATION PROJECTS.—

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

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

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

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

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

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

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

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The Secretary shall credit the non-Federal interest for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) $4,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $55,000,000.

SEC. 508. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking ''Arkansas River, Arkansas.'' and inserting ''Fort Smith, Arkansas, on land provided by the city of Fort Smith.''.

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking ''in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi.'' and inserting ''between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.''.

SEC. 509. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748); and

(2) shall integrate, to the maximum extent practicable and in accordance with applicable law, the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the ''Bay-Delta Estuary''), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for fiscal years 2002 through 2005.

SEC. 510. 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. 511. CLEAR LAKE BASIN, CALIFORNIA.

Amounts made available to the Secretary by the Energy and Water Development 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 be used only for the wetlands restoration and creation elements of the project.

SEC. 512. 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. 513. 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. 514. 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. 515. 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. 516. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) EASEMENT PROHIBITION.—The term ''easement prohibition'' means the rights acquired by the United States in the flowage easements to prohibit structures for human habitation.

(2) ELIGIBLE PROPERTY OWNER.—The term ''eligible property owner'' means a person that owns a structure for human habitation that was constructed before January 1, 2000, and is located on fee land or in violation of the flowage easement.

(3) FEE LAND.—The term ''fee land'' means the land acquired in fee title by the United States for the Lake.

(4) FLOWAGE EASEMENT.—The term ''flowage easement'' means an interest in land that the United States acquired that provides the right to flood, to the elevation of 1,085 feet above mean sea level (among other rights), land surrounding the Lake.

(5) LAKE.—The term ''Lake'' means the Lake Sidney Lanier, Georgia, project of the Corps of Engineers authorized by the first section of the Rivers and Harbors Act of July 24, 1946 (60 Stat. 635).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to convey to eligible property owners the right to maintain existing structures for human habitation on fee land; or

(2) to release eligible property owners from the easement prohibition as it applies to existing structures for human habitation on the flowage easements (if the floor elevation of the human habitation area is above the elevation of 1,085 feet above mean sea level).

(c) REGULATIONS.—To carry out subsection (b), the Secretary shall issue regulations that—

(1) require the Corps of Engineers to suspend any activities to require eligible property owners to remove structures for human habitation that encroach on fee land or flowage easements;

(2) provide that a person that owns a structure for human habitation on land adjacent to the Lake shall have a period of 1 year after the date of enactment of this Act—

(A) to request that the Corps of Engineers resurvey the property of the person to determine if the person is an eligible property owner under this section; and

(B) to pay the costs of the resurvey to the Secretary for deposit in the Corps of Engineers account in accordance with section 2695 of title 10, United States Code;

(3) provide that when a determination is made, through a private survey or through a boundary line maintenance survey conducted by the Federal Government, that a structure for human habitation is located on the fee land or a flowage easement—

(A) the Corps of Engineers shall immediately notify the property owner by certified mail; and

(B) the property owner shall have a period of 90 days from receipt of the notice in which to establish that the structure was constructed before January 1, 2000, and that the property owner is an eligible property owner under this section;

(4) provide that any private survey shall be subject to review and approval by the Corps of Engineers to ensure that the private survey conforms to the boundary line established by the Federal Government;

(5) require the Corps of Engineers to offer to an eligible property owner a conveyance or release that—

(A) on fee land, conveys by quitclaim deed the minimum land required to maintain the human habitation structure, reserving the right to flood to the elevation of 1,085 feet above mean sea level, if applicable;

(B) in a flowage easement, releases by quitclaim deed the easement prohibition;

(C) provides that—

(i) the existing structure shall not be extended further onto fee land or into the flowage easement; and

(ii) additional structures for human habitation shall not be placed on fee land or in a flowage easement; and

(D) provides that—

(i)(I) the United States shall not be liable or responsible for damage to property or injury to persons caused by operation of the Lake; and

(II) no claim to compensation shall accrue from the exercise of the flowage easement rights; and

(ii) the waiver described in clause (i) of any and all claims against the United States shall be a covenant running with the land and shall be binding on heirs, successors, assigns, and purchasers of the property subject to the waiver; and

(6) provide that the eligible property owner shall—

(A) agree to an offer under paragraph (5) not later than 90 days after the offer is made by the Corps of Engineers; or

(B) comply with the real property rights of the United States and remove the structure for human habitation and any other unauthorized real or personal property.

(d) OPTION TO PURCHASE INSURANCE.—Nothing in this section precludes a property owner from purchasing flood insurance to which the property owner may be eligible.

(e) PRIOR ENCROACHMENT RESOLUTIONS.—Nothing in this section affects any resolution, before the date of enactment of this Act, of an encroachment at the Lake, whether the resolution was effected through sale, exchange, voluntary removal, or alteration or removal through litigation.

(f) PRIOR REAL PROPERTY RIGHTS.—Nothing in this section—

(1) takes away, diminishes, or eliminates any other real property rights acquired by the United States at the Lake; or

(2) affects the ability of the United States to require the removal of any and all encroachments that are constructed or placed on United States real property or flowage easements at the Lake after December 31, 1999.

SEC. 517. 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. 518. LAKE MICHIGAN DIVERSION, ILLINOIS.

Section 1142(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20 note; 100 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. 519. ILLINOIS RIVER BASIN RESTORATION.

(a) ILLINOIS RIVER BASIN DEFINED.—In this section, the term ''Illinois River basin'' means the Illinois River, Illinois, its backwaters, its 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 Secretary may credit the value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section 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 that accomplish the goals of this section, as determined by the Secretary. The 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. 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 (33 U.S.C. 2330), credit toward the non-Federal share of the cost of the project for the value of 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. 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.

SEC. 522. 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. 523. 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. 524. MINNESOTA DAM SAFETY.

(a) INVENTORY AND ASSESSMENT OF OTHER DAMS.—

(1) INVENTORY.—The Secretary shall establish an inventory of dams constructed in the State of Minnesota 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 assess the condition of the dams on the 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 may carry out measures to prevent or mitigate against that risk.

(2) FEDERAL SHARE.—The Federal share of the cost of assistance provided under this subsection shall be 65 percent.

(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 $7,000,000.

SEC. 525. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA.

(a) DESIGNATION.—The portion of the Boundary Waters Canoe Area Wilderness, Minnesota, that is situated north and east of the Gunflint Corridor and 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 subsection (a) shall be deemed to be a reference to the ''Bruce F. Vento Unit of the Boundary Waters Canoe Area Wilderness''.

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 State of 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 35 percent.

(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. 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. 529. 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 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 at Las Vegas Wash and 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. 530. 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 the 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) 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.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 531. 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. 532. 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 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 and appropriate nonprofit, nongovernmental organizations with expertise in wetland 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 35 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. 533. FLOOD DAMAGE REDUCTION.

(a) IN GENERAL.—In order to assist the States of North Carolina and Ohio and local governments in mitigating damages resulting from a major disaster, the Secretary shall carry out flood damage reduction projects by protecting, clearing, and restoring channel dimensions (including removing accumulated snags and other debris)—

(1) in eastern North Carolina, in—

(A) New River and tributaries;

(B) White Oak River and tributaries;

(C) Neuse River and tributaries; and

(D) Pamlico River and tributaries; and

(2) in Ohio, in—

(A) Symmes Creek;

(B) Duck Creek; and

(C) Brush Creek.

(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.) before the date of enactment of this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $6,000,000 for fiscal years 2001 through 2003.

SEC. 534. 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. 535. 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. 536. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, 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 Governors of the States of Oregon and Washington and the heads of appropriate Indian tribes, 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 Governor of the State of Oregon and the heads of appropriate Indian tribes, 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 $30,000,000.

SEC. 537. 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 (112 Stat. 305) to the Secretary for access improvements at the Raystown Lake project, Pennsylvania.

SEC. 538. 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 and appropriate nonprofit, nongovernmental organizations with expertise in wetland 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. 539. CHARLESTON HARBOR, SOUTH CAROLINA.

(a) ESTUARY RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary

shall develop a plan for activities of the Corps of Engineers to support the restoration of the ecosystem of the Charleston Harbor estuary, South Carolina.

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

(i) the State of South Carolina; and

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

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

(3) EVALUATION PROGRAM.—

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

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

(b) COST SHARING.—

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

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

(3) NON-FEDERAL SHARE.—

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

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

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

SEC. 540. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602 of the Water Resources Development Act of 1999 (113 Stat. 385–388) is amended—

(1) in subsection (a)(4)(C)(i) by striking subclause (I) and inserting the following:

''(I) fund, from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program and through grants to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe—

''(aa) the terrestrial wildlife habitat restoration programs being carried out as of August 17, 1999, on Oahe and Big Bend project land at a level that does not exceed the greatest amount of funding that was provided for the programs during a previous fiscal year; and

''(bb) the carrying out of plans developed under this section; and''; and

(2) in subsection (b)(4)(B) by striking ''section 604(d)(3)(A)(iii)'' and inserting ''section 604(d)(3)(A)''.

(b) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388–389) is amended—

(1) in subsection (c)(2) by striking ''The'' and inserting ''In consultation with the State of South Dakota, the''; and

(2) in subsection (d)—

(A) in paragraph (2) by inserting ''Department of Game, Fish and Parks of the'' before ''State of''; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I) by striking ''transferred'' and inserting ''transferred or to be transferred''; and

(ii) by striking subclause (II) and inserting the following:

''(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred or to be transferred to the State of South Dakota by the Secretary;''.

(c) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389–390) is amended—

(1) in subsection (c)(2) by striking ''The'' and inserting ''In consultation with the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe, the''; and

(2) in subsection (d)—

(A) in paragraph (2) by inserting ''as tribal funds'' after ''for use''; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I) by striking ''transferred'' and inserting ''transferred or to be transferred''; and

(ii) by striking subclause (II) and inserting the following:

''(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred or to be transferred to the respective affected Indian Tribe by the Secretary;''.

(d) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390–393) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B) by striking ''in perpetuity'' and inserting ''for the life of the Mni Wiconi project'';

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) DEADLINE FOR TRANSFER OF RECREATION AREAS.—Under subparagraph (A), the Secretary shall transfer recreation areas not later than January 1, 2002.'';

(2) in subsection (c)—

(A) by redesignating paragraph (1) as paragraph (1)(A);

(B) by redesignating paragraphs (2) through (4) as subparagraphs (B) through (D), respectively, of paragraph (1);

(C) in paragraph (1)—

(i) in subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) by inserting ''and'' after the semicolon; and

(ii) in subparagraph (D) (as redesignated by subparagraph (B) of this paragraph) by striking ''and'' and inserting ''or''; and

(D) by redesignating paragraph (5) as paragraph (2);

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

''(2) STRUCTURES.—

''(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

''(B) LEASE OF RECREATION AREAS.—

''(i) IN GENERAL.—The Secretary shall lease to the State of South Dakota in perpetuity all or part of the following recreation areas, within the boundaries determined under clause (ii), that are adjacent to land received by the State of South Dakota under this title:

''(I) OAHE DAM AND LAKE.—

''(aa) Downstream Recreation Area.

''(bb) West Shore Recreation Area.

''(cc) East Shore Recreation Area.

''(dd) Tailrace Recreation Area.

''(II) FORT RANDALL DAM AND LAKE FRANCIS CASE.—

''(aa) Randall Creek Recreation Area.

''(bb) South Shore Recreation Area.

''(cc) Spillway Recreation Area.

''(III) GAVINS POINT DAM AND LEWIS AND CLARK LAKE.—Pierson Ranch Recreation Area.

''(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the State of South Dakota.'';

(4) in subsection (f)(1) by striking ''Federal law'' and inserting ''a Federal law specified in section 607(a)(6) or any other Federal law'';

(5) in subsection (g) by striking paragraph (3) and inserting the following:

''(3) EASEMENTS AND ACCESS.—

''(A) IN GENERAL.—Not later than 180 days after a request by the State of South Dakota, the Secretary shall provide to the State of South Dakota easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures).

''(B) NO EFFECT ON MISSION.—The easements and access referred to in subparagraph (A) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (58 Stat. 887).'';

(6) in subsection (h) by striking ''of this Act'' and inserting ''of law''; and

(7) by adding at the end the following:

''(j) CLEANUP OF LAND AND RECREATION AREAS.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(k) CULTURAL RESOURCES ADVISORY COMMISSION.—

''(1) IN GENERAL.—The State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe may establish an advisory commission to be known as the 'Cultural Resources Advisory Commission' (referred to in this subsection as the 'Commission').

''(2) MEMBERSHIP.—The Commission shall be composed of—

''(A) 1 member representing the State of South Dakota;

''(B) 1 member representing the Cheyenne River Sioux Tribe;

''(C) 1 member representing the Lower Brule Sioux Tribe; and

''(D) upon unanimous vote of the members of the Commission described in subparagraphs (A) through (C), a member representing a federally

recognized Indian Tribe located in the State of North Dakota or South Dakota that is historically or traditionally affiliated with the Missouri River basin in South Dakota.

''(3) DUTY.—The duty of the Commission shall be to provide advice on the identification, protection, and preservation of cultural resources on the land and recreation areas described in subsections (b) and (c) of this section and subsections (b) and (c) of section 606.

''(4) RESPONSIBILITIES, POWERS, AND ADMINISTRATION.—The Governor of the State of South Dakota, the Chairman of the Cheyenne River Sioux Tribe, and the Chairman of the Lower Brule Sioux Tribe are encouraged to unanimously enter into a formal written agreement, not later than 1 year after the date of enactment of this subsection, to establish the role, responsibilities, powers, and administration of the Commission.

''(l) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.''.

(e) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393–395) is amended—

(1) in subsection (a)(1) by striking ''The Secretary'' and inserting ''Not later than January 1, 2002, the Secretary'';

(2) in subsection (b)(1) by striking ''Big Bend and Oahe'' and inserting ''Oahe, Big Bend, and Fort Randall'';

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

''(2) STRUCTURES.—

''(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

''(B) LEASE OF RECREATION AREAS.—

''(i) IN GENERAL.—The Secretary shall lease to the Lower Brule Sioux Tribe in perpetuity all or part of the following recreation areas at Big Bend Dam and Lake Sharpe:

''(I) Left Tailrace Recreation Area.

''(II) Right Tailrace Recreation Area.

''(III) Good Soldier Creek Recreation Area.

''(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the Lower Brule Sioux Tribe.'';

(4) in subsection (f)—

(A) in paragraph (1) by striking ''Federal law'' and inserting ''a Federal law specified in section 607(a)(6) or any other Federal law'';

(B) in paragraph (2) by striking subparagraph (C) and inserting the following:

''(C) EASEMENTS AND ACCESS.—

''(i) IN GENERAL.—Not later than 180 days after a request by an affected Indian Tribe, the Secretary shall provide to the affected Indian Tribe easements and access on land and water below the level of the exclusive flood pool inside the Indian reservation of the affected Indian Tribe for recreational and other purposes (including for boat docks, boat ramps, and related structures).

''(ii) NO EFFECT ON MISSION.—The easements and access referred to in clause (i) shall not prevent the Corps of Engineers from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (58 Stat. 887).''; and

(C) in paragraph (3)(B) by inserting before the period at the end the following: ''that were administered by the Corps of Engineers as of the date of the land transfer.''; and

(5) by adding at the end the following:

''(h) CLEANUP OF LAND AND RECREATION AREAS.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(i) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, in consultation with the Cultural Resources Advisory Commission established under section 605(k) and through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(j) SEDIMENT CONTAMINATION.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall—

''(A) complete a study of sediment contamination in the Cheyenne River; and

''(B) take appropriate remedial action to eliminate any public health and environmental risk posed by the contaminated sediment.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).''.

(f) BUDGET CONSIDERATIONS.—Section 607 of the Water Resources Development Act of 1999 (113 Stat. 395–396) is amended by adding at the end the following:

''(d) BUDGET CONSIDERATIONS.—

''(1) IN GENERAL.—In developing an annual budget to carry out this title, the Corps of Engineers shall consult with the State of South Dakota and the affected Indian Tribes.

''(2) INCLUSIONS; AVAILABILITY.—The budget referred to in paragraph (1) shall—

''(A) be detailed;

''(B) include all necessary tasks and associated costs; and

''(C) be made available to the State of South Dakota and the affected Indian Tribes at the time at which the Corps of Engineers submits the budget to Congress.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 609 of the Water Resources Development Act of 1999 (113 Stat. 396–397) is amended by striking subsection (a) and inserting the following:

''(a) SECRETARY.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each fiscal year such sums as are necessary—

''(A) to pay the administrative expenses incurred by the Secretary in carrying out this title;

''(B) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a);

''(C) to fund activities described in sections 603(d)(3) and 604(d)(3) with respect to land and recreation areas transferred or to be transferred to an affected Indian Tribe or the State of South Dakota under section 605 or 606; and

''(D) to fund the annual expenses (not to exceed the Federal cost as of August 17, 1999) of operating recreation areas transferred or to be transferred under sections 605(c) and 606(c) to, or leased by, the State of South Dakota or an affected Indian Tribe, until such time as the trust funds under sections 603 and 604 are fully capitalized.

''(2) ALLOCATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Secretary shall allocate the amounts made available under subparagraphs (B), (C), and (D) of paragraph (1) as follows:

''(i) $1,000,000 (or, if a lesser amount is so made available for the fiscal year, the lesser amount) shall be allocated equally among the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe, for use in accordance with paragraph (1).

''(ii) Any amounts remaining after the allocation under clause (i) shall be allocated as follows:

''(I) 65 percent to the State of South Dakota.

''(II) 26 percent to the Cheyenne River Sioux Tribe.

''(III) 9 percent to the Lower Brule Sioux Tribe.

''(B) USE OF ALLOCATIONS.—Amounts allocated under subparagraph (A) may be used at the option of the recipient for any purpose described in subparagraph (B), (C), or (D) of paragraph (1).''.

(h) CLARIFICATION OF REFERENCES TO INDIAN TRIBES.—

(1) DEFINITIONS.—Section 601 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended by striking paragraph (1) and inserting the following:

''(1) AFFECTED INDIAN TRIBE.—The term 'affected Indian Tribe' means each of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.''.

(2) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602(b)(4)(B) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking ''the Tribe'' and inserting ''the affected Indian Tribe''.

(3) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604(d)(3)(A) of the Water Resources Development Act of 1999 (113 Stat. 390) is amended by striking ''the respective Tribe'' each place it appears and inserting ''the respective affected Indian Tribe''.

(4) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390–393) is amended—

(A) in subsection (b)(3) by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''; and

(B) in subsection (c)(1)(B) (as redesignated by subsection (d)(2)(B) of this section) by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''.

(5) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393–395) is amended—

*(A) in the section heading by striking ''**INDIAN TRIBES**'' and inserting ''**AFFECTED INDIAN TRIBES**'';*

(B) in paragraphs (1) and (4) of subsection (a) by striking ''the Indian Tribes'' each place it appears and inserting ''the affected Indian Tribes'';

(C) in subsection (c)(2) by striking ''an Indian Tribe'' and inserting ''any Indian Tribe'';

(D) in subsection (f)(2)(B)(i)—

(i) by striking ''the respective tribes'' and inserting ''the respective affected Indian Tribes''; and

(ii) by striking ''the respective Tribe's'' and inserting ''the respective affected Indian Tribe's''; and

(E) in subsection (g) by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''.

(6) ADMINISTRATION.—Section 607(a) of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by striking ''an Indian Tribe'' each place it appears and inserting ''any Indian Tribe''.

SEC. 541. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

The Secretary shall prepare a limited reevaluation report of the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to determine the feasibility of modifying the project to provide urban flood protection along Horn Lake Creek and, if the Secretary determines that the modification is technically sound, environmentally acceptable, and economically justified, carry out the project as modified in accordance with the report.

SEC. 542. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section, the following definitions apply:

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

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

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

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

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

(b) CRITICAL RESTORATION PROJECTS.—

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

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

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

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

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

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

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

(ii) protect and enhance water quality; or

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

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

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

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

(d) PROJECT SELECTION.—

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

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

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

(2) CERTIFICATION.—

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

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

(e) COST SHARING.—

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

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

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

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

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

(2) NON-FEDERAL SHARE.—

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

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

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

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

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

SEC. 543. VERMONT DAMS REMEDIATION.

(a) IN GENERAL.—The Secretary—

(1) shall conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b);

(2) shall provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b); and

(3) may carry out measures to prevent or mitigate against such risk if the Secretary determines that a dam described in subsection (b) presents an imminent and substantial risk to public safety.

(b) DAMS TO BE EVALUATED.—The dams referred to in subsection (a) are the following:

(1) East Barre Dam, Barre Town.

(2) Wrightsville Dam, Middlesex-Montpelier.

(3) Lake Sadawga Dam, Whitingham.

(4) Dufresne Pond Dam, Manchester.

(5) Knapp Brook Site 1 Dam, Cavendish.

(6) Lake Bomoseen Dam, Castleton.

(7) Little Hosmer Dam, Craftsbury.

(8) Colby Pond Dam, Plymouth.

(9) Silver Lake Dam, Barnard.

(10) Gale Meadows Dam, Londonderry.

(c) COST SHARING.—The non-Federal share of the cost of activities under subsection (a) shall be 35 percent.

(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 $5,000,000.

SEC. 544. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

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

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

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

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

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

(c) PROJECT SELECTION.—

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

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

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

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

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

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

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

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

(A) the Salmon Recovery Funding Board;

(B) the Northwest Straits Commission;

(C) the Hood Canal Coordinating Council;

(D) county watershed planning councils; and

(E) salmon enhancement groups.

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

(e) COST SHARING.—

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

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

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

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

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

(2) CREDIT.—

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

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

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 545. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the tribal reservation of the Shoalwater Bay Tribe on Willapa Bay, Washington.

(b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the tribal reservation of the Shoalwater Bay Tribe on Willapa Bay, Washington, at Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Tribe.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in paragraph (1), the Shoalwater Bay Tribe shall provide lands, easements, rights-of-way, and dredged material disposal areas necessary for implementation of the project.

SEC. 546. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON.

(a) IN GENERAL.—The city of Aberdeen, Washington, may transfer all rights, title, and interests of the city 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. 547. BLUESTONE, WEST VIRGINIA.

(a) IN GENERAL.—The project for flood control, Bluestone Lake, Ohio River basin, West Virginia, authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217), is modified to authorize construction of hydroelectric generating facilities at the project by the Tri-Cities Power Authority of West Virginia under the terms and conditions of the agreement referred to in subsection (b).

(b) AGREEMENT.—

(1) AGREEMENT TERMS.—The Secretary and the Secretary of Energy, acting through the Southeastern Power Administration, shall enter into a binding agreement with the Tri-Cities Power Authority that contains mutually acceptable terms and conditions and 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 that 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 to in subsection (a).

(B) The rights, responsibilities, and liabilities of each party to the agreement.

(C) The amount of the payments under subsection (f) 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 facilities 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.

(2) CERTIFICATION.—The Secretary may 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, may 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 the facilities referred to in subsection (a).

SEC. 548. 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 preservation and restoration 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. 549. TUG FORK RIVER, WEST VIRGINIA.

(a) IN GENERAL.—The Secretary may provide planning and design 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. 550. SOUTHERN WEST VIRGINIA.

Section 340(a) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended in the second sentence by inserting ''environmental restoration,'' after ''distribution facilities,''.

SEC. 551. 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. 552. 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) Upper Charles River watershed, Massachusetts.

''(32) Lackawanna River watershed, Pennsylvania.

''(33) Brazos River watershed, Texas.''.

SEC. 553. 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. 554. HYDROGRAPHIC SURVEY.

The Secretary shall enter into an agreement with the Administrator of the National Oceanic and Atmospheric Administration—

(1) 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; and

(2) to require the Administrator to provide the final charts with respect to the project to the Secretary in digital format, at no charge, for the purpose of enhancing the mission of the Corps of Engineers of maintaining Federal navigation projects.

SEC. 555. COLUMBIA RIVER TREATY FISHING ACCESS.

Section 401(d) of the Act entitled ''An Act to establish procedures for review of tribal constitutions and bylaws or amendments thereto pursuant to the Act of June 18, 1934 (48 Stat. 987)'', approved November 1, 1988 (102 Stat. 2944), is amended by striking ''$2,000,000'' and inserting ''$4,000,000''.

SEC. 556. 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 restrictive covenant that 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 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 be acquired by the Alabama Farmers Cooperative, Inc.

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 days 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 Resources 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) not later than 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, NORTH DAKOTA

SEC. 701. SHORT TITLE.

This title may be cited as the ''Missouri River Protection and Improvement Act of 2000''.

SEC. 702. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Garrison Dam was constructed on the Missouri River in North Dakota and the Oahe Dam was constructed in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Garrison and Oahe Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Sakakawea and Lake Oahe;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

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

(1) to reduce the siltation of the Missouri River in the State of North Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 703. DEFINITIONS.

In this title, 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 Flood Control 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 North Dakota.

(4) TASK FORCE.—The term ''Task Force'' means the North Dakota Missouri River Task Force established by section 705(a).

(5) TRUST.—The term ''Trust'' means the North Dakota Missouri River Trust established by section 704(a).

SEC. 704. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the North Dakota Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 16 members to be appointed by the Secretary, including—

(1) 12 members recommended by the Governor of North Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the North Dakota Department of Health;

(ii) the North Dakota Department of Parks and Recreation;

(iii) the North Dakota Department of Game and Fish;

(iv) the North Dakota State Water Commission;

(v) the North Dakota Indian Affairs Commission;

(vi) agriculture groups;

(vii) environmental or conservation organizations;

(viii) the hydroelectric power industry;

(ix) recreation user groups;

(x) local governments; and

(xi) other appropriate interests;

(2) 4 members representing each of the 4 Indian tribes in the State of North Dakota.

SEC. 705. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall transmit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review

and comment before the plan becomes final in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

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

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment 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 shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan 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 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 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 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 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 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 Secretary shall credit the non-Federal interest for all contributions provided under clause (ii)(I).

SEC. 706. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Flood Control Act of December 22, 1944 (33 U.S.C. 701–1 et seq.; 58 Stat. 887).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title $5,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Charles M. Russell National Wildlife Refuge Enhancement Act of 2000''.

SEC. 802. PURPOSE.

The purpose of this title is to direct the Secretary, working with the Secretary of the Interior, to convey cabin sites at Fort Peck Lake, Montana, and to acquire land with greater wildlife and other public value for the Charles M. Russell National Wildlife Refuge, to—

(1) better achieve the wildlife conservation purposes for which the Refuge was established;

(2) protect additional fish and wildlife habitat in and adjacent to the Refuge;

(3) enhance public opportunities for hunting, fishing, and other wildlife-dependent activities;

(4) improve management of the Refuge; and

(5) reduce Federal expenditures associated with the administration of cabin site leases.

SEC. 803. DEFINITIONS.

In this title, the following definitions apply:

(1) ASSOCIATION.—The term ''Association'' means the Fort Peck Lake Association.

(2) CABIN SITE.—

(A) IN GENERAL.—The term ''cabin site'' means a parcel of property within the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas that is—

(i) managed by the Corps of Engineers;

(ii) located in or near the eastern portion of Fort Peck Lake, Montana; and

(iii) leased for single family use or occupancy.

(B) INCLUSIONS.—The term ''cabin site'' includes all right, title, and interest of the United States in and to the property, including—

(i) any permanent easement that is necessary to provide vehicular and utility access to the cabin site;

(ii) the right to reconstruct, operate, and maintain an easement described in clause (i); and

(iii) any adjacent parcel of land that the Secretary determines should be conveyed under section 804(c)(1).

(3) CABIN SITE AREA.—

(A) IN GENERAL.—The term ''cabin site area'' means a portion of the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas referred to in paragraph (2) that is occupied by 1 or more cabin sites.

(B) INCLUSION.—The term ''cabin site area'' includes such immediately adjacent land, if any, as is needed for the cabin site area to exist as a generally contiguous parcel of land and for each cabin site in the cabin site area to meet the requirements of section 804(e)(1), as determined by the Secretary, with the concurrence of the Secretary of the Interior.

(4) LAND.—The term ''land'' means land or an interest in land.

(5) LESSEE.—The term ''lessee'' means a person that is leasing a cabin site.

(6) REFUGE.—The term ''Refuge'' means the Charles M. Russell National Wildlife Refuge in the State of Montana.

SEC. 804. CONVEYANCE OF CABIN SITES.

(a) IN GENERAL.—

(1) PROHIBITION.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of the Interior shall prohibit the issuance of new cabin site leases within the Refuge, except as is necessary to consolidate with, or substitute for, an existing cabin site lease under paragraph (2).

(2) DETERMINATION; NOTICE.—Not later than 1 year after the date of enactment of this Act, and before proceeding with any exchange under this title, the Secretary shall—

(A)(i) with the concurrence of the Secretary of the Interior, determine individual cabin sites that are not suitable for conveyance to a lessee because the cabin sites are isolated so that conveyance of 1 or more of the cabin sites would create an inholding that would impair management of the Refuge; and

(ii) with the concurrence of the Secretary of the Interior and the lessee, determine individual cabin sites that are not suitable for conveyance to a lessee for any other reason that adversely impacts the future habitability of the cabin sites; and

(B) provide written notice to each lessee that specifies any requirements concerning the form of a notice of interest in acquiring a cabin site that the lessee may submit under subsection (b)(1) and an estimate of the portion of administrative costs that would be required to be reimbursed to the Secretary under section 808(b), to—

(i) determine whether the lessee is interested in acquiring the cabin site area of the lessee; and

(ii) inform each lessee of the rights of the lessee under this title.

(3) OFFER OF COMPARABLE CABIN SITE.—If the Secretary determines that a cabin site is not suitable for conveyance to a lessee under paragraph (2)(A), the Secretary, in consultation with the Secretary of the Interior, shall offer to the lessee the opportunity to acquire a comparable cabin site within the same cabin site area.

(b) RESPONSE.—

(1) NOTICE OF INTEREST.—

(A) IN GENERAL.—Not later than July 1, 2003, a lessee shall notify the Secretary in writing of an interest in acquiring the cabin site of the lessee.

(B) FORM.—The notice under this paragraph shall be submitted in such form as is required by the Secretary under subsection (a)(2)(B).

(2) UNPURCHASED CABIN SITES.—If the Secretary receives no notice of interest or offer to purchase a cabin site from the lessee under paragraph (1) or the lessee declines an opportunity to purchase a comparable cabin site under subsection (a)(3), the cabin site shall be subject to sections 805 and 806.

(c) PROCESS.—After providing notice to a lessee under subsection (a)(2)(B), the Secretary, with the concurrence of the Secretary of the Interior, shall—

(1) determine whether any small parcel of land adjacent to any cabin site (not including shoreline or land needed to provide public access to the shoreline of Fort Peck Lake) should be conveyed as part of the cabin site to—

(A) protect water quality;

(B) eliminate an inholding; or

(C) facilitate administration of the land remaining in Federal ownership;

(2) if the Secretary and the Secretary of the Interior determine that a conveyance should be completed under paragraph (1), provide notice of the intent of the Secretary to complete the conveyance to the lessee of each affected cabin site;

(3) survey each cabin site to determine the acreage and legal description of the cabin site area, including land identified under paragraph (1);

(4) take such actions as are necessary to ensure compliance with all applicable environmental laws;

(5) prepare permanent easements or deed restrictions to be enforceable by the Secretary of the Interior or an acceptable third party, to be placed on a cabin site before conveyance out of Federal ownership in order to—

(A) comply with the Act of May 18, 1938 (16 U.S.C. 833 et seq.);

(B) comply with any other laws (including regulations);

(C) ensure the maintenance of existing and adequate public access to and along Fort Peck Lake;

(D) limit future uses of the cabin site to—

(i) noncommercial, single-family use; and

(ii) the type and intensity of use of the cabin site as of the date of enactment of this Act; and

(E) maintain the values of the Refuge; and

(6) conduct an appraisal of each cabin site (including any expansion of the cabin site under paragraph (1)) that—

(A) is carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;

(B) excludes the value of any private improvement to the cabin site; and

(C) takes into consideration—

(i) any easement or deed restriction determined to be necessary under paragraph (5) and subsection (h); and

(ii) the definition of ''cabin site'' under section 803(2).

(d) CONSULTATION AND PUBLIC INVOLVEMENT.—The Secretary shall—

(1) carry out subsections (b) and (c) in consultation with—

(A) affected lessees;

(B) affected counties in the State of Montana; and

(C) the Association; and

(2) hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

(e) CONVEYANCE.—Subject to subsections (h) and (i) and section 808(b), the Secretary or, if necessary, the Secretary of the Interior shall convey a cabin site by individual patent or deed to the lessee under this title—

(1) if the cabin site complies with Federal, State, and county septic and water quality laws (including regulations);

(2) if the lessee complies with other requirements of this section; and

(3) after receipt of the payment from the lessee for the cabin site of an amount equal to the sum of—

(A) the appraised fair market value of the cabin site as determined in accordance with subsection (c)(6); and

(B) the administrative costs required to be reimbursed under section 808.

(f) VEHICULAR ACCESS.—

(1) IN GENERAL.—Nothing in this title authorizes any addition to or improvement of vehicular access to a cabin site.

(2) CONSTRUCTION.—The Secretary and the Secretary of the Interior—

(A) shall not construct any road for the sole purpose of providing access to land conveyed under this section; and

(B) shall be under no obligation to service or maintain any existing road used primarily for access to that land (or to a cabin site).

(3) OFFER TO CONVEY.—The Secretary, with the concurrence of the Secretary of the Interior, may offer to convey to the State of Montana, any political subdivision of the State of Montana, or the Association, any road determined by the Secretary to primarily service the land conveyed under this section.

(g) UTILITIES AND INFRASTRUCTURE.—

(1) IN GENERAL.—The purchaser of a cabin site shall be responsible for acquiring or securing the use of all utilities and infrastructure necessary to support the cabin site.

(2) NO FEDERAL ASSISTANCE.—The Secretary and the Secretary of the Interior shall not provide any utilities or infrastructure to the cabin site.

(h) EASEMENTS AND DEED RESTRICTIONS.—

(1) IN GENERAL.—Before conveying any cabin site under subsection (e), the Secretary, with the concurrence of the Secretary of the Interior, shall ensure that the deed of conveyance—

(A) includes such easements and deed restrictions as are determined, under subsection (c), to be necessary; and

(B) makes the easements and deed restrictions binding on all subsequent purchasers of the cabin site.

(2) RESERVATION OF RIGHTS.—The Secretary may reserve the perpetual right, power, privilege, and easement to permanently overflow, flood, submerge, saturate, percolate, or erode a cabin site (or any portion of a cabin site) that the Secretary determines is necessary in the operation of the Fort Peck Dam.

(i) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection (a)(2)(A) shall not be conveyed by the Secretary or the Secretary of the Interior under this section.

(j) IDENTIFICATION OF LAND FOR EXCHANGE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall identify land that may be acquired that meets the purposes of this title specified in paragraphs (1) through (4) of section 802 and for which 1 or more willing sellers exist.

(2) APPRAISAL.—On a request by a willing seller, the Secretary of the Interior shall appraise the land identified under paragraph (1).

(3) ACQUISITION.—If the Secretary of the Interior determines that the acquisition of the land would meet the purposes of this title specified in paragraphs (1) through (4) of section 802, the Secretary of the Interior shall cooperate with the willing seller to facilitate the acquisition of the land in accordance with section 807.

(4) PUBLIC PARTICIPATION.—The Secretary of the Interior shall hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

SEC. 805. RIGHTS OF NONPARTICIPATING LESSEES.

(a) CONTINUATION OF LEASE.—

(1) IN GENERAL.—A lessee that does not provide the Secretary with an offer to acquire the cabin site of the lessee under section 804 (including a lessee who declines an offer of a comparable cabin site under section 804(a)(3)) may elect to continue to lease the cabin site for the remainder of the current term of the lease, which, except as provided in paragraph (2), shall not be renewed or otherwise extended.

(2) EXPIRATION BEFORE 2010.—If the current term of a lessee described in paragraph (1) expires or is scheduled to expire before 2010, the Secretary shall offer to extend or renew the lease through 2010.

(b) IMPROVEMENTS.—Any improvements and personal property of the lessee that are not removed from the cabin site before the termination of the lease shall be considered property of the United States in accordance with the provisions of the lease.

(c) OPTION TO PURCHASE.—Subject to subsections (d) and (e) and section 808(b), if at any time before termination of the lease, a lessee described in subsection (a)(1)—

(1) notifies the Secretary of the intent of the lessee to purchase the cabin site of the lessee; and

(2) pays for an updated appraisal of the cabin site in accordance with section 804(c)(6);

the Secretary or, if necessary, the Secretary of the Interior shall convey the cabin site to the lessee, by individual patent or deed, on receipt of payment from the lessee for the cabin site of an amount equal to the sum of the appraised fair market value of the cabin site, as determined by the updated appraisal, and the administrative costs required to be reimbursed under section 808.

(d) EASEMENTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (c), the Secretary, with the concurrence of the Secretary of the Interior, shall ensure that the deed of conveyance—

(1) includes such easements and deed restrictions as are determined, under section 804(c), to be necessary; and

(2) makes the easements and deed restrictions binding on all subsequent purchasers of the cabin site.

(e) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection 804(a)(2)(A) shall not be conveyed by the Secretary or the Secretary of the Interior under this section.

(f) REPORT.—Not later than July 1, 2003, the Secretary shall submit to Congress a report that—

(1) describes progress made in implementing this title; and

(2) identifies cabin owners that have filed a notice of interest under section 804(b) and have declined an opportunity to acquire a comparable cabin site under section 804(a)(3).

SEC. 806. CONVEYANCE TO THIRD PARTIES.

(a) CONVEYANCES TO THIRD PARTIES.—As soon as practicable after the expiration or surrender of a lease, the Secretary, with the concurrence of the Secretary of the Interior, may offer for sale, by public auction, written invitation, or other competitive sales procedure, and at the fair market value of the cabin site determined under section 804(c)(6), any cabin site that—

(1) is not conveyed to a lessee under this title; and

(2) has not been determined to be unsuitable for conveyance under section 804(a)(2)(A).

(b) EASEMENTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (a), the Secretary, with the concurrence of the Secretary of the Interior, shall ensure that the deed of conveyance—

(1) includes such easements and deed restrictions as are determined, under section 804(c), to be necessary; and

(2) makes the easements and deed restrictions binding on all subsequent purchasers of the cabin site.

(c) MANAGEMENT OF REMAINING LAND WITHIN CABIN SITE AREAS.—

(1) MANAGEMENT BY THE SECRETARY.—All land within the outer boundaries of a cabin site area that is not conveyed under this Act shall be managed by the Secretary, in consultation with the Secretary of the Interior, in substantially the same manner as that land is managed on the date of enactment of this Act and consistent with the purposes for which the Refuge was established.

(2) CONSTRUCTION AND DEVELOPMENT.—The Secretary shall not initiate or authorize any development or construction on land under paragraph (1) except with the concurrence of the Secretary of the Interior.

SEC. 807. USE OF PROCEEDS.

(a) PROCEEDS.—All payments for the conveyance of cabin sites under this title, except costs reimbursed to the Secretary under section 808(b)—

(1) shall be deposited in a special fund within the Montana Fish and Wildlife Conservation Trust established under section 1007 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–715) (as amended by title IV of H.R. 3425 of the 106th Congress, as enacted by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–307); and

(2) notwithstanding title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–710), shall be available for use by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service in the Director's sole discretion and without further Act of appropriation, solely for the acquisition from willing sellers of property that—

(A) is within or adjacent to the Refuge;

(B) would be suitable to carry out the purposes of this title specified in paragraphs (1) through (4) of section 802; and

(C) on acquisition by the Secretary of the Interior, would be accessible to the general public for use in conducting activities consistent with approved uses of the Refuge.

(b) LIMITATIONS.—

(1) IN GENERAL.—To the extent practicable, acquisitions under this title shall be of land within the Refuge.

(2) NO EFFECT ON ACQUISITION.—Nothing in this subsection limits the ability of the Secretary of the Interior to acquire land adjacent to the Refuge from a willing seller in cases in which the Secretary of the Interior also acquires land within the Refuge from the same willing seller.

SEC. 808. ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall pay all administrative costs incurred in carrying out this title.

(b) REIMBURSEMENT.—As a condition of the conveyance of any cabin site area under this title, the Secretary or the Secretary of the Interior—

(1) may require the party to whom the property is conveyed to reimburse the Secretary or the Secretary of the Interior for a reasonable portion, as determined by the Secretary or the Secretary of the Interior, of the direct administrative costs (including survey costs) incurred in carrying out conveyance activities under this title, taking into consideration any cost savings achieved as a result of the party's agreeing to purchase its cabin site as part of a single transaction for the conveyance of multiple cabin sites; and

(2) shall require the party to whom the property is conveyed to reimburse the Association for a proportionate share of the costs (including interest) incurred by the Association in carrying out transactions under this title.

SEC. 809. REVOCATION OF WITHDRAWALS.

(a) IN GENERAL.—Upon execution of any patent or deed, by the Secretary or the Secretary of the Interior, conveying land as specifically authorized by this title, any public land withdrawal affecting the land described in the conveyance document as being conveyed shall be revoked with respect to that land.

(b) EXCLUSIONS.—Nothing in this section affects—

(1) the status of any public land withdrawal on land retained by the Secretary or the Secretary of the Interior;

(2) the boundary of the Refuge as established by Executive Order No. 7509 (December 11, 1936); or

(3) enforcement of any right retained by the United States.

(c) REINSTATEMENT.—If, at any time after the date of enactment of this Act, the Secretary or the Secretary of the Interior reacquires land conveyed under this title, any public land withdrawal revoked under this section shall be reinstated with respect to the reacquired land.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

SEC. 901. SHORT TITLE.

This title may be cited as the ''Missouri River Restoration Act of 2000''.

SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

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

(1) to reduce the siltation of the Missouri River in the State of South Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 903. DEFINITIONS.

In this title, 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 Flood Control 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 905(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 905(a).

(5) TRUST.—The term ''Trust'' means the Missouri River Trust established by section 904(a).

SEC. 904. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;
(v) local governments;
(vi) recreation user groups;
(vii) agricultural groups; and
(viii) other appropriate interests;
(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and
(3) 1 member recommended by the organization known as the ''Three Affiliated Tribes of North Dakota'' (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 905. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.
(b) MEMBERSHIP.—The Task Force shall be composed of—
(1) the Secretary (or a designee), who shall serve as Chairperson;
(2) the Secretary of Agriculture (or a designee);
(3) the Secretary of Energy (or a designee);
(4) the Secretary of the Interior (or a designee); and
(5) the Trust.
(c) DUTIES.—The Task Force shall—
(1) meet at least twice each year;
(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;
(3) review projects to meet the goals of the plan; and
(4) recommend to the Secretary critical projects for implementation.
(d) ASSESSMENT.—
(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—
(A) the impact of the siltation of the Missouri River in the State, including the impact on—
(i) the Federal, State, and regional economies;
(ii) recreation;
(iii) hydropower generation;
(iv) fish and wildlife; and
(v) flood control;
(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;
(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and
(D) other issues, as requested by the Task Force.
(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—
(A) the Secretary of Energy;
(B) the Secretary of the Interior;
(C) the Secretary of Agriculture;
(D) the State; and
(E) Indian tribes in the State.
(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—
(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.
(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—
(A) conservation practices in the Missouri River watershed;
(B) the general control and removal of sediment from the Missouri River;
(C) the protection of recreation on the Missouri River from sedimentation;
(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
(E) erosion control along the Missouri River; or
(F) any combination of the activities described in subparagraphs (A) through (E).
(3) PLAN REVIEW AND REVISION.—
(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.
(B) REVISION OF PLAN.—
(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.
(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.
(f) CRITICAL RESTORATION PROJECTS.—
(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.
(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.
(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—
(A) within the boundary of an Indian reservation; or
(B) administered by an Indian tribe.
(g) COST SHARING.—
(1) ASSESSMENT.—
(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.
(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment may be provided in the form of services, materials, or other in-kind contributions.
(2) PLAN.—
(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.
(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan 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 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 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 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 Secretary shall credit the non-Federal interest for all contributions provided under clause (ii)(I).

SEC. 906. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—
(1) any water right of an Indian tribe;
(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;
(3) any treaty right that is in effect on the date of enactment of this Act;
(4) any external boundary of an Indian reservation of an Indian tribe;
(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or
(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—
(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);
(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);
(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);
(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);
(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);
(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);
(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and
(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.
(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Flood Control Act of December 22, 1944 (33 U.S.C. 701–1 et seq.; 58 Stat. 887).
(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this title $10,000,000 for each of fiscal years 2001 through 2005. Such sums shall remain available until expended.
(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

And the House agree to the same.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
CLAY SHAW,
JIM OBERSTAR,
BOB BORSKI,
ROBERT MENENDEZ,
Managers on the Part of the House.

BOB SMITH,
JOHN WARNER,
MAX BAUCUS,
BOB GRAHAM,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and Senate at the conference on the disagreeing

votes of the two Houses on the amendment of the House to the bill (S. 2796), to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences among the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the Managers, and minor drafting and clerical changes.

TITLE I—WATER RESOURCES PROJECTS

SECTION 101. PROJECT AUTHORIZATIONS

101(a) Projects with Chief's Reports

101(a)(1) Barnegat Inlet to Little Egg Inlet, New Jersey. House §101(a)(1), Senate §101(a)(1).—House recedes.

101(a)(2) Port of New York and New Jersey, New York and New Jersey. House §101(a)(2), Senate §101(a)(2).—House recedes, with an amendment.

This provision allows the Secretary to provide credit for cash or in-kind services and materials provided by the local sponsor of the navigation project, as well as betterments or other work done prior to the execution of the project cooperation agreement, to expedite the project and reduce overall project costs. Nothing in this section limits the availability of credit provided by the Secretary to the local sponsor of the project under section 204 of the Water Resources Development Act of 1986. Such credit would be applied to the non-Federal share of the project cost.

101(b) Projects subject to report

The conference report includes project authorizations for which the Chief of Engineers has not yet completed a final report, but for which such reports are anticipated by December 31, 2000. These projects have been included in order to assure that projects anticipated to satisfy the necessary technical documentation by December 31, 2000 are not delayed in each case that the final favorable reports can be completed by the end of 2000.

101(b)(1) False Pass Harbor, Alaska. House §101(b)(1), Senate §101(b)(1).—House recedes, with an amendment.

101(b)(2) Unalaska Harbor, Alaska. House §101(b)(2), Senate §101(b)(2).—House recedes, with an amendment.

101(b)(3) Rio De Flag, Flagstaff, Arizona. House §101(b)(3), Senate §101(b)(3).—Same.

101(b)(4) Tres Rios, Arizona. House §101(b)(4), Senate §101(b)(4).—Same.

101(b)(5) Los Angeles Harbor, California. House §101(b)(5), Senate §101(b)(5).—Same.

101(b)(6) Murrieta Creek, California. House §101(b)(6), Senate §101(b)(6).—House recedes, with an amendment.

101(b)(7) Pine Flat Dam, California. Senate §101(b)(7). No comparable House section.—House recedes.

101(b)(8) Santa Barbara Streams, Lower Mission Creek, California. House §101(b)(7), Senate §101(b)(9).—Same.

101(b)(9) Upper Newport Bay, California. House §101(b)(8), Senate §101(b)(10).—Same.

101(b)(10) Whitewater River Basin, California. House §101(b)(9), Senate §101(b)(11).—Same.

101(b)(11) Delaware Coast from Cape Henlopen to Fenwick Island. House §101(b)(10), Senate §101(b)(12).—House recedes.

101(b)(12) Port Sutton, Florida. House §101(b)(11), Senate §101(b)(13).—Senate recedes, with an amendment.

101(b)(13) Barbers Point Harbor, Hawaii. House §101(b)(12). No comparable Senate section.—Senate recedes.

101(b)(14) John Myers Lock and Dam, Indiana and Kentucky. House §101(b)(13), Senate §101(b)(14).—House recedes, with an amendment.

101(b)(15) Greenup Lock and Dam, Kentucky and Ohio. House §101(b)(14), Senate §101(b)(15).—House recedes.

101(b)(16) Ohio River Mainstem, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia. House §101(b)(15), Senate §101(b)(21).—House recedes, with an amendment.

101(b)(17) Morganza, Louisiana. Senate §101(b)(16). No comparable House section.—House recedes.

101(b)(18) Monarch-Chesterfield, Missouri. House §101(b)(16), Senate §101(b)(17).—Senate recedes, with an amendment.

101(b)(19) Antelope Creek, Lincoln, Nebraska. House §101(b)(17). No comparable Senate section.—Senate recedes.

101(b)(20) Sand Creek Watershed, Wahoo, Nebraska. House §101(b)(18). No comparable Senate section.—Senate recedes.

101(b)(21) Western Sarpy and Clear Creek, Nebraska. House §101(b)(19). No comparable Senate section.—Senate recedes.

101(b)(22) Raritan Bay and Sandy Hook Bay, Cliffwood Beach, New Jersey. House §101(b)(20). No comparable Senate section.—Senate recedes, with an amendment.

101(b)(23) Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey. House §101(b)(21), Senate §101(b)(18).—House recedes, with an amendment.

101(b)(24) Dare County Beaches, North Carolina. House §101(b)(22). No comparable Senate section.—Senate recedes, with an amendment.

101(b)(25) Wolf River, Tennessee. House §101(b)(23), Senate §101(b)(19).—Senate recedes, with an amendment.

101(b)(26) Duwamish/Green, Washington. House §101(b)(24). No comparable Senate section.—Senate recedes, with an amendment.

101(b)(27) Stillagumaish River Basin, Washington. House §101(b)(25). No comparable Senate section.—Senate recedes.

101(b)(28) Jackson Hole, Wyoming. House §101(b)(26), Senate §101(b)(20).—House recedes.

SEC. 102. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION

102(a)(1) Buffalo Island, Arkansas. House §102(a)(1). No comparable Senate section.—Senate recedes.

102(a)(2) Anaverde Creek, Palmdale, California. House §102(a)(2). No comparable Senate section.—Senate recedes.

102(a)(3) Castaic Creek, Old Road Bridge, Santa Clarita, California. House §102(a)(3). No comparable Senate section.—Senate recedes.

102(a)(4) Santa Clara River, Old Road Bridge, Santa Clarita, California. House §102(a)(4). No comparable Senate section.—Senate recedes.

102(a)(5) Weiser River, Idaho. Senate §106(1). No comparable House section.—House recedes.

102(a)(6) Columbia Levee, Columbia, Illinois. House §102(a)(5). No comparable Senate section.—Senate recedes.

102(a)(7) East-West Creek, Riverton, Illinois. House §102(a)(6). No comparable Senate section.—Senate recedes.

102(a)(8) Prairie Du Pont, Illinois. House §102(a)(7). No comparable Senate section.—Senate recedes.

102(a)(9) Monroe County, Illinois. House §102(a)(8). No comparable Senate section.—Senate recedes.

102(a)(10) Willow Creek, Meredosia, Illinois. House §102(a)(9). No comparable Senate section.—Senate recedes.

102(a)(11) Dykes Branch Channel, Leawood, Kansas. House §102(a)(10). No comparable Senate section.—Senate recedes.

102(a)(12) Dykes Branch Tributaries, Leawood, Kansas. House §102(a)(11). No comparable Senate section.—Senate recedes.

102(a)(13) Kentucky River, Frankfort, Kentucky. House §102(a)(12). No comparable Senate section.—Senate recedes.

102(a)(14) Bayou Tete L'Ours, Louisiana. Senate §106(2). No comparable House section.—House recedes.

102(a)(15) Bossier City, Louisiana. Senate §106(3). No comparable House section.—House recedes.

102(a)(16) Bossier Parish, Louisiana. Senate §105(5). No comparable House section.—House recedes.

102(a)(17) Braithwaite Park, Louisiana. Senate §106(4). No comparable House section.—House recedes.

102(a)(18) Crown Point, Louisiana. Senate §106(6). No comparable House section.—House recedes.

102(a)(19) Donaldsonville Canals, Louisiana. Senate §106(7). No comparable House section.—House recedes.

102(a)(20) Goose Bayou, Louisiana. Senate §106(8). No comparable House section.—House recedes.

102(a)(21) Gumby Dam, Louisiana. Senate §106(9). No comparable House section.—House recedes.

102(a)(22) Hope Canal, Louisiana. Senate §106(10). No comparable House section.—House recedes.

102(a)(23) Jean Lafitte, Louisiana. Senate §106(11). No comparable House section.—House Recedes.

102(a)(24) Lakes Maurepas and Pontchartrain Canals, St. John the Baptist Parish, Louisiana. House §102(a)(13). No comparable Senate section.—Senate recedes.

In conducting the study for this flood damage reduction project, the Managers expect that the Secretary will consider improvements to Hope, DuPont, Bourgeois, Belpoint, Dufresne, Guillot, Godchaux Canals.

102(a)(25) Lockport to Larose, Louisiana. Senate §106(12). No comparable House section.—House recedes.

102(a)(26) Lower Lafitte Basin, Louisiana. Senate §106(13). No comparable House section.—House recedes.

102(a)(27) Oakville to Lareussite, Louisiana. Senate §106(14). No comparable House section.—House recedes.

102(a)(28) Pailet Basin, Louisiana. Senate §106(15). No comparable House section.—House recedes.

102(a)(29) Pochitolawa Creek, Louisiana. Senate §106(16). No comparable House section.—House recedes.

102(a)(30) Rosethorn Basin, Louisiana. Senate §106(17). No comparable House section.—House recedes.

102(a)(31) Shreveport, Louisiana. Senate §106(18). No comparable House section.—House recedes.

102(a)(32) Stephensville, Louisiana. Senate §106(19). No comparable House section.—House recedes.

102(2)(33) St. John the Baptist Parish, Louisiana. Senate §106(20), House §425.—House recedes.

102(a)(34) Magby Creek and Vernon Branch, Mississippi. Senate §106(21). No comparable House section.—House recedes.

102(a)(35) Pennsville Township, Salem County, New Jersey. House §102(a)(14). No comparable Senate section.—Senate recedes.

102(a)(36) Hempstead, New York. House §102(a)(15). No comparable Senate section.—Senate recedes.

102(a)(37) Highland Brook, Highland Falls, New York. House §102(a)(16). No comparable Senate section.—Senate recedes.

102(a)(38) Lafayette Township, Ohio. House §102(a)(17). No comparable Senate section.—Senate recedes.

102(a)(39) West Lafayette, Ohio. House §102(a)(18). No comparable Senate section.—Senate recedes.

102(a)(40) Bear Creek and Tributaries, Medford, Oregon. House §102(a)(19). No comparable Senate section.—Senate recedes.

102(a)(41) Delaware Canal and Brock Creek, Yardley Borough, Pennsylvania. House §102(a)(20). No comparable Senate section.—Senate recedes.

102(a)(42) Fritz Landing, Tennessee. Senate §106(22). No comparable House section.—House recedes.

102(a)(43) First Creek, Fountain City, Knoxville, Tennessee. House §102(a)(21). No comparable Senate section.—Senate recedes.

102(a)(44) Mississippi River, Ridgely, Tennessee. House §102(22). No comparable Senate section.—Senate recedes.

102(b) Magpie Creek, Sacramento County, California. House §102(b). No comparable Senate section.—Senate recedes, with an amendment.

SEC. 103. SMALL PROJECTS FOR EMERGENCY STREAMBANK PROTECTION

103(1) Maumee River, Fort Wayne, Indiana. House §103(1). No comparable Senate section.—Senate recedes.

103(2) Bayou De Glaises, Louisiana. Senate §105(1). No comparable House section.—House recedes.

103(3) Bayou Plaquemine, Louisiana. Senate §105(2). No comparable House section.—House recedes.

103(4) Bayou Sorrell, Iberville Parish, Louisiana. House §103(2). No comparable Senate section.—Senate recedes.

103(5) Hammond, Louisiana. Senate §105(3). No comparable House section.—House recedes.

103(6) Iberville Parish, Louisiana. Senate §105(4). No comparable House section.—House recedes.

103(7) Lake Arthur, Louisiana. Senate §105(5). No comparable House section.—House recedes.

103(8) Lake Charles, Louisiana. Senate §105(6). No comparable House section.—House recedes.

103(9) Loggy Bayou, Louisiana. Senate §105(7). No comparable House section.—House recedes.

103(10) Scotlandville Bluff, Louisiana. Senate §105(8). No comparable House section.—House recedes.

SEC. 104. SMALL PROJECTS FOR NAVIGATION

104(1) Whittier, Alaska. House §104(1). No comparable Senate section.—Senate recedes.

104(2) Cape Coral, Florida. House §104(2), Senate §103(1).—Same.

104(3) Houma Navigation, Louisiana. Senate §103(2). No comparable House section.—House recedes.

104(4) Vidalia Port, Louisiana. Senate §103(3). No comparable House section.—House recedes.

104(5) East Two Rivers, Tower, Minnesota. House §104(3). No comparable Senate section.—Senate recedes.

104(6) Erie Basin Marina, Buffalo, New York. House §104(4). No comparable Senate section.—Senate recedes.

104(7) Lake Michigan, Lakeshore State Park, Milwaukee, Wisconsin. House §104(5). No comparable Senate section.—Senate recedes.

104(8) Saxon Harbor, Francis, Wisconsin. House §104(6). No comparable Senate section.—Senate recedes.

SEC. 105. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT

105(1) Nahant Marsh, Davenport, Iowa. House §105. No comparable Senate section.—Senate recedes.

105(2) Bayou Sauvage National Wildlife Refuge, Louisiana. Senate §107(1). No comparable House section.—House recedes.

105(3) Gulf Intracoastal Waterway, Bayou Plaquemine, Louisiana. Senate §107(2). No comparable House section.—House recedes.

105(4) Gulf Intracoastal Waterway, Miles 220 to 225.5, Louisiana. Senate §107(3). No comparable House section.—House recedes.

105(5) Gulf Intracoastal Waterway, Weeks Bay, Louisiana. Senate §107(4). No comparable House section.—House recedes.

105(6) Lake Fausse Point, Louisiana. Senate §107(5). No comparable House section.—House recedes.

105(7) Lake Providence, Louisiana. Senate §107(6). No comparable House section.—House recedes.

105(8) New River, Louisiana. Senate §107(7). No comparable House section.—House recedes.

105(9) Erie County, Ohio. Senate §107(8). No comparable House section.—House recedes.

105(10) Muskingum County, Ohio. Senate §107(9). No comparable House section.—House recedes.

SEC. 106. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION

106(a)(1) Arkansas River, Pueblo, Colorado. House §106(1). No comparable Senate section.—Senate recedes.

106(a)(2) Hayden Diversion Project, Yampa River, Colorado. House §106(2). No comparable Senate section.—Senate recedes.

106(a)(3) Little Econlockhatchee River Basin, Florida. House §106(3). No comparable Senate section.—Senate recedes.

106(a)(4) Loxahatchee Slough, Palm Beach County, Florida. House §106(4). No comparable Senate section.—Senate recedes.

106(a)(5) Stevenson Creek Estuary, Florida. House §106(5). No comparable Senate section.—Senate recedes.

106(a)(6) Chouteau Island, Madison County, Illinois. House §106(6). No comparable Senate section.—Senate recedes.

106(a)(7) Braud Bayou, Louisiana. Senate §109(a)(1). No comparable House section.—House recedes.

106(a)(8) Buras Marina, Louisiana. Senate §109(a)(2). No comparable House section.—House recedes.

106(a)(9) Comite River, Louisiana. Senate §109(a)(3). No comparable House section.—House recedes.

106(a)(10) Department of Energy 21-Inch Pipeline Canal, Louisiana. Senate §109(a)(4). No comparable House section.—House recedes.

106(a)(11) Lake Borgne, Louisiana. Senate §109(a)(5). No comparable House section.—House recedes.

106(a)(12) Lake Martin, Louisiana. Senate §109(a)(6). No comparable House section.—House recedes.

106(a)(13) Luling, Louisiana. Senate §109(a)(7). No comparable House section.—House recedes.

106(a)(14) Mandeville, Louisiana. Senate §109(a)(8). No comparable House section.—House recedes.

106(a)(15) St. James, Louisiana. Senate §109(a)(9). No comparable House section.—House recedes.

106(a)(16) Saginaw Bay, Bay City, Michigan. House §106(7). No comparable Senate section.—Senate recedes.

106(a)(17) Rainwater Basin, Nebraska. House §106(8). No comparable Senate section.—Senate recedes.

106(a)(18) Mines Falls Park, New Hampshire. Senate §109(a)(10). No comparable House section.—House recedes.

106(a)(19) North Hampton, New Hampshire. Senate §109(a)(11). No comparable House section.—House recedes.

106(a)(20) Cazenovia Lake, Madison County, New York. House §106(9). No comparable Senate section.—Senate recedes.

106(a)(21) Chenango Lake, Chenango County, New York. House §106(10). No comparable Senate section.—Senate recedes.

106(a)(22) Eagle Lake, New York. House §106(11). No comparable Senate section.—Senate recedes.

106(a)(23) Ossining, New York. House §106(12). No comparable Senate section.—Senate recedes.

106(a)(24) Saratoga Lake, New York. House §106(13). No comparable Senate section.—Senate recedes.

106(a)(25) Schroon Lake, New York. House §106(14). No comparable Senate section.—Senate recedes.

106(a)(26) Highland County, Ohio. Senate §109(a)(12). No comparable House section.—House recedes.

106(a)(27) Hocking County, Ohio. Senate §109(a)(13). No comparable House section.—House recedes.

106(a)(28) Middle Cuyahoga River, Kent, Ohio. House §106(15). No comparable Senate section.—Senate recedes.

106(a)(29) Tuscarawas County, Ohio. Senate §109(a)(14). No comparable House section.—House recedes.

106(a)(30) Delta Ponds, Oregon. Senate §109(a)(16). No comparable House section.—House recedes.

106(a)(31) Central Amazon Creek, Eugene, Oregon. House §106(16), Senate §109(a)(15).—Same.

106(a)(32) Eugene Millrace, Eugene, Oregon. House §106(17), Senate §109(a)(17).—Same.

106(a)(33) Bear Creek Watershed, Medford, Oregon. Senate §109(a)(18). No comparable House section.—House recedes.

106(a)(34) Lone Pine and Lazy Creeks, Medford, Oregon. House §106(18). No comparable Senate section.—Senate recedes.

106(a)(35) Roslyn Lake, Oregon. Senate §109(a)(19). No comparable House section.—House recedes.

106(a)(36) Tullytown Borough, Pennsylvania. House §106(19). No comparable Senate section.—Senate recedes.

106(b) Salmon River, Idaho. Senate §106(b). No comparable House section.—House recedes.

SEC. 107. SMALL PROJECTS FOR SHORELINE PROTECTION

107(1) Lake Palourde, Louisiana. Senate §102(1). No comparable House section.—House recedes.

107(2) St. Bernard, Louisiana. Senate §102(2). No comparable House section.—House recedes.

107(3) Hudson River, Dutchess County, New York. House §107. No comparable Senate section.—Senate recedes.

SEC. 108. SMALL PROJECTS FOR SNAGGING AND SEDIMENT REMOVAL

108(1) Sangamon River and Tributaries, Riverton, Illinois. House §108. No comparable Senate section.—Senate recedes.

108(2) Bayou Manchac, Louisiana. Senate §104(1). No comparable House section.—House recedes, with an amendment.

108(3) Black Bayou and Hippolyte Coulee, Louisiana. Senate §104(2). No comparable House section.—House recedes, with an amendment.

SEC. 109. SMALL PROJECT FOR MITIGATION OF SHORE DAMAGE

109. Puget Island, Columbia River. House §344. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 110. BENEFICIAL USES OF DREDGED MATERIAL

110(1) Houma Navigation Canal, Louisiana. Senate §108(1). No comparable House section.—House recedes.

110(2) Mississippi River Gulf Outlet, Mile −3 to Mile −9, Louisiana. Senate §108(2). No comparable House section.—House recedes.

110(3) Mississippi River Gulf Outlet, Mile 11 to Mile 4, Louisiana. Senate §108(3). No comparable House section.—House recedes.

110(4) Plaquemines Parish, Louisiana. Senate §108(4). No comparable House section.—House recedes.

110(5) St. Louis County, Minnesota. House §528. No comparable Senate section.—Senate recedes, with an amendment.

110(6) Ottawa County, Ohio. Senate §108(5). No comparable House section.—House recedes.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES

House §557, Senate §111.—House recedes, with an amendment.

SEC. 112. PETALUMA RIVER, PETALUMA, CALIFORNIA

House §109, Senate §304.—Senate recedes, with an amendment.

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES

Senate §201. No comparable House section.—House recedes, with an amendment.

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS

House §402, Senate §202.—House recedes, with an amendment.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM

House §206, Senate §203.—House recedes, with an amendment.

SEC. 204. ABILITY TO PAY

House §208, Senate §204.—House recedes, with an amendment.

SEC. 205. PROPERTY PROTECTION PROGRAM

Senate §205, House §210.—House recedes.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE

Senate §206, House §577.—House recedes.

SEC. 207. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY

House §209, Senate §208.—Senate recedes.

SEC. 208. REBURIAL AND CONVEYANCE AUTHORITY

House §207, Senate §209.—House recedes.

SEC. 209. FLOODPLAIN MANAGEMENT REQUIREMENTS

Senate §212. No comparable House section.—House recedes, with an amendment.

SEC. 210. NONPROFIT ENTITIES

Senate §213, House §203.—Senate recedes, with an amendment.

SEC. 211. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES

Senate §215, House §213.—House recedes.

SEC. 212. HYDROELECTRIC POWER PROJECT FUNDING

Senate §216. No comparable House section.—House recedes, with an amendment.

SEC. 213. ASSISTANCE PROGRAMS

Senate §217. No comparable House section.—House recedes.

SEC. 214. FUNDING TO PROCESS PERMITS

Senate §218. No comparable House section.—House recedes, with an amendment.

SEC. 215. DREDGED MATERIAL MARKETING AND RECYCLING

House §573, Senate §219.—House recedes, with an amendment.

SEC. 216. NATIONAL ACADEMY OF SCIENCES STUDY

Senate §220. No comparable House section.—House recedes.

SEC. 217. REHABILITATION OF FEDERAL FLOOD CONTROL LEVEES

House §204. No comparable Senate section.—Senate recedes.

SEC. 218. MAXIMUM PROGRAM EXPENDITURES FOR SMALL FLOOD CONTROL PROJECTS

House §222. No comparable Senate section.—Senate recedes.

SEC. 219. ENGINEERING CONSULTING SERVICES

House §211. No comparable Senate section.—Senate recedes.

The Managers recognize that there exist a potential for a conflict of interest where the Secretary and the non-Federal sponsor of a project each hire the same person for engineering and consulting services during a feasibility study. Therefore the Managers encourage the Secretary to take appropriate action to ensure that the Secretary and the non-Federal sponsor of a project do not employ the same person for engineering and consulting services unless there is only one qualified and responsive bidder for such services.

SEC. 220. BEACH RECREATION

House §212. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 221. DESIGN-BUILD CONTRACTING

House §214. No comparable Senate section.—Senate recedes, with an amendment.

The Managers have included this section that will test the design-build method of project delivery on various civil works projects of the Corps of Engineers. In carrying out this section, the Managers expect that the Corps will employ the two-phase design-build selection procedures enacted by Congress in the Federal Acquisition Reform Act (FARA) of 1996 (110 Stat. 642).

SEC. 222. ENHANCED PUBLIC PARTICIPATION

House §216. No comparable Senate section.—Senate recedes.

SEC. 223. MONITORING

House §217. No comparable Senate section.—Senate recedes.

SEC. 224. FISH AND WILDLIFE MITIGATION

House §219. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 225. FEASIBILITY STUDIES AND PLANNING, ENGINEERING, AND DESIGN

House §223. No comparable Senate section.—Senate recedes.

The Managers recognize the difficulties some non-Federal partners may have in fulfilling their financial obligation related to the cost sharing of feasibility studies. The non-Federal share is 50 percent. This section gives non-Federal sponsors the option of providing up to 100 percent of their share of the feasibility study cost through in-kind contributions which could be services, materials, supplies, or other in-kind contributions necessary to prepare the feasibility report.

SEC. 226. ADMINISTRATIVE COSTS OF LAND CONVEYANCES

House §224. No comparable Senate section.—Senate recedes, with an amendment.

When the Corps is given authority to convey land to non-federal governmental, nonprofit, or not-for-profit entities, the administrative costs of the transfer, to include real estate transaction and environmental compliance costs, are generally the responsibility of the entity receiving the property. The Managers are aware of a few instances where the imposition of these administrative costs poses a hardship to entities in economically deprived areas. It is apparent in some cases that the administrative cost associated with these transfers exceeds the value of the land. The Managers believe that this requirement to pay administrative costs should not be a precluding factor when land that is excess to Corps project purposes can be put to beneficial use. Therefore, the Managers have provided in this section that in such cases, the Secretary may limit the administrative costs.

In carrying out this section the Managers believe the Secretary should give priority consideration for a limitation on the administrative costs to Summerfield Cemetery Association, Wister, Oklahoma for a conveyance at Wister Lake, to the Choctaw County Industrial Authority, Hugo, Oklahoma for a conveyance at Lake Hugo, and to recipients of the conveyance at Candy Lake, Oklahoma.

Also, the Managers find that the economic trends in southeastern Oklahoma related to unemployment and per capita income are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive influence on the local economy, help reverse these trends, and improve the lives of local residents. The Managers believe that State of Oklahoma and the Choctaw 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; any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and if requested, the Secretary should provide assistance, as appropriate, to facilitate the efforts of the commission. Such a commission focusing on the Kiamichi River Basin and other basins within the Choctaw and Chickasaw Nations would allow all entities (State of Oklahoma, Choctaw and Chickasaw Nations, and residents of local basin(s)) to work cooperatively to see that the benefits and revenues being generated from the sale/use of water to entities outside the respective basins are distributed in an agreeable manner.

SEC. 227. FLOOD MITIGATION AND RIVERINE RESTORATION

House §205, Senate §110.—Senate recedes, with an amendment.

TITLE III—PROJECT RELATED PROVISIONS

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

Senate §301. No comparable House section.—House recedes.

SEC. 302. NOGALES WASH AND TRIBUTARIES, NOGALES, ARIZONA

House §301. No comparable Senate section.—Senate recedes.

SEC. 303. BOYDSVILLE, ARKANSAS

Senate §302. No comparable House section.—House recedes.

SEC. 304. WHITE RIVER BASIN, ARKANSAS AND MISSOURI

Senate §303. No comparable House section.—House recedes.

SEC. 305. SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA

House §308. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 306. DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA

House §221. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 307. REHOBOTH BEACH AND DEWEY BEACH, DELAWARE

House §355. No comparable Senate section.—Senate recedes.

SEC. 308. FERNANDINA HARBOR, FLORIDA

House §312, Senate §410.—Senate recedes.

SEC. 309. GASPARILLA AND ESTERO ISLANDS, FLORIDA

Senate §305. No comparable House section.—House recedes.

SEC. 310. EAST SAINT LOUIS AND VICINITY, ILLINOIS

House §314. No comparable Senate section.—Senate recedes.

SEC. 311. KASKASKIA RIVER, KASKASKIA, ILLINOIS

House §315. No comparable Senate section.—Senate recedes.

SEC. 312. WAUKEGAN HARBOR, ILLINOIS

House §316. No comparable Senate section.—Senate recedes.

SEC. 313. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS

Senate §307, House §439.—House recedes.

SEC. 315. ATCHAFALAYA BASIN, LOUISIANA

House §322, Senate §308.—House recedes.

SEC. 316. RED RIVER WATERWAY, LOUISIANA

House §324, Senate §309.—House recedes.

SEC. 317. THOMASTON HARBOR, GEORGES RIVER, MAINE

House §325. No comparable Senate section.—Senate recedes.

SEC. 318. POPLAR ISLAND, MARYLAND

House §329. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 319. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND

Senate §311. No comparable House section.—House recedes.

SEC. 320. BRECKENRIDGE, MINNESOTA

House §326, Senate §312.—House recedes.

SEC. 321. DULUTH HARBOR, MINNESOTA

House §327. No comparable Senate section.—Senate recedes.

SEC. 322. LITTLE FALLS, MINNESOTA

House §328. No comparable Senate section.—Senate recedes.

SEC. 323. NEW MADRID COUNTY, MISSOURI

House §532, Senate §314.—House recedes, with an amendment.

SEC. 324. PEMISCOT COUNTY HARBOR, MISSOURI

House §533, Senate §315.—House recedes.

SEC. 325. FORT PECK FISH HATCHERY, MONTANA

Senate §317. No comparable House section.—House recedes, with an amendment.

SEC. 326. SAGAMORE CREEK, NEW HAMPSHIRE

Senate §318. No comparable House section.—House recedes.

SEC. 327. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY

House §332, Senate §319.—House recedes, with an amendment.

SEC. 328. TIMES BEACH NATURE PRESERVE, BUFFALO, NEW YORK

House §333. No comparable Senate section.—Senate recedes.

SEC. 329. ROCKAWAY INLET TO NORTON POINT, NEW YORK

Senate §320. No comparable House section.—House recedes.

SEC. 330. GARRISON DAM, NORTH DAKOTA

House §334. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 331. DUCK CREEK, OHIO

House §335. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 332. JOHN DAY POOL, OREGON AND WASHINGTON

House §547, Senate §321.—House recedes.

SEC. 333. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND

Senate §322. No comparable House section.—House recedes.

SEC. 334. NONCONNAH CREEK, TENNESSEE AND MISSISSIPPI

House §336. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 335. SAN ANTONIO CHANNEL, SAN ANTONIO, TEXAS

House §339, Senate §436.—Senate recedes.

SEC. 336. BUCHANAN AND DICKENSON COUNTIES, VIRGINIA

House §340. No comparable Senate section.—Senate recedes.

SEC. 337. BUCHANAN, DICKENSON, AND RUSSELL COUNTIES, VIRGINIA

House §341. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 338. SANDBRIDGE BEACH, VIRGINIA BEACH, VIRGINIA

House §342. No comparable Senate section.—Senate recedes.

SEC. 339. MOUNT ST. HELENS, WASHINGTON

House §345, Senate §328.—House recedes, with an amendment.

SEC. 340. LOWER MUD RIVER, MILTON, WEST VIRGINIA

House §348. No comparable Senate section.—Senate recedes.

SEC. 341. FOX RIVER SYSTEM, WISCONSIN

House §567, Senate §330.—House recedes.

Section 332 of the Water Resources Development Act of 1992 authorizes the Secretary to transfer to the State of Wisconsin certain locks and appurtenant features of the navigation portion of the Fox River System, subject to the execution of an agreement by the Secretary and the State that specifies the terms and conditions of such transfer. This provision clarifies that the negotiated agreement may provide for payments to the State to be used toward the repair and rehabilitation of the portions of the project which are being transferred.

SEC. 342. CHESAPEAKE BAY OYSTER RESTORATION

House §523, Senate §331.—House recedes.

SEC. 343. GREAT LAKES DREDGING LEVELS ADJUSTMENT

House §572, Senate §332.—Same.

SEC. 344. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION

House §571, Senate §334.—House recedes, with an amendment.

SEC. 345. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND

Senate §336. No comparable House section.—House recedes.

SEC. 346. DECLARATION OF NONNAVIGABILITY FOR LAKE ERIE, NEW YORK

House §352. No comparable Senate section.—Senate recedes.

SEC. 347. PROJECT DEAUTHORIZATIONS

House §353(a)(1), (2), (3), (4), (5), (6), (7), (8), (9), (b), Senate §338(1), (2), (3), and (4).—Senate recedes, with an amendment.

SEC. 348. LAND CONVEYANCES

348(a) Thompson, Connecticut. House §585(a). No comparable Senate section.—Senate recedes.

348(b) Washington, District of Columbia. House §585(b). No comparable Senate section.—Senate recedes.

348(c) Joliet, Illinois. House §585(j). No comparable Senate section.—Senate recedes.

348(d) Ottawa, Illinois. House §585(k). No comparable Senate section.—Senate recedes.

348(e) Bayou Teche, Louisiana. House §585(i). No comparable Senate section.—Senate recedes.

Navigation on the upper portions of the Bayou Teche has dwindled over the past several years to a few vessels per month due to the infrequent operation of the Keystone Lock by the Corps of Engineers. St. Martin Parish wishes to operate, maintain, repair, replace and rehabilitate the lock once the Corps completes renovation of the lock to a safe and operable condition. This transfer will provide cost savings to the federal government and better service to mariners navigating the bayou. The Managers have inserted language that requires the parish to operate, maintain, repair, replace and rehabilitate the lock in accordance with regulations prescribed by the Secretary that are consistent with the project's authorized purposes. If the parish fails to comply with these conditions, the Secretary may reclaim possession of the land and improvements or may make the necessary repairs and require payment from the parish.

348(f) Ontonagon, Michigan. House §585(c), Senate §504.—House recedes.

348(g) Pike County, Missouri. House §585(d), Senate §316.—Senate recedes.

348(h) St. Clair and Benton Counties, Missouri. House §585(l). No comparable Senate section.—Senate recedes.

348(i) Candy Lake, Oklahoma. House §585(e), Senate §505.—Senate recedes, with an amendment.

The intent of the Managers is that the NEPA waiver provision be considered in the context of section 226, Administrative Costs of Land Conveyances.

348(j) Manor Township, Pennsylvania. House §585(f). No comparable Senate section.—Senate recedes.

348(k) Richard B. Russell Dam and Lake, South Carolina. Senate §506. No comparable House section.—House recedes, with an amendment.

348(l) Savannah River, South Carolina. House §585(g), Senate §324.—House recedes.

348(m) Tri-Cities Area, Washington. House §585(h). No comparable Senate section.—Senate recedes.

348(n) Generally Applicable Provisions. House §585(m). No comparable Senate section.—Senate recedes.

SEC. 349. PROJECT REAUTHORIZATIONS

(a)(1) Narraguagus River, Milbridge, Maine.—House §350(a)(1), Senate §310.—Senate recedes.

(a)(2) Cedar Bayou, Texas.—House §350(a)(2), Senate §434.—Senate recedes.

(b) Narraguagus River, Milbridge, Maine.—House §350(b), Senate §310.—Senate recedes.

SEC. 350. CONTINUATION OF PROJECT AUTHORIZATIONS

House §351. No comparable Senate section.—Senate recedes.

SEC. 351. WATER QUALITY PROJECTS

House §349. No comparable Senate section.—Senate recedes.

TITLE IV—STUDIES

SEC. 401. STUDIES OF COMPLETED PROJECTS

House §401. No comparable Senate section.—Senate recedes.

SEC. 402. LOWER MISSISSIPPI RIVER RESOURCE ASSESSMENT

House §403. No comparable Senate section.—Senate recedes.

The Managers recognize the Mississippi River System as a nationally significant ecosystem and a nationally significant commercial navigation and flood control system. The Managers further recognize that the System shall be administered and regulated in recognition of its several purposes. Nothing in this section shall be construed to authorize the development or recommendation of a means of flood control other than that specially authorized for this project. Also, in carrying out this section the Secretary shall consult with the Governor or his designee as described in subsection (c).

SEC. 403. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY

House §404, Senate §440.—House recedes, with an amendment.

SEC. 404. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN

House §405. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 405. OHIO RIVER SYSTEM

House §406. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 406. BALDWIN COUNTY, ALABAMA

Senate §401. No comparable House section.—House recedes.

SEC. 407. BRIDGEPORT, ALABAMA

House §501. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 409. ARKANSAS RIVER NAVIGATION SYSTEM

House §506. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 410. CACHE CREEK BASIN, CALIFORNIA

House §305, Senate §403.—House recedes.

The Secretary is directed to mitigate the impacts of the new south levee of the Cache Creek settling basin on the City of Woodland's storm drainage system, including all appurtenant features, erosion control measures and environmental protection features. Such mitigation shall restore the City's preproject capacity (1,360 cubic feet per second) to the bypass, including channel improvements, an outlet works through the west levee of the Yolo Bypass, and a new low flow, cross channel to handle City and County storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 411. ESTUDILLO CANAL, SAN LEANDRO, CALIFORNIA

House §409, Senate §404.—Same.

SEC. 412. LAGUNA CREEK, FREMONT, CALIFORNIA

House §410, Senate §405.—Senate recedes.

SEC. 413. LAKE MERRITT, OAKLAND, CALIFORNIA

House §411. No comparable Senate section.—Senate recedes.

SEC. 414. LANCASTER, CALIFORNIA

House §412, Senate §406.—Same.

SEC. 415. OCEANSIDE, CALIFORNIA

House §414, Senate §406.—House recedes.

SEC. 416. SAN JACINTO WATERSHED, CALIFORNIA

Senate §407. No comparable House section.—House recedes.

SEC. 417. SUISUN MARSH, CALIFORNIA

House §415. No comparable Senate section.—Senate recedes.

SEC. 418. DELAWARE RIVER WATERSHED

House §440. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 419. BREVARD COUNTY, FLORIDA

House §311. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 420. CHOCTAWHATCHEE RIVER, FLORIDA

Senate §408. No comparable House section.—House recedes.

SEC. 421. EGMONT KEY, FLORIDA

Senate §409. No comparable House section.—House recedes.

SEC. 422. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA

Senate §411. No comparable House section.—House recedes.

SEC. 423. LAKE ALLATOONA WATERSHED, GEORGIA

House §416. No comparable Senate section.—Senate recedes.

SEC. 424. BOISE RIVER, IDAHO

Senate §412. No comparable House section.—House recedes, with an amendment.

SEC. 425. WOOD RIVER, IDAHO

Senate §413. No comparable House section.—House recedes, with an amendment.

SEC. 426. CHICAGO, ILLINOIS

Senate §414, House §417.—House recedes.

SEC. 427. CHICAGO SANITARY AND SHIP CANAL SYSTEM, CHICAGO, ILLINOIS

House §418. No comparable Senate section.—Senate recedes.

SEC. 428. LONG LAKE, INDIANA

House §419. No comparable Senate section.—Senate recedes.

SEC. 429. BRUSH AND ROCK CREEKS, MISSION HILLS AND FAIRWAY, KANSAS

House §420. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 430. ATCHAFALAYA RIVER, BAYOUS CHENE, BOEUF, AND BLACK, LOUISIANA

House §323. No comparable Senate section.—Senate recedes, with an amendment.

The Secretary is directed to investigate the problems associated with ''fluff'' created by the mixture of freshwater, saltwater and fine river silt in the channels. Fluff is a gel-like material that makes steering and propulsion difficult and is both a navigation hazard and an economic problem for boaters.

SEC. 431. BOEUF AND BLACK, LOUISIANA

Senate §415. No comparable House section.—House recedes.

SEC. 432. IBERIA PORT, LOUISIANA

House §422, Senate §416.—Senate recedes.

SEC. 433. LAKE PONTCHARTRAIN SEAWALL, LOUISIANA

House §423. No comparable Senate section.—Senate recedes.

SEC. 434. LOWER ATCHAFALAYA BASIN, LOUISIANA

House §424. No comparable Senate section.—Senate recedes.

SEC. 435. ST. JOHN THE BAPTIST PARISH, LOUISIANA

House §425, Senate §418.—Senate recedes.

SEC. 436. SOUTH LOUISIANA

Senate §417. No comparable House section.—House recedes.

SEC. 437. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE

Senate §420. No comparable House section.—House recedes.

SEC. 438. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE

Senate §422. No comparable House section.—House recedes.

SEC. 439. WILD RICE RIVER, MINNESOTA

House §529. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 440. PORT OF GULFPORT, MISSISSIPPI

Senate §423. No comparable House section.—House recedes, with an amendment.

SEC. 441. LAS VEGAS VALLEY, NEVADA

House §426. No comparable Senate section.—Senate recedes.

SEC. 442. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE

Senate §424. No comparable House section.—House recedes.

SEC. 443. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO

House §427, Senate §425.—Same.

SEC. 444. BUFFALO HARBOR, BUFFALO, NEW YORK

House §428. No comparable Senate section.—Senate recedes.

SEC. 445. JAMESVILLE RESERVOIR, ONONDAGA COUNTY, NEW YORK

House §430. No comparable Senate section.—Senate recedes.

SEC. 446. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA

Senate §339. No comparable House section.—House recedes.

SEC. 447. DUCK CREEK WATERSHED, OHIO

Senate §427. No comparable House section.—House recedes.

SEC. 448. FREMONT, OHIO

Senate §428. No comparable House section.—House recedes.

SEC. 449. STEUBENVILLE, OHIO

House §431. No comparable Senate section.—Senate recedes.

SEC. 450. GRAND LAKE, OKLAHOMA

House §432, Senate §429.—House recedes.

SEC. 451. COLUMBIA SLOUGH, OREGON

House §433. No comparable Senate section.—Senate recedes.

The study of this project was authorized by section 439 of the Water Resources Development Act of 1996 (110 Stat. 3747). Subsequent to the authorization, the Corps of Engineers and the City of Portland, Oregon, agreed to carry out the project under the authority of ''project modification to improve the environment'', a continuing authority program authorized by section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)). Pursuant to a project cooperation agreement, the City of Portland has provided substantial resources in cash and in-kind services toward a feasibility study for the project as required under section 1135(a). When the study was near completion, and preliminary results indicated that the project is appropriate for construction, the Corps suspended the study due to an internal decision to reallocate funds to other projects. The Corps should complete the study and carry out the project expeditiously if the Secretary determines that the project is appropriate.

SEC. 452. CLIFF WALK IN NEWPORT, RHODE ISLAND

Senate §441. No comparable House section.—House recedes.

SEC. 453. QUONSET POINT CHANNEL, RHODE ISLAND

Senate §442. No comparable House section.—House recedes, with an amendment.

SEC. 454. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND

Senate §440. No comparable House section.—House recedes.

SEC. 455. REEDY RIVER, GREENVILLE, SOUTH CAROLINA

House §434. No comparable Senate section.—Senate recedes.

SEC. 456. CHICKAMAUGA LOCK AND DAM, TENNESSEE

House §555, Senate §431.—House recedes.

SEC. 457. GERMANTOWN, TENNESSEE

House §435, Senate §432.—Senate recedes, with an amendment.

SEC. 458. MILWAUKEE, WISCONSIN

House §438. No comparable Senate section.—Senate recedes.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. LAKES PROGRAM

House §581. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 502. RESTORATION PROJECTS

House §551. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 503. SUPPORT OF ARMY CIVIL WORKS PROGRAM

House §576. No comparable Senate section.—Senate recedes.

SEC. 504. EXPORT OF WATER FROM GREAT LAKES

Senate §508. No comparable House section.—House recedes.

SEC. 505. GREAT LAKES TRIBUTARY MODEL

House §570, Senate §335.—House recedes, with an amendment.

SEC. 506. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION

House §570, Senate §333.—House recedes, with an amendment.

SEC. 507. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION

Senate §337. No comparable House section.—House recedes, with an amendment.

SEC. 508. VISITORS CENTERS

508(a) John Paul Hammerschmidt Visitors Center, Arkansas. Senate §501(a), House §302.—House recedes.

508(b) Lower Missisippi River Museum and Riverfront Interpretive Site, Mississippi. Senate §501(b). No comparable House section.—House recedes.

SEC. 509. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA

House §507, Senate §502.—House recedes, with an amendment.

This section authorizes the Secretary to participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta program (''CALFED''). The Managers recognize the original authorization of appropriations for the CALFED Bay-Delta Program (P.L. 104–333) expired on September 30, 2000 and that Congress has not reauthorized, renewed or otherwise extended this authority for appropriations. The Managers do not intend for this language to explicitly or implicitly ratify or approve the CALFED Framework for Action or any of the projects set forth thereunder.

SEC. 510. SEWARD, ALASKA

House §503. No comparable Senate section.—Senate recedes.

SEC. 511. CLEAR LAKE BASIN, CALIFORNIA

House §508. No comparable Senate section.—Senate recedes.

SEC. 512. CONTRA COSTA CANAL, OAKLEY, AND KNIGHTSEN, CALIFORNIA

House §509. No comparable Senate section.—Senate recedes.

This provision requires that the Secretary use only the criteria of technical soundness, environmental acceptability, and economic justification to evaluate a small flood control project along the Contra Costa Canal. By this provision, the Managers intend that the Secretary not reject a project based solely on a policy of the Corps of Engineers concerning amount of runoff.

SEC. 513. HUNTINGTON BEACH, CALIFORNIA

House §510. No comparable Senate section.—Senate recedes.

This provision requires that the Secretary use only the criteria of technical soundness, environmental acceptability, and economic justification to evaluate a small flood control project at Huntington Beach. By this provision, the Managers intend that the Secretary not reject a project based solely on a policy of the Corps of Engineers concerning amount of runoff.

SEC. 514. MALLARD SLOUGH, PITTSBURG, CALIFORNIA

House §511. No comparable Senate section.—Senate recedes.

This provision requires that the Secretary use only the criteria of technical soundness, environmental acceptability, and economic justification to evaluate a small flood control project along Mallard Slough. By this provision, the Managers intend that the Secretary not reject a project based solely on a policy of the Corps of Engineers concerning amount of runoff.

SEC. 515. PORT EVERGLADES, FLORIDA

House §516. No comparable Senate section.—Senate recedes.

SEC. 516. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION

Senate §503. No comparable House section.—House recedes.

SEC. 517. BALLARD'S ISLAND, LASALLE COUNTY, ILLINOIS

House §518. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 518. LAKE MICHIGAN DIVERSION, ILLINOIS

House §519. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 519. ILLINOIS RIVER BASIN RESTORATION

House §569, Senate §306.—Senate recedes.

SEC. 520. KOONTZ LAKE, INDIANA

House §520. No comparable Senate section.—Senate recedes.

SEC. 521. WEST VIEW SHORES, CECIL COUNTY, MARYLAND

House §522. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 522. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS

House §524. No comparable Senate section.—Senate recedes.

SEC. 523. SOO LOCKS, SAULT STE. MARIE, MICHIGAN

House §525. No comparable Senate section.—Senate recedes.

SEC. 524. MINNESOTA DAM SAFETY

House §225. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 525. BRUCE F. VENTO UNIT OF THE BOUNDARY WATERS CANOE AREA WILDERNESS, MINNESOTA

House §586. No comparable Senate section.—Senate recedes.

SEC. 526. DULUTH, MINNESOTA, ALTERNATIVE TECHNOLOGY PROJECT

House §526. No comparable Senate section.—Senate recedes.

SEC. 527. MINNEAPOLIS, MINNESOTA

House §527. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 528. COASTAL MISSISSIPPI WETLANDS RESTORATION PROJECTS

House §530. No comparable Senate section.—Senate recedes.

SEC. 529. LAS VEGAS, NEVADA

House §534. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 530. URBANIZED PEAK FLOOD MANAGEMENT RESEARCH, NEW JERSEY

House §536. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 531. NEPPERHAN RIVER, YONKERS, NEW YORK

House §539. No comparable Senate section.—Senate recedes.

SEC. 532. UPPER MOHAWK RIVER BASIN, NEW YORK

House §541. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 533. FLOOD DAMAGE REDUCTION

House §542. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 534. CUYAHOGA RIVER, OHIO

House §543, Senate §426.—Senate recedes.

SEC. 535. CROWDER POINT, CROWDER, OKLAHOMA

House §544. No comparable Senate section.—Senate recedes.

Crowder Point is a Corps of Engineers public park on the southern end of Eufaula Lake in Oklahoma that is not being maintained due to budgetary constraints. The Managers favor a partnership between the Secretary and the City of Crowder, Oklahoma that would involve a long-term lease under which the City would develop, operate, and maintain the property as a public park. Recognizing the public benefits that would derive from the City's participation in this partnership, the Secretary is directed to issue the lease without cost. Also, to ensure that the development and operation of the park by the City are in the public interest, the Secretary is directed to include such terms and conditions as are necessary to achieve those ends.

SEC. 536. LOWER COLUMBIA RIVER AND TILLAMOOK BAY ECOSYSTEM RESTORATION, OREGON AND WASHINGTON

House §548. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 537. ACCESS IMPROVEMENTS, RAYSTOWN LAKE, PENNSYLVANIA

House §553. No comparable Senate section.—Senate recedes.

SEC. 538. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK

House §554. No comparable Senate section.—Senate recedes.

SEC. 539. CHARLESTON HARBOR, SOUTH CAROLINA

Senate §323. No comparable House section.—House recedes.

SEC. 540. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION

Senate §507. No comparable House section.—House recedes.

SEC. 541. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI

Senate §433. No comparable House section.—House recedes, with an amendment.

SEC. 542. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK

Senate §327. No comparable House section.—House recedes.

SEC. 543. VERMONT DAMS REMEDIATION

Senate §437. No comparable House section.—House recedes, with an amendment.

SEC. 544. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON

House §558, Senate §329.—House recedes, with an amendment.

SEC. 545. WILLAPA BAY, WASHINGTON

Senate §439, House §344.—House recedes

SEC. 546. WYNOOCHEE LAKE, WYNOOCHEE RIVER, WASHINGTON

House §560. No comparable Senate section.—Senate recedes.

SEC. 547. BLUESTONE, WEST VIRGINIA

House §562. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 548. LESAGE/GREENBOTTOM SWAMP, WEST VIRGINIA

House §563. No comparable Senate section.—Senate recedes.

SEC. 549. TUG FORK RIVER, WEST VIRGINIA

House §564. No comparable Senate section.—Senate recedes.

SEC. 550. SOUTHERN WEST VIRGINIA

House §566. No comparable Senate section.—Senate recedes.

SEC. 551. SURFSIDE/SUNSET AND NEWPORT BEACH, CALIFORNIA

House §568. No comparable Senate section.—Senate recedes.

SEC. 552. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT

House §574. No comparable Senate section.—Senate recedes.

SEC. 553. MAINTENANCE OF NAVIGATION CHANNELS

House §575. No comparable Senate section.—Senate recedes.

SEC. 554. HYDROGRAPHIC SURVEY

House §578. No comparable Senate section.—Senate recedes, with an amendment.

SEC. 555. COLUMBIA RIVER TREATY FISHING ACCESS

House §588. No comparable Senate section.—Senate recedes.

SEC. 556. RELEASE OF USE RESTRICTION

House §582. No comparable Senate section.—Senate recedes, with an amendment.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN

Senate Title VI, House Title VI.—House recedes, with an amendment.

601(a) Definitions. House §601(a), Senate §601(a).—Same.

601(b) Comprehensive Everglades Restoration Plan. House §601(b), Senate §601(b).—Same.

601(c) Additional Program Authority. House §601(c), Senate §601(c).—Same.

601(d) Authorization of Future Projects. House §601(d), Senate §601(d).—Same.

601(e) Cost Sharing. House §601(e), Senate §601(e).—Senate recedes.

601(f) Evaluation of Projects. House §601(f), Senate §601(f).—Same.

601(g) Exclusions and Limitations. House §601(g), Senate §601(g).—Same.

601(h) Assurance of Project Benefits. House §601(h), Senate §601(h).—Senate recedes.

601(i) Dispute Resolution. House §601(i), Senate §601(i).—Same.

601(j) Independent Scientific Review. House §601(i), Senate §601(i).—Same.

601(k) Outreach and Assistance. House §601(k), Senate §601(k).—Same.

601(l) Report to Congress. House §601(l), Senate §601(l).—Same.

601(m) Report on Aquifer Storage and Recovery Project. House §601(m), No comparable Senate section.—Senate recedes.

601(n) Full Disclosure of Proposed Funding. House §601(m), No comparable Senate section.—Senate recedes.

601(o) Surplus Federal Lands. House §601(o), No comparable Senate section.—Senate recedes.

601(p) Severability. House §601(p), Senate §601(m).—Same.

SEC. 602. SENSE OF CONGRESS CONCERNING HOMESTEAD AIR FORCE BASE

602(a) Findings. House §602(a), Senate §602(a).—Senate recedes.

602(b) Sense of Congress. House §602(b), Senate §602(b).—Senate recedes.

TITLE VII—MISSOURI RIVER RESTORATION, NORTH DAKOTA

Senate Title VII. No comparable House title—House recedes, with an amendment.

The Managers encourage the Secretary to include the Vision Group of the Missouri River Coordinated Resource Management Program as members of the Missouri River Trust.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

Senate Title VIII. No comparable House title.—House recedes, with an amendment.

TITLE IX—MISSOURI RIVER RESTORATION, SOUTH DAKOTA

Senate Title IX, House Title VII—House recedes, with an amendment.

BUD SHUSTER,
DON YOUNG,
SHERWOOD BOEHLERT,
E. CLAY SHAW,
JIM OBERSTAR,
BOB BORSKI,
ROBERT MENENDEZ,
Managers on the Part of the House.

BOB SMITH,
JOHN WARNER,
MAX BAUCUS,
BOB GRAHAM,
Managers on the Part of the Senate.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOLT. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services and Education.

Mr. Speaker, I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses of the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources for local school construction and, instead, broadly expands the title VI Education Block Grant with limited accountability in the use of the funds.

□ 1830

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WU. Mr. Speaker, pursuant to clause 7(c) of House rule XXII, I hereby serve notice to the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001, for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. WU moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class size in the early grades and instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

Mr. Speaker, this is the same motion which I noticed on Sunday evening for debate on Monday and it is made necessary by the fact that we had an agreement on Monday morning funding this at the full $1.75 billion amount, and that agreement was broken by noon. I must renotice this motion at this time.

The SPEAKER pro tempore (Mr. PEASE). The gentleman's notice will appear in the RECORD.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded it is not appropriate to debate the motions, which only are being noticed at the present time.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOEKSTRA. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notice the House of my intention to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. HOEKSTRA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed to choose a level of funding for the Inspector General of the Department of Education that reflects a requirement on the Inspector General of the Department of Education, as authorized by section 211 of the Department of Education Organization Act, to use all funds appropriated to the Office of Inspector General of such Department to comply with the Inspector General Act of 1978, with priority given to section 4 of such Act.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. SCHAFFER. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby notice the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 4577, a bill making appropriations for fiscal year 2001 for the Departments of Labor, Health and Human Services, and Education.

The form of the motion is as follows:

Mr. SCHAFFER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed to insist on those provisions that—

(1) maintain the utmost flexibility possible for the grant program under title VI of the Elementary and Secondary Education Act of 1965; and

(2) provide local educational agencies the maximum discretion within the scope of conference to spend Federal education funds to improve the education of their students.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 31, 2000.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 30, 2000, at 7:40 p.m.

That the Senate passed without amendment H.J. Res. 120.

With best wishes, I am

Sincerely,

JEFF TRANDAHL.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 1 of rule I, the Speaker signed the following enrolled joint resolution on Monday, October 30, 2000.

House Joint Resolution 121, joint resolution making further continuing appropriations for fiscal year 2001, and for other purposes.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 121, and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 662, I call up the joint resolution (H.J. Res. 121), making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 121 is as follows:

H.J. RES. 121

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting ''November 1, 2000''.

The SPEAKER pro tempore. Pursuant to House Joint Resolution 662, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

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

Mr. Speaker, I advise our colleagues in the House that this is another 1-day continuing resolution to make sure that the government continues to operate until midnight tomorrow night, while we continue to work away in a friendly, cooperative, bipartisan way to resolve the final outstanding issues before this Congress can adjourn.

With that, Mr. Speaker, I announce to the gentleman from Wisconsin (Mr. OBEY), my friend, that I do not intend to have a lengthy debate on our side. And so I am going to reserve the balance of my time, probably until I get to my closing statement, depending on what issues might come up in the meantime.

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

Mr. OBEY. Mr. Speaker, I yield myself 7½ minutes.

Mr. Speaker, I am wearing this wrist band in solidarity with the over 300,000 workers who will suffer repetitive motion injuries, some of them career-ending, because of the gutlessness of this Congress in refusing, for over a 10-year period, to put some protection for those folks into the law.

Mr. Speaker, I have gone into plant after plant in my district and I have seen especially women at computer terminals, at shoe-stitching machines, wearing things like this or even worse.

Look at this picture and tell me what is different. What separates us as Members of Congress from this woman? What separates us is that when we have a repetitive motion injury, like I had for several weeks last year when I was wearing one of these, we can stop doing what we were doing until we recover. People like this woman cannot. They have to keep going until they cannot go any more.

That is the difference. The only repetitive motion injury that most Members of Congress are likely to get is to their knees from the repetitive genuflecting to the big business lobbyists who persuaded the Republican leadership to blow up the agreement on the Labor, Health, and Education bill by denying some protection to people like this.

That is a fact. That is a fact.

Mr. Speaker, I want to recite to my colleagues the history of the repetitive motion struggle that we have had. On June 29 of 1995, the House for the first time took action to prohibit OSHA from putting in place a repetitive motion injury rule that would protect workers like this. That was delay number one.

On July 27, 1995, the House Committee on Appropriations again reported language to do the same thing.

When it was finally adopted, it again said that none of the funds in the bill would be used to enforce or implement an OSHA rule protecting workers like this from repetitive motion injury. That was delay number two.

Then, on July of 1996, the Subcommittee on Labor, Health and Human Services, and Education again tried to delay action for another year. That time the House had guts enough to stand up and say no and they were defeated on the House floor. But they came back; and on July 25 of 1997, they again adopted new language which for another year delayed the implementation of the rule to protect workers like this. And they won. And so, we had delay number three that delayed yet another year.

The only difference was that that time the House said it would be the last time. This is a copy of the front page of the committee report dated July 25, 1997, which outlines the fact that yet another year's delay was being undertaken to prevent these repetitive

motion injuries. But it said ''the committee will refrain from any further restrictions with regard to the development, promulgation, or issuance of an ergonomics standard following fiscal year 1998.''

And you know what? For a year the Congress abided by that. It is true that the Congress did provide additional funding to do yet an additional study by the National Academy of Sciences of the issue. But at the same time that was done, the chairman of the committee, Bob Livingston, our former colleague, in good faith signed a letter with me which indicated that even though that money was being provided that nonetheless ''we understand that OSHA intends to issue a proposed rule on ergonomics late in the summer of 1999. We are writing to make clear by funding of the NAS study it is in no way our intent to block or delay issuance by OSHA of a proposed rule on ergonomics.''

And yet this year, here is the rollcall if you want to look at it, some of the same people who were here when the Congress made the agreement not to delay this any further voted once again to genuflect to the interests of big business and forget the interests of workers and they signed on to another year delay.

Now, in conference, finally, against my wishes, the White House 2 days ago agreed to yet another 6-month delay in the implementation of the standards to protect these workers. But what we got in return for that additional 6-month delay in implementation was the right of this President to at least promulgate the rule.

Now, in my view, there is only one reason why the majority leadership blew up that agreement. Because that agreement was understood, we had an agreement to the entire bill! It was even sealed with toasts of Merlot at 1:30 in the morning. And I do not know of anything more ''sacred'' in conference than a toast of Merlot. But nonetheless, after there was an agreement, then we walk out of there and the next morning what do we get? We get ''Operation Blow Up'' by the Republican leadership because apparently the Chamber of Commerce lobbyists got to them and said, ''Boys, we do not want it.'' So they blew it up. They blew it up.

In my view, there is only one reason they did it. It is because if their candidate for President wins the election, they did not want their candidate for President to have to take the public heat that would come from reversing that rule.

The language in the compromise gives the new President, whoever he is, the right to suspend and then reverse that rule through the Administrative Procedures Act. I do not like that. But that was the deal. But they do not even want to do that on that side of the aisle. If their candidate gets elected, they are afraid to have their candidate for President have to take the public heat from repealing this rule to help these people.

□ 1845

They want him to be able to do it on the sly. That is what is at stake.

So my suggestion to our friends on the majority side of the aisle, and I am not speaking about the gentleman from Florida (Mr. YOUNG), he negotiated in good faith. My suggestion to the House leadership is, if you have the courage of your convictions, then let us do this straight and clean. Stick to the agreement that was negotiated. Each side will have to take a chance and see who is elected President, and the public will know in either case what side we are on. That is the only question that is before us tonight. Whose side are you on?

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, the front page of the Washington Post has a headline today. It says: ''Budget Deal is Torpedoed by House GOP. Move by Leadership Angers Negotiators on Both Sides.''

On the front page of the Los Angeles Times, quote, ''GOP Leaders Scuttle Deal in Budget Battle.''

Now, these and other stories tell how a team of Republican legislators was empowered by the Republican leadership to negotiate a budget agreement with congressional Democrats and the White House. And that is exactly what they did. Neither side got everything that they wanted, but the American people were well served with this agreement. The compromise would have provided one of the largest educational increases in the history of this government. And perhaps that was one of the reasons why it did not pass muster once it reached the leaders. It would have modernized and repaired 5,000 schools. It would have provided 12,000 new teachers to reduce class size. It would have created after-school programs for 850,000 new students in this country. And as we heard from the gentleman from Wisconsin, when the negotiators wrapped up their discussions at 1:30 in the morning, they toasted, they shook hands, and then not 12 hours later, the leadership on the Republican side of the aisle decided to totally repudiate the agreement that their team negotiated.

One of their reasons besides the education issue, as we heard, was the question of repetitive stress motion, which takes a terrible toll on our workers. We have been battling this issue for 14 years. Libby Dole when she was the head of the Labor Department, a Republican, put these regulations forward because she saw the need to deal with the question of repetitive illnesses that we can cure with some reasonable, sensible, rational regulations that will help people be able to hold their child when they get home from work, or open a jar of peanut butter at lunchtime, which they cannot do now as a result of these terrible musculoskeletal diseases.

Now where are we? Well, this Republican Congress, from George Bush all the way on down, have talked a very good game about bipartisanship and bringing people together. But this week the Republican leadership gave the American people a sneak preview of their bipartisanship and how it is really going to work and their passionate conservatism. It is something those of us who have worked in this Congress have seen over and over again.

Opportunities for bipartisan cooperation on prescription drug coverage, on campaign finance reform, on curbing the powers of the HMOs, and overcrowding in schools, all vetoed by the Republican leadership, either in this body or in the other body. They play this game where one body passes it, but the leaders in the other body make sure that it does not reach the President's desk. Torpedoed by men who are more committed to their partisan Republican agenda than the American agenda, Mr. Speaker.

Mr. Speaker, a Member of this House once said, ''You earn trust by saying what you mean and meaning what you say.'' That Congressman who said that was the past Republican leader, a man named Gerald Ford. Today's House Republican leaders would do well to heed his words.

Mr. OBEY. Mr. Speaker, could I inquire of the gentleman from Florida, does he intend to yield time?

Mr. YOUNG of Florida. Mr. Speaker, I have no intention of yielding at this point. If I do, before the time is expired, I would advise the gentleman in advance.

Mr. OBEY. I want to take 30 seconds, Mr. Speaker, to simply say that the gentleman from Florida was absolutely honorable in these negotiations. We disagreed vehemently on a number of these issues. But I know him to be a man of his word. I am uncomfortable that we have to say what we have to say in his presence, because if anyone blew up the deal, it was certainly not his fault.

Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this important issue.

Mr. Speaker, at the turn of the century, the last century, 100 years ago, Ida Tarbell and Upton Sinclair shocked this Nation with their accounts of dangers in the workplace to American

workers. The exploitation of American workers challenged the conscience of our country.

Here we are 100 years later, and we have scientific evidence of that same kind of exploitation, that same kind of danger to American workers. Yet the Republican majority is opposing any opportunity to correct that. If you use a computer, if you drive a truck for a living, if you are in the health care industry and lift patients, if you are in the food processing industry, if you have to chop off the leg of a chicken for 8 hours a day with very little interruption and rest, there are so many occupations that are affected by this. In fact, Mr. Speaker, women who are prevalent in occupations that are mostly for women have a disproportionate share of these musculoskeletal injuries.

Every year 600,000 workers in America lose time from work because of repetitive motion, back, and other disabling injuries. These injuries are often extremely painful and disabling. Sometimes they are permanent. The gentleman from Michigan pointed out the cost to our economy of this, the cost to the personal quality of life for workers because of this. By the way, not all businesses are so unenlightened. Those who have instituted voluntary guidelines have a payback on their bottom line of greater productivity from their workers, much higher morale from their workers, and lower cost for health care for these workers.

This is not just about everybody in business, painting them all with the same brush; but it is about some that the Republican majority cannot say ''no'' to. In order not to say ''no'' to their special interest friends, they will not say ''yes'' to the Democrats who have bipartisan support for the prescription drug benefit, we have bipartisan support for the Patients' Bill of Rights, we have bipartisan support for the minimum wage bill, and now they have blown up the Labor-HHS bill, which has so much in it for education for America's children.

We do a lot of talking around here about family values. But what is more of a family value? The economic security of America's families has an impact on children and their education and the pension security and the health security of their seniors.

Mr. Speaker, I want to point out that the support for these repetitive motion injuries guidelines has bipartisan support. It has been referenced that Secretary Elizabeth Dole, Secretary of Labor Elizabeth Dole has stated, and these are her words, quote, ''By reducing repetitive motion injuries, we will increase both the safety and productivity of America's workforce.'' She said, ''I have no higher priority than accomplishing just that.''

Secretary of Labor Lynn Martin said, ''OSHA agrees that ergonomic hazards are well recognized occupational hazards and OSHA's review of the available data has persuaded the agency.'' She also supported that. Chairman Livingston did, too. There is bipartisan support.

I say to our colleagues, take ''yes'' for an answer.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, there has been a great plea for bipartisan behavior on behalf of the Republicans and Democrats. Yet as we see the Congress respond where we have a bipartisan agreement on a Patients' Bill of Rights, to control the HMOs, to guarantee people the health care they need, on the minimum wage to make sure the hundreds and hundreds of thousands of Americans who are working at that wage will have the ability to provide for their family, on campaign finance reform, on common sense gun safety provisions, and now on workplace safety, each and every time we achieve that bipartisan agreement, we have the Republican leadership coming in and blowing up those agreements. They come in the back door, they come in the middle of the night, they come after everybody has left and they blow up these agreements. They find some way to kill it even though a bipartisan majority in the House and Senate support these measures. They blow them up.

They are our legislative terrorists. They do not play by the rules. They do not accept the will of the majority. They do not accept bipartisan agreements. They do not accept written agreements that have been entered into the record. They do not accept any of that. Because they are terrorists. They are legislative terrorists. They have made a decision. It will be their way or no way. They could have chosen to side with the American public and protect the workers, the 1,500 workers a day that are disabled because of injuries, because of repetitive motion, workers who will not be able to pick up their children at the end of the day, workers who will lose their earning capacity to provide for their families, whether or not Halloween is as nice as it could have been or whether Christmas will be as nice or whether or not they will be able to buy school supplies for their children because their hours have been diminished because of that kind of injury.

And each and every time we have reached an agreement to protect these workers in the workplace, they come in in the middle of the night and blow those agreements up. They disenfranchise Members of the House, they disenfranchise their own committee chairmen, they disenfranchise their committee members, because they apparently have the right, the supreme right to overrule any decision, any agreement that is democratically arrived at in the House or in the Senate.

The time has come for the American people to understand that these Republicans leaders could have chosen to stand with Americans against the HMOs so they could get health care, to stand with low wage earners so they could provide for their families, to stand with those workers who are threatened by this illness every day. Every day 1,500 workers. They could have stood with the public interest in campaign finance reform. But when they had a chance to choose, each and every time the Republican leadership has chosen the narrowest of special interests, the narrowest of special interests against that of the public interest of American workers, American families, and American children.

This is a sad day for this Congress. It is a sad day for the legislative process. But I guess it is a healthy day for Republican legislative terrorists.

Mr. YOUNG of Florida. Mr. Speaker, I advised the gentleman that I would tell him if I had another speaker, and I would like to yield to another speaker now if the gentleman does not want to yield time now. I do so because the accusation of legislative terrorists cannot go unanswered. That is so far out of the realm of what is right, it is just not even something we should consider. But it was said. We did not demand that the words be taken down because we are trying to keep some comity here. We are trying to keep this on a basis that we are doing the people's business and not out here accusing and calling names. But legislative terrorists? That goes pretty far. I do not think that we can allow it to go unanswered.

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

Mr. FOLEY. Mr. Speaker, I do take exception to the statement of legislative terrorism. Obviously, we have recently experienced terrorism very real and very hurtful to citizens of our country on the U.S.S. *Cole*, and to link deliberation on very important issues before the American public to a terrorist-type activity, I think, is regrettable and it is shameful.

□ 1900

There are differences of opinion that are arising today in this Chamber about the direction of this country, and as one who has voted on so many issues that the minority has supported I would like to stand up and say I am always looking for common ground. When it was hate crimes, I signed on to the bill. When it was patients' bill of rights, I signed on and actively supported it, one of 27 Republicans. When it was campaign finance reform Shays-Meehan, I was there 100 percent, voting for no amendments but the Shays-Meehan legislation.

Now we come to a point where we do have some disagreements. We have heard a lot of discussion about immigration, blanket amnesties. My grandmother came from Poland so I deeply, deeply respect the fact that this country gave our family a chance to escape from Communism and tyranny, but she came to Ellis Island and she was processed. She learned to speak English. She became a registered voter, worked at a Travelodge motel all of her life to raise her daughters. Her husband had died. This country has been awfully good to our family, Irish-Polish immigrants, but I do have to question when we talk blanket amnesty because it does cause some consternation for the thousands of immigrants that are trying to be processed through INS in my office in Florida. The phone is ringing off the hook saying, does that include me? Am I allowed to come in as well? What are the rules for me to be allowed into this country since they have waited 2, 3, and 5 years being fingerprinted, being run around in circles trying to figure out how to be legal citizens of this country.

Then the topic of ergonomics, yes, there is a difference of opinion; but I still do not understand how the President left town to go campaign for his wife in New York when we have so many pressing issues here before the American public. He vetoed a bill last night for no apparent reason.

Now I am not an appropriator. I am on the Committee on Ways and Means. I understood, at least from the Speaker's letter today, that there was a certain agreement on that bill, but to throw a monkey wrench or a wrench into the works, the President chose to veto and skidaddle out of town so he can try to lift the sails for his wife who is campaigning for a seat in a State she does not reside in.

Nonetheless, we are here today to hopefully get the people's work done. I voted for minimum wage, and it is in the bill. I voted for Medicare increases, and it is in the bill. Now, I did not bring in HMOs. I do not like them. HMOs, to me, stands for ''healthy members only,'' but yet our citizens in every district in America cry for satisfaction and want their managed care plans because they have prescription drugs and eyeglasses. That is in the bill.

Marriage penalty has been vetoed. So many other things have been vetoed I cannot even keep score any longer. But I would suggest, Mr. Speaker, that the harsh rhetoric needs to stop. Members do, in fact, want to be home with their families tonight and certainly through the weekend and on to November 7; but control of the House is not that important on either side of the aisle to make words like legislative terrorism part of the demeanor and discourse tonight. So I hope in the waning hours tonight that those who are negotiating, and I commend again our chairman, the gentleman from Florida (Mr. YOUNG), whose wife, Beverly, and their two sons have gone without their daddy for many, many a week trying to bring some comity to this process, he has negotiated in, I think, very genuine good faith; and so we remain at gridlock over two or three remaining issues.

I think it is sad. I think it is sad that grown men and women who have been sent from their districts around America cannot sit around the table and craft something that would make sense to everyone and not tie it up over one or two issues.

There will be an election November 7. There will be a new President. There will be a new Congress, be it Republican or Democratic, and some of these issues will get resolved then; but to sit here and think you are winning some strategy by creating these types of arguments I think is a sad day, and I again urge every person listening to our voices to come together in a spirit that I think is in this Chamber, a spirit of patriotism that we can lead, that we can move, that we can resolve and that we can establish the principle of good government here tonight for future generations.

Mr. OBEY. Mr. Speaker, may I inquire, does the gentleman from Florida (Mr. YOUNG) intend to yield to any further speakers?

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I would advise the gentleman from Wisconsin (Mr. OBEY) that if there are any more suggestions of legislative terrorists or anything of that nature, I very likely will; but as far as the issues, we have debated them at least 69 times in the last month; and I do not intend to get back into that debate again. If there are some other outbursts like we heard here on legislative terrorists, which is just not acceptable, we would definitely respond to that.

Mr. OBEY. Mr. Speaker, I do not know what the gentleman will define as outbursts. I would suggest since he has much more time remaining than I do, if he intends to yield to any other speakers that he do so.

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

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the sad fact is that the Republican leadership of this Congress refuses to protect American workers. They do not identify with America's workers, with their economic well-being, or with their health concerns. They have been opposed to raising the minimum wage, and they are opposed to sensible work safety standards. Twenty-four hours ago, we had a deal. This was the White House, Democrats, Republicans. They came to an agreement on the issue of worker safety standards and a variety of other issues, but then the Republican leadership ran the agreement by the United States Chamber of Commerce, who I might add, let me say what they are doing today, the Chamber of Commerce. They have shifted millions of dollars of funds to the pharmaceutical industries to keep us from bringing the cost of prescription drugs down with a television ad campaign. Do not take my word for it. You are seeing it every day on TV. They do not want to bring the costs of prescription drugs down. This is what the U.S. Chamber is doing. They ran the bill by these folks, and they are funding their campaigns so all bets were off. So we are back at square one. That is what is at issue here.

Repetitive motion hazards are the biggest safety and health problem in the workforce today. They account for nearly a third of all serious job-related injuries. More than 600,000 workers suffered serious workplace injuries. Women workers are particularly affected. Women make up 46 percent of the overall workforce. Women accounted for 63 percent of all repetitive motion injuries. Seventy percent have reported carpal tunnel cases in 1997. These injuries are expensive. They cost our economy $15 billion to $20 billion a year in medical costs. We do not need any more studies. We do not need to delay.

People deserve the same kind of protections as machinery. Good business practice shows us this makes no sense to overwork, overstress equipment, causing it to break down. We need to treat our workers the same way. But the issue is, the Republican leadership has hijacked patients' bill of rights, campaign finance reform, gun safety, minimum wage, now worker protections, because they do not support workers or want to protect them.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, my colleague, the gentleman from Florida (Mr. FOLEY), talked about immigrants; but the bill the Republicans blew up had nothing to do with immigrants. And I would hope that we would stop using immigrants on this floor as a scapegoat for Republican inability to get their business done.

You spoke about the President. John Podesta, his chief of staff is here, Jack Lew, the people who negotiate directly are here; and they have the authority to make a deal. And they are ready to do it and they made a deal and you broke it.

Now, after 3 days of no negotiations with Democrats on education, Republicans and Democrats met Sunday night and they worked out a landmark education bill that included full funding towards 100,000 new teachers,

teacher training, after-school programs, a $1.3 billion school construction and school modernization program and, yes, safety for workers on the job.

It was a package Democrats could be proud of because it addressed the most pressing needs of local communities; and it promised to help our public schools lift them up, help our parents and our children. And less than 12 hours later, as we heard, you blew up the bipartisan agreement out of the water. Apparently you rejected the worker safety provisions because business lobbyists told you they would not have it that way, and maybe you did not like the increased education funding that we had finally agreed on together when it went to your leadership.

Bipartisanship requires keeping your word, and it starts with a majority that controls the agenda of this House, and I would remind Governor Bush that if he wants to have some bipartisanship call the majority, pick up the phone, we can get this business done, and tell your party's leaders, here in the House and in the other body, to start getting to work on behalf of the American people. You have produced the most dysfunctional Congress in memory.

The New York Times just reported that this is the latest the Congress has ever met since post World War II for the latest adjournment date, and on Halloween. This is the ultimate trick on the American people and it is the ultimate treat to big business.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that remarks in the Chamber are to be addressed to the Chair and not to persons outside the Chamber.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I find it very sad when I listen to the dialogue from my colleagues on the Republican side because when I listen to my colleague, the gentleman from Florida (Mr. FOLEY), and also the chairman of the Committee on Appropriations, I think that they really do want to come to an agreement and they would like to see this agreement on the Labor HHS bill come to fruition. The problem is they cannot because of the special interests.

They negotiated on the other side in good faith and they came to an agreement that would allow these worker safety rules to go into effect, but then they go back and the U.S. Chamber of Commerce, the business interest, says no we cannot do it because we do not want you to protect the workers. We are giving you the money for the campaigns. We are the special interests. You cannot do it for the average person. We saw the same thing. My colleague, the gentleman from Florida, talked about the patients' bill of rights and how we supported the Norwood-Dingell bill; but after it passed, the HMOs said, no, we cannot have that because that is going to help the people and we cannot make any money. So you cannot do it. You forget it even if you care about the people.

We saw the same thing with Medicare prescription drugs. Maybe some of them would like to see a prescription drug benefit under Medicare. I have no doubt that some of my colleagues on the Republican side would love to see that, but they cannot do it because the pharmaceutical industry says, no, no, no, no, we cannot make any money. That is going to hurt us. We are not going to be able to finance your campaigns. We are not going to be able to run the ads. So what does it say? Oh, sure, you may want to help. Maybe even the leadership wants to help, but you cannot because you are in the pockets of the special interests, the corporate interests, the pharmaceuticals, whoever it happens to be, the insurance companies.

Well, it says a lot about what you can accomplish here in the majority party. You cannot accomplish anything for the little guy. You cannot help the senior who wants prescription drugs. You cannot help the person who is suffering from HMO abuses. You cannot help the individual that the gentleman from Wisconsin (Mr. OBEY) showed that is having problem with their hands and cannot work because of this repetition. You cannot do it. Be honest. Explain to the American people that you cannot help the little guy. You cannot help us with the problems that the American people face because you are in the pocket of the special interests, and they say what to do even after you have negotiated the agreement.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time for a closing statement.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes and 15 seconds.

Mr. Speaker, I do not think the issue here tonight is legislative terrorism. I think it is legislative obstructionism by the leadership of this House. The fact is that on prescription drugs, on the patients' bill of rights, on campaign finance reform, and on several other issues we have a bipartisan majority, but in each of those cases the will of that majority has been obstructed by the leadership that has prevented us from coming to closure on any of those issues.

Now we have one more. We had an opportunity to close the appropriations cycle with one of the best bipartisan legislative agreements of the year, and instead the leadership decided to pull the rug out from under a bipartisan negotiated agreement. They decided to say to Wanda Jackson, whose fingers have almost turned into claws and cannot lift anything heavier than a milk carton because of hours of punching numbers in a computer, ''Sorry, you are not important.'' They said to Walt Frasier, who had to lift one chicken every two seconds, 10,000 birds over an 8-hour shift every day, who now has had three operations on his hands and cannot work anymore, they have had to say, ''Sorry, you are not as important as big business.''

They say to Ursula Stafford, a 24-year-old para professional who was told by her doctor she may never be able to support a pregnancy because of a herniated disk that she suffered from lifting patients; they have said to her, ''Sorry, you are not important enough.'' We are not going to protect you.'' They have said that to many other workers.

□ 1915

Mr. Speaker, this is pure and simple another bipartisan agreement which had been reached after much hard slogging, which is now being arbitrarily tossed overboard because the leadership says ''no.'' That is unfortunate; and that, unfortunately, defines this session.

So I feel great regret about this, but until the majority leadership decides to practice the bipartisan cooperation that it preaches, we are stuck here with a blown-up agreement that could have been, in fact, a landmark piece of legislation for this session.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

I would say to our colleagues that it is interesting to negotiate with the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking minority member on the Committee on Appropriations. He negotiates in good faith. We have some very strong differences which have been established throughout the years, but he does negotiate in good faith and he keeps his word. But to suggest that all of those negotiations have been useless and have gone to naught is just not accurate. When we do negotiate at our level, then obviously, I take what the product is to my leadership. That is the way the system works.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, is it not true that at the beginning of the negotiations 2 nights ago, our side asked both the gentleman from Florida (Mr. YOUNG) and Senator STEVENS if you had full authority to negotiate all remaining issues, and the answer was yes? Is that not true?

Mr. YOUNG of Florida. Mr. Speaker, that is correct. I would say to the gentleman that we did just that, and we negotiated a settlement that we thought was a fair settlement. It did not provide everything that I wanted,

and I know it did not provide everything that the gentleman from Wisconsin wanted; but it was a compromise, it was a negotiated settlement.

But as I started to say, under our process, then I take that product to my leadership, the same as the gentleman from Wisconsin takes to his leadership. Also, he communicates with the White House, and we do that as well. We have spent a lot of time with White House representatives during this negotiating period. But to say that we are both satisfied with everything is just not true.

But here is where the rub comes. So much has been said tonight about the fact that the GOP torpedoed the deal, or ''budget deal torpedoed by the GOP.'' That is not true. That is a headline. That headline was not written in any conference meeting that I was in. And I think what it does is it just proves once again that we should communicate with each other, not through the media. Whoever wrote that headline, I guarantee my colleagues, was not in that negotiating session that we had until 1 o'clock Sunday night. They were not there. The deal was not torpedoed.

Let me explain. Everybody pay attention to this. I want my colleagues to know exactly what it was that supposedly torpedoed the deal. We have heard so much talk about the language on the ergonomics that postpones the implementation.

Now, in our negotiations, we agreed that we would allow time for the new President, whoever that new President might be, to make a decision on these rules; and we also at one point gave him until June of next year to implement or not implement.

Now, we agreed on that; and we still agree on that. That is still our position. Now, where we had a bit of a problem is when the labor lawyers took a look at the language. They said, wait a minute, that is not what it does. So we thought maybe we better consult with our lawyers and find out how to write this language to make sure it does what we agreed to do.

So that is where we are. The deal is not torpedoed. This issue is out there; and, of course, there are still some outstanding issues that have not been resolved yet that the gentleman from Wisconsin and I did not resolve during our negotiating session. But the deal is not torpedoed, I will say that again.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, is it not true that both sides spent almost 4 hours negotiating the language of that one item; and that many times, both negotiators left the room to consult with the lawyers? And is it not further true that after we had the Merlot and toasted the agreement, is it not true that the only two remaining issues were two language issues, one on snowmobiles and one on Alaska seals?

Mr. YOUNG of Florida. Well, Mr. Speaker, I would respond to the gentleman that I do not think that is accurate. I did not leave the room to consult with any lawyer. There were two lawyers on our negotiating side. Senator STEVENS is a lawyer, and the gentleman from Illinois (Mr. PORTER), the chairman of the subcommittee, is a lawyer. And as the gentleman from Wisconsin (Mr. OBEY) has suggested, we wrote that language for 3 or 4 hours, and we wrote the language, I think, at least seven times; but we all wrote the language trying to get us to the point that the law would say that the new President who is elected next week would be able to make the decision whether or not to implement these rules, and that this could take as long as until June of next year.

Now, apparently some other lawyers decided the agreement was okay; and our leadership decided, hey, that agreement is fine, but the language as it was written in the view of the labor lawyers did not accomplish what we intended to accomplish.

So on that, we have a little work yet; but we are working on it.

It was also suggested that we ought not to be so partisan, and I really enjoy hearing the speakers on that side of the aisle talk about partisanship. I do not think we have raised any partisan issues. I have not attacked the Democrats; that is just not my style. I have worked all year, and last year as chairman, to have as fair and responsible relationship with both sides as I could possibly accomplish, and I think we have done a pretty good job there.

Mr. Speaker, let me tell my colleagues who else thinks we did a pretty good job. The President of the United States yesterday in his press conference said: ''Again, we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions.'' That was President Clinton who said that. Did everybody hear that? Just in case my colleagues did not hear it, let me read it again. He said, ''Again, we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions.''

Well, I do not agree with everything the President says, but I tend to agree with that.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, does the gentleman believe everything the President says?

Mr. YOUNG of Florida. I think I just answered that question.

Mr. Speaker, I would suggest that I believe that about as often as the gentleman from Wisconsin does, and I do not think that is news to anybody.

Now, Mr. Speaker, we should all be very thankful that this political season is about over, because once the election is behind us, then we are going to find that we can get back to the business of doing the people's business. We will not need to use the floor of the House of Representatives for campaigning. We will put the people above the politics, and that is good. We need to get back to that.

Somebody mentioned the other day that this was like a scene from the movie ''Groundhog Day.'' If my colleagues saw the movie ''Groundhog Day,'' Bill Murray is the main character and he is a weather reporter for a Pittsburgh news station, and he travels to Punxsutawney to do a story on Punxsutawney Phil coming out of his cave and giving a prediction on the weather, but something happens, and day after day after day he wakes up to the very same day over and over and over again. But, the way the movie ended, he went on to a new day and continued life after those many, many days of just repeating over and over again, by falling in love, and then he woke up the next day and everything was like it should be.

If we can show a little more love and compassion, a little more spirit of determination to work together for the people that we represent, it is amazing how much we could get accomplished here. Just as President Clinton said: ''Again, we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions.'' President Clinton.

Mr. Speaker, I ask for a ''yes'' vote on the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 662, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 13, not voting 58, as follows:

[Roll No. 585]

YEAS—361

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—13

Baird
Barton
Capuano
Costello
DeFazio
Dingell
Ford
Hilliard
LaFalce
Miller, George
Phelps
Stupak
Visclosky

NOT VOTING—58

Archer
Bilbray
Blagojevich
Blunt
Borski
Boucher
Brown (FL)
Brown (OH)
Camp
Campbell
Canady
Collins
Conyers
Danner
DeGette
DeMint
Dickey
Dooley
Dunn
Etheridge
Forbes
Fowler
Franks (NJ)
Gephardt
Greenwood
Hastings (FL)
Hill (MT)
Hostettler
Isakson
Kennedy
Kingston
Klink
Lantos
Lazio
McCollum
McCrery
McIntosh
Meeks (NY)
Metcalf
Mollohan
Ose
Pickering
Portman
Ros-Lehtinen
Salmon
Sanford
Scarborough
Shaw
Spratt
Stark
Talent
Taylor (NC)
Tiahrt
Towns
Waters
Waxman
Wise
Wynn

□ 1948

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, October 31, 2000.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, October 30, 2000 at 11:20 p.m., and said to contain a message from the President whereby he returns without his approval, H.R. 4516, The Legislative Branch and The Treasury and General Government Appropriations Act, 2001.

Sincerely yours,

JEFF TRANDAHL,
Clerk of the House.

MESSAGE FROM THE SENATE

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

H.R. 5410. An act to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

H.J. Res. 121. Joint Resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2346. An act to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 1550) ''An Act to authorize appropriations for the United States Fire Administration for fiscal years 2000 and 2001, and for other purposes.''.

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

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

S. Con. Res. 158. Concurrent resolution expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2796) ''An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.''.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. NO. 106–306)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States.

To the House of Representatives:

I am returning herewith without my approval, H.R. 4516, the Legislative Branch and the Treasury and General Government Appropriations Act, 2001. This bill provides funds for the legislative branch and the White House at a time when the business of the American people remains unfinished.

The Congress' continued refusal to focus on the priorities of the American people leaves me no alternative but to veto this bill. I cannot in good conscience sign a bill that funds the operations of the Congress and the White House before funding our classrooms, fixing our schools, and protecting our workers.

With the largest student enrollment in history, we need a budget that will allow us to repair and modernize crumbling schools, reduce class size, hire more and better trained teachers, expand after-school programs, and strengthen accountability to turn around failing schools.

I would sign this legislation in the context of a budget that puts the interests of the American people before self interest or special interests. I urge the Congress to get its priorities in order and send me, without further delay, balanced legislation I can sign.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 30, 2000.*

The SPEAKER pro tempore (Mr. SUNUNU). The objections of the President will be spread at large upon the Journal, and the message and the bill will be printed as a House document.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the veto message of the President to the bill H.R. 4516, and that I may include tabular and extraneous material.

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

There was no objection.

MOTION OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I move that the message together with the accompanying bill, be referred to the Committee on Appropriations.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Wisconsin (Mr. OBEY) for the purpose of debate only on the consideration of this motion, pending which I yield myself 1 minute.

Mr. Speaker, I yield myself 1 minute just to suggest that if we want to expedite the consideration and if we want to conclude the negotiations on all of these final appropriations bills, and there was only one left, but now there are two because the President sent us this veto, we would like to expedite it and we do so by referring this veto message and the bill back to the Committee on Appropriations. I think it is as simple as that. I do not think we need to take a lot of time on this issue.

Mr. Speaker, in the event that we do require additional time, I ask unanimous consent that the gentleman from Arizona (Mr. KOLBE), who is chairman of the Subcommittee on Treasury, Postal Service and General Government Appropriations, that he be permitted to control the time on our side.

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

There was no objection.

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

Mr. Speaker, I would agree with the gentleman from Florida that we do not need to use too much time. However, I do think we need to use some time to talk a little bit about this veto, which comes as a stunning surprise to some of us. And also so that the American public and the Members of this body understand what is in this bill that has been vetoed, so that, as we consider this again, we will be able to consider those provisions very carefully.

Mr. Speaker, last night, when the President vetoed the Legislative and Treasury-Postal and General Government Appropriations bill, he did more, in my view, than simply prolong the ongoing negotiations between the White House and the Congress on the remaining appropriations measures. He has jeopardized the funding that we have in this bill for our counter-terrorism efforts, funds to keep our borders safe, programs to keep guns out of schools, programs to trace guns in violent crimes, the jobs of more than 150,000 Federal employees, including one-third of all Federal law enforcement, and he has jeopardized our Nation's war against drugs.

The President himself has stated that there is nothing wrong with the bill in its current form. In fact, he previously stated that, after we made some changes, changes that were included in the Transportation appropriations bill, he would sign this measure.

However, he has now chosen to veto it because it funds the legislative branch and the White House ''at a time when the business of the American people remains unfinished.'' He has failed to sign this perfectly good bill because of ongoing discussions relating to education funding and ergonomics, issues that have nothing to do with the bill that he vetoed.

It seems to me that the President's veto is more about making political statements than it is about making good public policy. Mr. Speaker, if we want to get the work of this Congress done, we have to take these bills one at a time.

The President's veto message claims that these bills reflect ''self interest or special interests.'' Let us be clear about what the President is talking about here. The Treasury appropriations bill provides, among other things, these items:

$2.25 billion for the Customs Service, including increases for expanded anti-forced child labor, money to attack drug smuggling groups, and new agents and infrastructure for northern border security;

$467,000 for the National Center for Missing and Exploited Children, including the use of forensic technologies to reunite families;

$62 million to expand the Integrated Violence Reduction Strategy, a program to enforce the Brady law to keep convicted felons from getting guns, to investigate illegal firearms dealers, and to join forces with State and local law enforcement and prosecutors to fully investigate and prosecutor offenders;

$25 million for nationwide comprehensive gun tracing; and $185 million for our drug media campaign to reduce and prevent youth drug use.

This bill also includes $186 million for Customs automation, an item that importers have been clamoring for. This bill provides funds to begin an immediate investment in our automated commercial environment program, a system that will help us to efficiently enforce our trade laws.

And finally, this bill includes $1.8 million in support of the Secret Service's new initiative, the National Threat Assessment Center to help us identify and prevent youngsters that might commit violence in and around schools.

Mr. Speaker, I do not see how the items I have just described here are, ''special interest items.'' These programs reflect the interests of all Americans, not just a few. All of us have a stake in the safety of our borders. All of us have a stake in the war on drugs and in keeping guns out of our schools.

On July 27, when the House passed this bill, the Administration indicated they had several concerns regarding proposed funding levels for different programs. Specifically, they said that they felt they needed another $225 million for an additional 5,670 IRS employees, and they signalled that, unless that was provided, they would veto this measure.

So we sat down. We negotiated in good faith with the White House. The House, the Senate, the Republicans and

the Democrats on both sides of this Congress, on both sides of this aisle. We added the funds for the IRS. It was not everything that the Administration asked for, but we also added other funds for other important programs. After we did this so-called fix, which the President signed into law as part of the Transportation Appropriations bill on October 23, we were told that the President would sign this bill.

Indeed, I might have thought that the comment that the President made yesterday at his press conference when he said, ''again we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions.'' I might have thought that he was talking about our bill, a bill he would have been preparing to sign.

Obviously, as the hour of midnight approached, we found out that it was to be otherwise. The President's veto message says that he will not sign this bill until we fund our classrooms, fix our schools, protect our workers. The President has once again moved the goalpost in regard to the Treasury appropriations bill.

□ 2000

I am extremely disappointed that this Administration has gone back on its word to sign this bill and has, instead, chosen to use it as a vehicle to hold Congress hostage and make political statements regarding funding for education.

But, Mr. Speaker, we are here tonight with a vetoed bill, and we are prepared to get this work done. Unfortunately, I notice that the President of the United States is in Louisville, Kentucky, for a congressional candidate and then doing a fund-raising event in New York City for the First Lady. How do we expect to get this work done when we are here and the President is out on the campaign trail?

I think it is a shame that the President has placed a higher value on the politics of education funding than he does on protecting our borders, on fighting the war on drugs, in keeping guns out of schools, in countering terrorism.

The President has vetoed the bill that funds 100 percent of our Nation's border safety in order to make political points about a bill that funds 7 percent of our Nation's education funding.

This is a sad day. This bill, which has been worked on and a compromise has been reached, and is a good bill for the agencies that we have under our jurisdiction. It is sad that it is was vetoed. I hope we can get a quick agreement with the Administration on this.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I just want to understand, because the gentleman from Arizona (Mr. KOLBE) went through a lengthy list of programs, extremely important ones, and identified dollar amounts associated with those programs.

I believe it was implicit, but I think we really need to understand that every one of those programs were placed in this by bipartisan agreement and every one of the funding numbers were agreed to in those programs that the gentleman mentioned by bipartisan agreement. Is that correct?

Mr. KOLBE. Mr. Speaker, if the gentleman will yield, that is absolutely correct. The amounts in there are not exactly as we would have wanted. In some cases, we would have wanted something lower, maybe a couple of cases even higher. In other cases, the President wanted more money, as he did for the IRS. But it was an agreement. It was a compromise.

Mr. THOMAS. Mr. Speaker, when the bill left, it was a bipartisan agreement.

Mr. KOLBE. Correct.

Mr. THOMAS. On the programs and the amount.

Mr. KOLBE. That is correct.

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

Mr. OBEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I voted against the Treasury-Postal bill when it originally was presented to the House. I did so because I thought it was inadequate. It came back from conference, and I opposed it at that point in time. We did not really have a real conference. But to the extent that a conference report came back, I said it was inadequate, and I opposed it.

The gentleman from Arizona (Mr. KOLBE) rises, and I think correctly states the provisions of this bill. I think he also correctly states that we did, in fact, reach bipartisan agreement on this bill, and that in fact the bill, as it now stands, as it stood before the President, as it stands now is a good bill. It is a bill, in my opinion, that every Member of this House on either side of the aisle can support.

It is furthermore a bill that I hope every Member of the body will support at some point in time in the very near future. I am not sure when we are going to get to that point, but hopefully in the near future.

The gentleman from Arizona (Mr. KOLBE) also correctly points out, and the gentleman from Florida (Mr. YOUNG) pointed out, if one reads the veto message, that the President of the United States says that he can sign this bill. In fact, I urged the President of the United States to sign this bill. I wished he had signed the bill. But he chose to make the point which, frankly, we have been making over and over again, that, unfortunately, this process did not come to really focus until just a few weeks ago.

The reason it did not come to focus until a few weeks ago, and I do not speak just to the Treasury-Postal bill, it is because, for 8½ months and effectively all of September, we pretended that the appropriations process was not going to be a process in which all of us would be party, but it would be a process that simply, frankly, the majority party would be a party of.

Unfortunately, when we did as the gentleman from Arizona (Mr. KOLBE) has pointed out, come to agreement, and agree on a very good bill, we got it down there relatively late, i.e., 10 days ago.

I would urge the Members, however, not to become too exercised about this bill. The reason I do that is because I believe we do have agreement. What we do not have agreement on is what the President discussed in his veto message, and they are important issues. They are unrelated, at least substantively, to the Treasury-Postal bill.

But we know and any of us who have been in the last weeks of any legislative session, and I found this when I was in the State Senate for 12 years and I found it here for 19 years, that, unfortunately, issues tend to get wrapped up with one another that do not necessarily relate to one another substantively but clearly do politically.

So I would urge the majority party, I would urge ourselves to try to come to agreement. Now both sides feel that agreements are not being kept. That is not a good context in which to try to get back to the table.

The majority party believes the President said he would sign this bill. I was not in the room, therefore cannot assert that that was or was not the case. Some others who apparently were in the room and talked to the administration said that the administration said that they could sign this bill, but, again, I was not in the room, but that they were concerned, they were particularly concerned about a particular tax provision, and they wanted to see all the tax provisions considered at one time.

Now, I hope clearly that this bill is going to go to committee and the veto will be considered. My suspicion is that we will at some point in time, hopefully in the near term, fold it in.

But I would urge all my colleagues that, when the President says that it is related to other things, his desire, and I hope our desire, is to get the issues before the House resolved, get the issues before the Senate resolved, and send them to the President.

We have just had a significant discussion about the fact that we do not have agreement on the Labor-Health bill. The gentleman from Wisconsin (Mr. OBEY), who was in the room, I was not,

but the gentleman from Wisconsin (Mr. OBEY), whose integrity I trust wholly, says that he thought they had an agreement.

It is my understanding, although the gentleman from Florida (Mr. YOUNG) did not say so in so many words, that he thought there was an agreement, but he needed to check it out with some people. That agreement fell.

I would hope that, in the next 24 hours, and I see the gentleman from Texas (Mr. DELAY), the majority whip, is on the floor. He and I worked together on a number of things. But I would hope that we could come to grips with the items that the President of the United States has said he believes are priority items.

Whether one agrees with the veto of the Treasury-Postal bill or not, everybody agrees that it was not on the substance of the bill. The bill is a good bill. It is, however, an effort by the President of the United States to bring to closure the 106th Congress, to bring to closure the 106th Congress in a way that will bring credit to agreements between the parties.

I referred earlier in discussions about the appropriations bills to an extraordinary speech given by Newt Gingrich on the floor of this House. It was a speech which I have entitled the ''Perfectionist Caucus Speech.'' It was a speech in which he said the American public has elected the President of one party, a majority party in the House and Senate of another party, and a very large and significant number of Members of the President's party.

It is not surprising, therefore, that we find ourselves in substantial disagreement from time to time on substantive important issues. But as Newt Gingrich said in that ''Perfectionist Caucus Speech,'' it is the expectation of the American public that we will come to agreement, that we will come to compromise.

Democracy is not perfect, and rarely do we win everything that we want. But the American public does expect us to agree. They expect to bring this Congress to a close. We argue on our side that they expect us to do some things that we have been talking about for an entire year and, indeed, longer than that in many instances to which the President referred, like education funding for classrooms and more teachers.

That is really not a contentious issue. Most of us on this floor on both sides of the aisle know that we have a shortage of teachers, know that we have a shortage of classrooms, know that we would like to get classroom sizes down. We ought to move on that.

Most of us say that we are for prescription drugs for seniors. We have differences on how that ought to occur. What the President is saying is we ought to come to agreement on that, because, frankly, seniors that are having trouble paying for prescription drugs do not care whether we agree on this dotting of the I's or the crossing of the T's. They want us to come to agreement. It is a shame we cannot do that.

I see the gentleman from Georgia (Mr. NORWOOD) on the floor. The gentleman from Georgia (Mr. NORWOOD) and the gentleman form Michigan (Mr. DINGELL) came together, worked hard, tried to come to agreement. I am sure the gentleman from Georgia (Mr. NORWOOD) did not get everything in the Patients' Bill of Rights bill that he would have liked. I am equally confident that the gentleman from Michigan (Mr. DINGELL) did not get everything that he would like. But they worked together.

Indeed, the majority of this House agreed with the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL) and passed a Patients' Bill of Rights. We did that in 1999, a year ago. The Senate passed a similar bill some 11 months ago. But we do not have agreement. We have not moved a bill. On an issue that almost every one of us is putting in ads of 30 seconds and saying we are for, but we have not moved the bill.

So I would urge my colleagues, as we consider this, it is going to go to committee, I hope we do not have a rollcall vote on. There is nothing we can do about it, very frankly, one way or another. It is a good bill.

The President chose to veto it to raise the issues and try to raise our focus and try to bring us to closure. If it accomplishes that objective, perhaps it was useful. It remains to be seen whether we will accomplish that objective. Had it been signed, we would have had a good bill for the Treasury Department, the General Service Administration, for law enforcement, to which the gentleman from Arizona (Mr. KOLBE) referred, he is absolutely right, to counter terrorism efforts in this country. All of those are worthwhile objectives.

It is a good bill. But let us not have this bill further divide us. Let us try to come to grips in the next 24 hours with the Labor-Health bill and get that to resolution and see at that point in time where we can move.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me the time. I appreciate his giving me this opportunity to comment on this bill, which is a good bill, but comment as well on the efforts that the gentleman has been making and that others on the other side of the aisle have been making to try to bring us to closure, try to bring this Congress to a respectable close that the American public will benefit from.

Mr. KOLBE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of the committee.

Mr. CUNNINGHAM. Mr. Speaker, I said yesterday, and I still mean it today, most of the Members at this time of the year detest what goes on. It is the silly season. It is election season. We have some honest differences. I would like to cover just a couple of those differences.

I believe with all of my heart that we are right. Maybe they believe that they are right on the other side of that issue. When my colleagues talk about school construction, many of the States have elected not to support Davis-Bacon or prevailing wage because of the increased costs. In some States, it is 35 percent down to 15 percent increase in cost. This legislation would force those right-to-work States to have to use the school construction money, using the union wage.

□ 2015

I think it is detrimental to schools because we could get more money for schools' quality. The unions control about 7 percent of the workforce. About 93 percent of all construction is done by private. And my friends would say, well, we want those workers to have a living wage.

Well, the people that build 93 percent of our buildings in this country earn a good wage, and they have good quality. And our position is that, instead of allowing the unions to take the money, the extra 15 to 35 percent, let us allow our schools and I will support the additional money. Let us let our schools keep the additional money for more construction, for class size reduction, for teacher pay or training, even technology, or where they decide, where the teachers and the parents and community can make those decisions.

My colleagues have said that, well, let us save taxpayers' money at the local level. I worked with the gentleman from Michigan (Mr. KILDEE), one of the finest men in the House, when I served on the authorization committee. He was my chairman the first year and then vice versa; and we worked, I think, in one of the best bipartisan ways. And I have a lot of respect for him. I think he is wrong a lot of times, but I love him.

But they say, let us save money at a local level. Alan Bersin was a Clinton appointee as Superintendent of San Diego City Schools; and he said, Duke, would you support a local school bond? I said, Alan, that is the most Republican thing you could ask me to do because most the money goes to the school and, guess what, the decisions are made at a local level, not here in Washington, D.C., with all the strings.

Only about 7 percent of Federal money goes down, but a lot of that controls the State and local money. Look at special education how that hurts some of the schools and helps people at the same time. But look at title I and those rules and regulations tie up.

The President wants Davis-Bacon in this. We feel it is detrimental, it actually hurts schools, and we cannot bring ourselves to do that. We have special interest groups, as my colleague says. But the Democrats, I think their special interest groups are the unions and the trial lawyers and they support those issues. But the National Federation of Independent Businesses, Small Business Association, Restaurant Association, they are not bad as some of my colleagues think. These are the people that go out and create the jobs for the people.

Over 90 percent of the jobs are created non-union. And we are saying, let the union compete with small business, let the best man win, but not have the increased cost of school construction. Now, that is a big deal. This is a big difference between most of us. You feel you are right. We feel that we are right. We see that it helps the schools, our positions; and we cannot give in to that. And the rhetoric and the campaign stuff that goes back and forth, we have a solid belief, and I want my colleagues to understand that, I believe it with all of my heart, and that is why I think we are here is because of those differences.

But yet, the President will veto it over that. And I do not know what we are going to do. I do not know how long we will be here, and I think Members on both sides are willing to stay until we can agree with something. Maybe it is half. Maybe it is whatever it is.

Mr. KOLBE. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I think the people of this great and free democracy need to understand what is going on here tonight because it is unprecedented. No President, at least in my 18 years as a Member of the House of Representatives, has ever vetoed a bill he supports. And I have never seen the Members of his party vote to support a veto of a bill they support or one whose every part was agreed to on a bipartisan basis. Of course, not every portion of it is perfect. They do not love every portion. Neither do we. But this was a bipartisan bill where every number was agreed to by Republicans and Democrats working together and where the President agreed to it as well.

It is unprecedented to have a veto message in which the President says he supports the bill. I do not know how in good conscience my friends on the other side of the aisle say they are working to conclude the business of this Congress when they support the President in preventing the very bills that have to pass to wind up this session from passing.

Here is an appropriations bill that we must pass to wind up our business. It is one we have agreed on. How can my colleagues in good conscience say that they are doing anything but filibustering and involving themselves in obstructionist actions for purely partisan reasons when they oppose a bill that they have agreed to and that the President agrees to?

Now, let me look at the rhetoric that the President brings to the table in his veto message, because it is not unlike what happened on the floor last week, which I think is so fundamentally destructive of our democracy. His rhetoric intentionally mixes information from one bill to another until the public cannot understand and follow what is happening in their own democracy. To say that this bill has to be vetoed because we need more money for teachers is ridiculous. This bill doesn't fund education. That is the issue of the Health and Human Services, Labor, and Education appropriations (HHS) bill. It is not the issue of this bill.

We will argue about whether or not we need more money for teachers when we discuss the HHS bill. And I am proud to say, as a Republican, that we put $2 billion more in the education function in that bill than the President even asked for, and we allow districts to use it for teachers if they want to, if that is what they need. But some of my school districts do not have classroom space, they cannot use this money next year for teachers, but they know exactly what they need it for, preschool, summer school, lots of kinds of things to help kids who are below grade level to catch up.

What is wrong with flexibility? Do you not trust local government? Do the Democrats not trust the people of America? Is that why they have to uphold this veto of a different bill on which they agree and the President agrees because they want to hold the other bill hostage and make sure that local government in America has no right to say whether they need summer school to help their high school kids who are behind a grade level to catch up?

Let us go on to their other issue here of worker safety. I am a strong advocate of worker safety. I voted with my Democratic colleagues to make sure that the ergonomics research went forward. How many of my colleagues, and I am looking at some of them from parts of the country for whom this is an absolutely incredible reversal of everything they ever stood for, how can they vote, how can they hold hostage a bill we all support to a Presidential position that will mandate on our States 90 percent reimbursement of salary and benefits for someone injured by an ergonomics problem?

I have had two carpal tunnel operations, both wrists. If I had been out, should I have gotten 90 percent of salary and benefits when my friend next to me got his foot crushed with a piece of steel and he gets the State rates, which is somewhere between 70 and 75 percent, depending on the State? Are you, my colleagues, out of your minds?

I mean, I am for worker safety, but I am not for unfairness. It is wrong. This is really important. I brought this up when we debated this. Unfortunately, it was midnight and most of my colleagues were not here. But I asked them to go back and check with their small businesses to see how they can survive or check their State laws and see what it would do to have that inequity among workers.

One can get terribly, terribly injured through a construction catastrophe and that injured worker would get the State's 70 to 75 percent, whatever their State offers, in Workmen's Comp. But, under the President's proposal, if they get carpal tunnel syndrome, they'd get 90 percent of salary while they are out of work. Why are you holding a bill up on which we have agreed to every single number for a new and extremely unfair and unaffordable mandate in another bill?

Look what this bill does. I mean, my gosh, it adds $475 million so we can expand the anti-forced child labor initiative, attack drug smuggling, $10 million more for drug free communities, more money for the Secret Service's National Threat Assessment Center to help prevent school violence, better funds for the Terrorism Task Force, much more money to enforce the Brady bill.

Let us put aside the partisan games. Let us override the President's veto. Then let us move on to the HHS appropriations bill and work these things out. That is what we are tasked to do by the voters of America.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume to explain that I thought that we had been asked if we would agree to no debate on the bill. We were willing to do that. But since my colleagues have had more speakers, we have a couple other Members who have indicated they want to speak.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Speaker, since I have seen my colleagues on the other side of the aisle have an affinity, I would even have to say a proclivity, to quote the President's words, I would like to refer to the statement he made as it relates to the bill that is being considered for referral to committee, the bill that he vetoed.

He said, ''We are now a full month past the end of the fiscal year, and just a week before election day. Congress still hasn't finished its work.

''There is still no education budget. There is still no increase in the minimum wage. There is still no Patients' Bill of Rights or Hate Crimes Bill, or meaningful tax relief for middle class Americans.

''Today, I want to talk about an appropriations bill that Congress did

pass. The Treasury-Postal Bill funds these two departments, as well as the operations of Congress and the White House. Last night, I had no choice but to veto that legislation. I cannot in good conscience sign a bill that funds the operations of Congress and the White House before funding our schools.

''Simply put, we should take care of our children before we take care of ourselves. That's a fundamental American value, one that all parents strive to fulfill. I hope the congressional leadership will do the same. We can, and we will, fund a budget for Congress, but first let us take care of the children.''

I agree with the President. Simply put, how is it that we would hold ourselves up as an institution and the White House that they are worthy of being funded when we have a whole host of vital issues, some of which the President recited himself, that simply are not being funded and will likely not be funded before the American people go to vote next Tuesday?

He goes on to say, ''We thought we had a good-faith agreement with honorable compromises on both sides,'' with reference to the landmark budget for children's education. ''That was before the special interest weighed in with the Republican leadership. And when they did they killed the Education Bill.''

I agree with the President. Let us put our people before ourselves.

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

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, I would just like to respond to the Member on the other side of the aisle who said, how in good conscience can we support this veto? My response is, with ease. And I will tell my colleagues why.

The gentleman from Arizona (Mr. KOLBE) is upset. And I do not blame him. He is one of the good people in this House. And there are a lot of good people in this House on both sides of the aisle. And we treasure our friendships, and we treasure our associations. We also treasure a sense of balance, and we treasure people who keep their word at the highest levels as well as the lowest levels of both parties.

□ 2030

The gentleman from Arizona (Mr. KOLBE) is upset because his Treasury-Post Office bill has been vetoed, and, along with it, although this has not been mentioned, the Legislative Branch appropriations bill, because the Treasury-Post Office bill is folded into the Legislative appropriations bill. If I were the gentleman from Arizona, I would be unhappy, too, because he wants to see his bill finished. The problem is that there is only one man in the country who has the responsibility to look out after everyone, and that is the President of the United States. And what the President of the United States said in the words that the gentleman from New Jersey just read is that, quote, ''I cannot in good conscience sign a bill that funds the operations of the Congress and the White House before funding our classrooms, fixing our schools and protecting our workers.''

In other words, the gentleman from Arizona is upset because matters of legislative concern such as our offices, our travel allowances, our staff allowances are not settled. In fairness to him, he did not say that because he is concerned about the Treasury-Post Office bill, but I have had that said to me by a number of Members tonight. All the President has said is that I recognize that the big fellows in this society, the President and the Congress, because that is whose budgets are funded in the bill that he vetoed, remember, he vetoed his own budget as well as the Congress' budget. All the President says is that we are not going to provide the money that the big boys want in this society until we first take care of the needs of the little people. That is all he said. I agree with him.

I would like to very much see all of this come to an end. I am sick of all of it. But I would simply say it was not the President who decided to package the Legislative and Treasury-Post Office bills in one package so that everything got tied up in this debate. It was some genius, some staffer in one of the leadership offices who decided to do that against the advice of the leadership of the Committee on Appropriations on both sides of the aisle.

I would point out that there is one revenue item in that bill that the President vetoed which will cost five times as much as the entire cost for the tax credits for school construction contained in the bill which we are still trying to put back together after the majority leadership sandbagged the bipartisan agreement that we reached two nights ago.

The bill that was vetoed cost the Treasury $60 billion over the same time period that it cost only $12 billion to fund the school construction tax credit. There is a very easy remedy for fixing the problem that the gentleman from Arizona is concerned about. That bill can easily be passed simply by referencing it in an agreement that we ought to be able to achieve on the Labor, Health and Education appropriations bill. All you have to do is to come back to the agreement that was hammered out two nights ago. If you do that, we will take care of the needs of people like this who have been so injured by doing their duty in the workplace that they can work no longer.

We will take care of their needs as well as the needs of the 435 Members of this House who would kind of like to know what their office allowances are going to be, what their staff allowances are going to be, what their travel situation is going to be, and what the budgets for the service agencies, for the Library of Congress and CRS and others are supposed to be and all of the other legitimate concerns mentioned on that side of the aisle.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. I am sure the gentleman from Wisconsin, for whom I have very great respect, is aware that many years the President has signed this bill before he has had the opportunity to sign the HHS bill. So this is a matter of politics. It is not a matter of principle. He has never before said, I must hold the funding for the executive office and for this until that is done. That is just complete Presidential politics.

Mr. OBEY. Mr. Speaker, I take back my time. If the gentlewoman is going to use pejorative terms like that, then I would simply say yes, this is the first time to my knowledge that the President has vetoed this bill because it was passed before the Labor-H bill was passed. But this is also the first time that we have had the majority leader and the Speaker of the House blow up a bipartisan agreement that had been signed onto by both parties. Before those negotiations ever began, I asked the negotiator for the Republicans on the House side and on the Senate side, do you have the full authority from your leadership to negotiate to a conclusion every item in this bill? Their answer was yes. And the gentleman from Florida (Mr. YOUNG) said, Yes, and isn't that nice for a change? Now, we know it was not a change. So now we know that once again, after a bipartisan negotiation has been put together, someone in the majority party, after checking with somebody else decides, Well, sorry, we're going to do it all over again. If we cannot take each other's word in this institution, then this institution is not the institution that I have given 32 years of my life to.

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

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

Mr. Speaker, I would just like to say to the gentleman from Wisconsin that I accept the responsibility for the fact that this debate on this motion may be more prolonged than might have been indicated to him by staff. They were corrected, believing there would be no great debate on this. It was my view that I needed to say some things about the bill that had been vetoed, and so I accept that responsibility for that, and I apologize if a miscommunication was made to the gentleman from Wisconsin.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman from Arizona for yielding this time to me, and I appreciate all the hard work that he has done on this bill. It is really unfortunate that the President vetoed a bill that he supports.

I think most of us know what is going on here. What is going on here is politics is being placed above people. When we took the majority for the first time in 40 years, the minority went into denial. The minority has worked for 6 years to gain back the majority. They decided that these last 2 years was their chance because we had a six-vote margin. All they had to do was win a net of seven seats, and they are back in the majority.

The minority leader last summer announced that they were going to run against a do-nothing Congress, that they would not cooperate, that they would try to bring down every bill that we brought to the floor that was of any substance. Politics. Words are really cheap, but actions really prove whether your words are true or not.

All summer, while we were passing through this House all 13 appropriations bills and getting our work done, the minority side said all along that there is not enough money in this, there is not enough money being spent. They have always wanted to spend more money, and they have tried to spend the surplus; and we have worked very, very hard all this year to keep them from spending the surplus. On the substantive issues, the policy issues, right, we are guilty for not passing their agenda. We have been passing our agenda. We locked up the Social Security surplus. They have been raiding it for 40 years, spending it on big government programs. We locked up the Medicare surplus. They have been spending it for 40 years, or as long as Medicare has been in, on big government programs. Then there was more surplus on the on-budget, and we said we want to take at least 90 percent of that and pay down on the public debt with it. We are doing it.

They have fought us every step of the way. We have had to bring very tough bills, including this TPO bill, to the floor and pass it with only Republican votes because they tried to bring it down knowing how hard it would be to pass it. Now we get into this season, and we have been working with the President. The President has signed seven bills that we compromised with him on and he has signed. But they have never intended to let us get out of town or to work out a bill.

I mean, last week the minority leader put on a Scottish uniform, put war paint on his face and picked up a spear and declared war. Last night, the President put that same war paint on his face, vetoed a bill and declared war. They are interested in politics. They have only one goal and that is to take back the majority of this House. Sunday, the President threatened, or blackmailed the Congress by saying that he would veto this bill if he did not get an agreement on Labor-HHS. These gentlemen worked a long time, into the early morning, to come up with an agreement. But on every bill, and frankly we passed every bill out of this Congress except the Labor-HHS bill, we have got it all done, the problem is we cannot trust the President. Every one of those bills, once it has been worked out, has always been brought to the leadership to look at the agreement. We owe that and we have a responsibility to the Members that we represent to make sure that the agreement is a good one.

We started looking at the agreement and then their spin doctors went out and said we were blowing up the agreement. We have looked at every agreement that our negotiators have made, and we were asking questions about this agreement. We were asking questions about the fact that what they said was the agreement on the labor provision known as the ergonomics actually was reflected in the language that was presented to us, and we did not think it was, because we read that language as doing nothing but codifying present law and present practice. And we thought, well, maybe we ought to write the language to reflect the agreement that was being made and we were working on that. We even compromised with them. They wanted $8 billion. We said, ''We'll give you 4 but tell us how you are going to spend it.'' To this point, 2 days later, they have not even given us the list of how they are going to spend that $4 billion. How in the world do you think we could put a bill together and file it and answer the President's blackmail when you will not even give us how you are going to spend it?

They gave some money on Democrat projects. We have yet to get the list of the Democrat projects. How do you put together a bill, put it in language and bring it down here to the floor when we have not even got the list? So there was no way that we could comply. And they knew it. They knew it, that we could comply with the blackmail of the President and he vetoes the bill. Pure politics. People be damned. Pure politics was what is going on here.

The political atmosphere here has been so poisoned by their actions that it is so difficult, and I have got to tell you, this bill is back into play. Now we have five appropriations bills in play. The President asked us to talk to him about the tax bill. We said fine. Nobody showed up. We have been waiting 3 days to talk about the tax bill. We have called for 3 days asking the President to negotiate with us over immigration. Nobody has showed up. This morning the President's people were supposed to come in early to talk about this ergonomics issue and the language. Nobody has showed up. In fact, the President went to Kentucky to campaign this afternoon. Now he is in New York. How do you negotiate with a mirror?

The President has no intention of making this. That is why we are here a week before the election. It is politics. It is time to put the politics aside and think about the people and do the people's business. I am just asking you all to come together and let us put people before politics.

□ 2045

Mr. OBEY. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, first of all, I would like to correct both the gentlewoman from Connecticut (Mrs. JOHNSON) and myself. Both of us indicated that this was the first time that the President had vetoed this bill because it was passed before other bills had passed. That is not correct.

On October 3, 1995, I should have remembered it because it was my birthday, the President vetoed the legislative bill for precisely the same reason that he vetoed this bill tonight. Let us remember that the bill before us is the legislative appropriations bill into which was folded the Treasury Post Office bill. The President vetoed that on October 3, 1995, because he pointed out that the Congress had not yet finished its other work and that he was not going to allow the Congress to get its goodies before the rest of the country got its problems taken care of. So he has been consistent in that philosophy, and I applaud him for doing that as well on this bill tonight.

Secondly, I am not going to bother to comment on the majority whip's discussion of a number of items that have nothing whatsoever to do with my committee responsibilities. I recognize he is well-known for his efforts to achieve conciliatory bipartisanship; and he is probably the most distinguished person in the House, obviously, in trying to see to it that we pass bills on a bipartisan rather than a partisan basis. His reputation is renowned for that. No one could possibly question that. Right? This is Halloween, too, right?

Having said that, I would simply say with respect to these appropriation bills, the gentleman is wrong when the distinguished whip said that all but one bill had been passed out of the Congress by October 1. There were still 4 bills that the Senate had not even considered by the end of the fiscal year. So, again, the majority whip is wrong on his facts.

I would simply say, without getting any further into silliness, that the basic problem is simply this: Everyone knows that the major obstacle on the appropriations end to our finishing our work was the disposition of the labor,

health and education bill. That bill, as Bill Natcher used to say, is a bill that is the people's bill. It takes care of the children. It takes care of the sick, and it takes care of the workers who produce the wonderful prosperity that enable all of us to brag about the surpluses that we have created.

What is at stake here is very simple. We did have an agreement and the majority leadership decided that they were going to break it up. Now they can argue that all they want, but the fact is that that is what happened.

I think if we are going to discuss values, as we have so often been lectured about by the distinguished majority whip, if we are going to talk values let me say that I can think of no value more important than to say to the most humble worker in this country that their health comes before the wishes of the national lobbyists for the United States Chamber of Commerce. I can think of no value more important than to let the most humble worker in this country know that the Congress of the United States and the President of the United States are not so busy focusing on their own needs that they will allow the needs of the neglected to be forgotten.

That is what the President said in his veto message. He is saying, do to the least of these. That is what he is saying or as the Book some of us have read that reminds us to do that, what you do to the least of my brethren, you do for me. That is what we are trying to do when we stand here protecting the interests of workers who have no place else to go but here, no place to go but here; to be protected so that they can keep their bodies whole, so that they can continue to work to put food on the table for their families.

Do you think that I am going to apologize for one second for supporting the President's veto of a bill that takes care of us before it takes care of them? I do not know what planet you are on, but those are not my values. I am proud to support his veto.

I would say that the gentleman from Arizona (Mr. KOLBE) himself has done his job. The President's veto in no way is a criticism of his work. We all know he has done an honest job of negotiating. He, like many of us are simply caught in the situation that we would like to see not exist, and that situation was caused by the majority leadership of his party in this House.

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

Mr. Speaker, let me just very briefly close this debate. I know it has taken longer than we had intended. I know the gentleman from Texas (Mr. DELAY), the majority whip, will certainly be pleased with the very fine comments that the gentleman from Wisconsin (Mr. OBEY) made about his bipartisan nature of finding solutions to appropriation bills. My experience has always been that the majority whip, the gentleman from Texas (Mr. DELAY), always has been very constructive in trying to find those solutions.

The gentleman from Wisconsin (Mr. OBEY) also made reference to the 1995 legislative bill and the veto of that for essentially the same reasons. Although my memory does not take me back that many votes and that many appropriation bills, I believe at that time when that was vetoed there was no agreement on the Treasury Postal Bill; and, therefore, the argument was we should not be passing or should not be accepting the legislative appropriations without an agreement on the appropriations that affected the executive branch, the White House and all the executive agencies, the White House agencies.

In this case, they are tied together. We have them together. So signing this bill would have made sure that we moved forward that part of the final budget that would have covered these two very large agencies, the Congress and all of its related agencies, including the Congressional Research Service and the Library of Congress, our Capitol Police, and the Treasury, with all of its agencies, the Treasury itself, the Secret Service, the Customs, the Bureau of Alcohol, Tobacco and Firearms, the Internal Revenue Service, the Federal Elections Commission and everything at the White House.

So I think it would be very important for us to recognize that these are tied together and we should move forward with this.

There is a great deal of misunderstanding or, I think, unfortunate misunderstanding about the events last night. I was not there, but I certainly understand that when an agreement is reached by appropriators that is on something as delicate as this, that includes language that is not an appropriation item, that the leadership is going to have to sign off on that. Apparently that last step had not been done. There was agreement on the basic provision, but they had not signed off on it.

Mr. Speaker, I would just say that I hope we can find a solution to this very quickly and move this bill forward as rapidly as possible so these appropriations might become law.

The SPEAKER pro tempore (Mr. SUNUNU). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG).

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Accordingly, the veto message and the bill will be referred to the Committee on Appropriations.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

Mr. BENTSEN. Mr. Speaker, I offer a motion to instruct conferees on H.R. 4577.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. BENTSEN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4577 be instructed, in resolving the differences, between the two Houses on the funding level for program management in carrying out titles XI, XVIII, XIX, and XXI of the Social Security Act, to choose a level that reflects a requirement that State plans for medical assistance under such title XIX provide for adequate reimbursement of physicians, providers of services, and suppliers furnishing items and services under the plan in the State.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Texas (Mr. BENTSEN) and the gentleman from Florida (Mr. BILIRAKIS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BENTSEN).

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

Mr. Speaker, let me say at the outset that in a couple of minutes I am going to move to withdraw this motion and I will tell my colleagues why, but I do want to take just a couple of minutes to talk about it.

Let me start out by saying what this motion would do is, in effect, would call on the conferees to reinstate what has been known as the Boren amendment which would require that States establish reasonable rates of reimbursement under the Medicaid program. As my colleagues know, the Boren amendment was repealed in the 1997 Balanced Budget Act, but we still find that in many cases for providers, both hospitals and individual medical providers, that the reimbursement rates under the Medicaid program by the States is not sufficient; and, in fact, a recent study found that in some cases those rates are as low as 65 percent of the comparable Medicare reimbursement rate. This is something that raises concerns when we consider that more than a third of the births in this country are funded through the Medicaid program and yet we have these low reimbursement rates.

My personal concern in this has to do in trying to stand up for my district and my State. The largest medical center in the world is in my congressional district with the largest children's, independent children's hospital, as well as another children's hospital and a very large public hospital system, where they have a very large, disproportionate share census that they

have to deal with in not getting sufficient reimbursement. I think Members around the country would find that is true.

Mr. Speaker, as we know today the National Governors Association and the National Conference of State Legislators sent out letters with some questionable arguments against this motion, and I am not going to pursue it because I do not want to put Members on either side of the aisle in a difficult situation.

□ 2100

Mr. Speaker, I will say this. Last week when the House considered the tax bill with the balanced budget revision that was in it, I would remind my Republican colleagues that that included an uptick in the reimbursement for managed care companies, for Medicare providers; and I actually joined my Republican colleagues in voting for that. There were not a lot of Democrats who did, but I was one of the ones who did. I thought it could be a better bill, but I was willing to take what we could get at the time.

I guess what I want to say is what is good for the goose is good for the gander, and that we may want to take a look at the Medicare bill as well to see how we may want to make that a better program for the people who rely on the Medicaid program.

Now, let me just say with respect to what the Conference of State Legislatures said, and the governors. I think it is somewhat of a stretch for the Conference of State Legislatures to say that by going back to the Boren Amendment language that somehow they would not be able to move forward with the breast and cervical cancer bill that this House passed overwhelmingly and was signed into law by the President just last week, or the Ticket to Work program that was passed. I and others were cosponsors of both of those bills. I think that is a little bit of a red herring on their part. I do not, quite frankly, think this is an issue that we are going to deal with this year, but it is something that I think Members on both sides of the aisle do want to take a look at.

Mr. RODRIGUEZ. Mr. Speaker, I stand before you today in support of the motion to instruct conferees on H.R. 4577 by my friend and colleague, Representative KEN BENTSEN.

The Bentsen motion to instruct urges conferees to do the right thing by providing adequate funding levels for Medicaid.

We face a health crisis in our states because the Balanced Budget Act of 1997 put Medicaid rates too low.

Everyone is impacted: physicians, hospitals, home health providers, and nursing homes.

Many of the health care providers in my district and throughout my state face severe financial difficulties due to low Medicaid rates.

These Medicaid reimbursement reductions have especially hurt our nursing homes. The situation in Texas is a good example of why we need immediate action.

Today I released a special report prepared by the minority staff of the House Committee on Government Reform, ''Nursing Home Conditions in Texas,'' which found widespread inadequacies—sometimes horrible situations—in our nursing homes.

In many nursing homes in Texas and across the country, our parents and grandparents suffer intolerable conditions.

More than half of the nursing homes in Texas had violations of federal health and safety standards that caused actual harm to residents, or placed them at risk of death or serious injury.

Another 29 percent of Texas nursing homes had violations that created potentially dangerous situations.

In other words, 4 out of 5 nursing homes in Texas violated federal health and safety standards during recent state inspections.

Why are the conditions so bad?

One reason is inadequate levels of staffing.

In Texas, more than 90 percent of the homes do not have the minimal staffing levels recommended by the U.S. Department of Health and Human Services.

And why are staffing levels so low? Because the low level of funding makes it impossible for nursing homes to provide adequate care.

This Congress still has the opportunity to address these glaring problems. The Bentsen motion would be a bold step in defense of our most vulnerable seniors by requiring states to provide adequate reimbursements to all health care providers.

Mr. BENTSEN. With that, Mr. Speaker, I withdraw my motion to instruct.

PARLIAMENTARY INQUIRIES

Mr. BARTON of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman will state it.

Mr. BARTON of Texas. Mr. Speaker, can the gentleman withdraw without unanimous consent?

The SPEAKER pro tempore. The gentleman can withdraw the motion to instruct without unanimous consent.

Mr. THOMAS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. Mr. Speaker, since the gentleman introduced his motion and then spoke on his motion without an opportunity for other Members of the House to address the question, which some people would believe did not reflect fair play, would it be appropriate, for example, for the gentleman from Florida (Mr. BILIRAKIS) to ask unanimous consent to address the House for 5 minutes to provide some subject matter on the motion just withdrawn?

The SPEAKER pro tempore. The general practice of the House would be to seek a unanimous consent agreement to speak out of order for 1 minute.

(Mr. BILIRAKIS asked and was given permission to speak out of order for 1 minute.)

OPPOSING MOTION TO INSTRUCT CONFEREES

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for allowing us the opportunity.

Mr. Speaker, this motion actually reverses a policy set in legislation enacted only 3 years ago, at the bipartisan request of our Nation's governors. Provisions to repeal the Boren Amendment were included in the 1997 Balanced Budget Act. That measure was approved by the House with the support of 193 Republicans and 153 Democrats, and it was signed into law by President Clinton.

I would also refer to remarks made by the President of the National Governors Association on August 8 of last year in St. Louis, Missouri, when he said, we have waived or eliminated scores of laws and regulations on Medicaid, including one we all wanted to get rid of, the so-called Boren Amendment.

As I intended to explain earlier, the proposal, Mr. Speaker, is unnecessary. The Medicaid statute already includes provisions which address the gentleman's concern. Under title 19, States are specifically required to provide adequate reimbursement. Section 1902(a)30(A) requires States plans to, and I quote, ''provide such methods and procedures relating to the utilization of and the payment for care and services available under the plan as may be necessary to safeguard against unnecessary utilization of such care and services, and to ensure that payments are consistent with efficiency, economy and quality of care, and are sufficient to enlist enough providers so that care and services are available under the plan, at least to the extent that such care and services are available to the general population in the geographic area.''

Mr. Speaker, this has been true in regulation for years, Mr. Speaker, but it was also codified in statute by the 1989 omnibus budget reconciliation act. Imposing additional mandates on the States would not accomplish any justifiable public policy purpose.

The other interpretation of the gentleman's motion to instruct is that in the spirit of Halloween, he is attempting to breathe life into the now-dead Boren Amendment. History has shown us that the use of such general terms as ''adequate reimbursement'' and ''suppliers furnishing items and services'' will lead to litigation.

Mr. PALLONE. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The House is proceeding under regular order.

Mr. PALLONE. Mr. Speaker, the gentleman asked for 1 minute.

The SPEAKER pro tempore. The gentleman asked for 5 minutes. The gentleman will suspend. The gentleman from Florida has the time.

Mr. BILIRAKIS. Mr. Speaker, the gentleman from Florida asked for 5 minutes.

The SPEAKER pro tempore. The gentleman was recognized for 1 minute.

Mr. BILIRAKIS. Mr. Speaker, the original Boren Amendment was intended to serve as a ceiling for State reimbursement decisions, but over many years of judicial interpretation, it became a tool to create an ever-increasing floor.

Mr. Speaker, I would urge all to vote against this motion, and I thank the gentleman for his courtesy.

GENERAL LEAVE

Mr. BARTON of Texas. 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 the motion to instruct just withdrawn by the gentleman from Texas (Mr. BENTSEN).

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

There was no objection.

REQUEST TO SPEAK OUT OF ORDER

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

Mr. PALLONE. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO ADDRESS THE HOUSE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

Mr. PALLONE. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken tomorrow.

CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION BOARD

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2789) to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

The Clerk read as follows:

S. 2789

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

SECTION 1. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION.

(a) IN GENERAL.—The Congressional Award Act (2 U.S.C. 801–808) is amended by adding at the end the following:

"TITLE II—CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION

"SEC. 201. SHORT TITLE.

''This title may be cited as the 'Congressional Recognition for Excellence in Arts Education Act'.

"SEC. 202. FINDINGS.

''Congress makes the following findings:

''(1) Arts literacy is a fundamental purpose of schooling for all students.

''(2) Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem-posing and problem-solving.

''(3) Arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy.

''(4) Arts education improves teaching and learning.

''(5) Where parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful.

''(6) Effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence.

''(7) The 1999 study, entitled 'Gaining the Arts Advantage: Lessons from School Districts that Value Arts Education', found that the literacy, education, programs, learning and growth described in paragraphs (1) through (6) contribute to successful district-wide arts education.

''(8) Despite all of the literacy, education, programs, learning and growth findings described in paragraphs (1) through (6), the 1997 National Assessment of Educational Progress reported that students lack sufficient opportunity for participatory learning in the arts.

''(9) The Arts Education Partnership, a coalition of national and State education, arts, business, and civic groups, is an excellent example of one organization that has demonstrated its effectiveness in addressing the purposes described in section 205(a) and the capacity and credibility to administer arts education programs of national significance.

"SEC. 203. DEFINITIONS.

''In this title:

''(1) ARTS EDUCATION PARTNERSHIP.—The term 'Arts Education Partnership' means a private, nonprofit coalition of education, arts, business, philanthropic, and government organizations that demonstrates and promotes the essential role of arts education in enabling all students to succeed in school, life, and work, and was formed in 1995.

''(2) BOARD.—The term 'Board' means the Congressional Recognition for Excellence in Arts Education Awards Board established under section 204.

''(3) ELEMENTARY SCHOOL; SECONDARY SCHOOL.—The terms 'elementary school' and 'secondary school' mean—

''(A) a public or private elementary school or secondary school (as the case may be), as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801); or

''(B) a bureau funded school as defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

''(4) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

"SEC. 204. ESTABLISHMENT OF BOARD.

''There is established within the legislative branch of the Federal Government a Congressional Recognition for Excellence in Arts Education Awards Board. The Board shall be responsible for administering the awards program described in section 205.

"SEC. 205. BOARD DUTIES.

''(a) AWARDS PROGRAM ESTABLISHED.—The Board shall establish and administer an awards program to be known as the 'Congressional Recognition for Excellence in Arts Education Awards Program'. The purpose of the program shall be to—

''(1) celebrate the positive impact and public benefits of the arts;

''(2) encourage all elementary schools and secondary schools to integrate the arts into the school curriculum;

''(3) spotlight the most compelling evidence of the relationship between the arts and student learning;

''(4) demonstrate how community involvement in the creation and implementation of arts policies enriches the schools;

''(5) recognize school administrators and faculty who provide quality arts education to students;

''(6) acknowledge schools that provide professional development opportunities for their teachers;

''(7) create opportunities for students to experience the relationship between early participation in the arts and developing the life skills necessary for future personal and professional success;

''(8) increase, encourage, and ensure comprehensive, sequential arts learning for all students; and

''(9) expand student access to arts education in schools in every community.

''(b) DUTIES.—

''(1) SCHOOL AWARDS.—The Board shall—

''(A) make annual awards to elementary schools and secondary schools in the States in accordance with criteria established under subparagraph (B), which awards—

''(i) shall be of such design and materials as the Board may determine, including a well-designed certificate or a work of art, designed for the awards event by an appropriate artist; and

''(ii) shall be reflective of the dignity of Congress;

''(B) establish criteria required for a school to receive the award, and establish such procedures as may be necessary to verify that the school meets the criteria, which criteria shall include criteria requiring—

''(i) that the school—

''(I) provides comprehensive, sequential arts learning; and

''(II) integrates the arts throughout the curriculum in subjects other than the arts; and

''(ii) 3 of the following:

''(I) that the community serving the school is actively involved in shaping and implementing the arts policies and programs of the school;

''(II) that the school principal supports the policy of arts education for all students;

''(III) that arts teachers in the school are encouraged to learn and grow in mastery of their art form as well as in their teaching competence;

''(IV) that the school actively encourages the use of arts assessment techniques for improving student, teacher, and administrative performance; and

''(V) that school leaders engage the total school community in arts activities that create a climate of support for arts education; and

''(C) include, in the procedures necessary for verification that a school meets the criteria described in subparagraph (B), written evidence of the specific criteria, and supporting documentation, that includes—

''(i) 3 letters of support for the school from community members, which may include a letter from—

''(I) the school's Parent Teacher Association (PTA);

''(II) community leaders, such as elected or appointed officials; and

''(III) arts organizations or institutions in the community that partner with the school; and

''(ii) the completed application for the award signed by the principal or other education leader such as a school district arts coordinator, school board member, or school superintendent;

''(D) determine appropriate methods for disseminating information about the program and make application forms available to schools;

''(E) delineate such roles as the Board considers to be appropriate for the Director in administering the program, and set forth in the bylaws of the Board the duties, salary, and benefits of the Director;

''(F) raise funds for the operation of the program;

''(G) determine, and inform Congress regarding, the national readiness for interdisciplinary individual student awards described in paragraph (2), on the basis of the framework established in the 1997 National Assessment of Educational Progress and such other criteria as the Board determines appropriate; and

''(H) take such other actions as may be appropriate for the administration of the Congressional Recognition for Excellence in Arts Education Awards Program.

''(2) STUDENT AWARDS.—

''(A) IN GENERAL.—At such time as the Board determines appropriate, the Board—

''(i) shall make annual awards to elementary school and secondary school students for individual interdisciplinary arts achievement; and

''(ii) establish criteria for the making of the awards.

''(B) AWARD MODEL.—The Board may use as a model for the awards the Congressional Award Program and the President's Physical Fitness Award Program.

''(c) PRESENTATION.—The Board shall arrange for the presentation of awards under this section to the recipients and shall provide for participation by Members of Congress in such presentation, when appropriate.

''(d) DATE OF ANNOUNCEMENT.—The Board shall determine an appropriate date or dates for announcement of the awards under this section, which date shall coincide with a National Arts Education Month or a similarly designated day, week or month, if such designation exists.

''(e) REPORT.—

''(1) IN GENERAL.—The Board shall prepare and submit an annual report to Congress not later than March 1 of each year summarizing the activities of the Congressional Recognition for Excellence in Arts Education Awards Program during the previous year and making appropriate recommendations for the program. Any minority views and recommendations of members of the Board shall be included in such reports.

''(2) CONTENTS.—The annual report shall contain the following:

''(A) Specific information regarding the methods used to raise funds for the Congressional Recognition for Excellence in Arts Education Awards Program and a list of the sources of all money raised by the Board.

''(B) Detailed information regarding the expenditures made by the Board, including the percentage of funds that are used for administrative expenses.

''(C) A description of the programs formulated by the Director under section 207(b)(1), including an explanation of the operation of such programs and a list of the sponsors of the programs.

''(D) A detailed list of the administrative expenditures made by the Board, including the amounts expended for salaries, travel expenses, and reimbursed expenses.

''(E) A list of schools given awards under the program, and the city, town, or county, and State in which the school is located.

''(F) An evaluation of the state of arts education in schools, which may include anecdotal evidence of the effect of the Congressional Recognition for Excellence in Arts Education Awards Program on individual school curriculum.

''(G) On the basis of the findings described in section 202 and the purposes of the Congressional Recognition for Excellence in Arts Education Awards Program described in section 205(a), a recommendation regarding the national readiness to make individual student awards under subsection (b)(2).

''SEC. 206. COMPOSITION OF BOARD; ADVISORY BOARD.

''(a) COMPOSITION.—

''(1) IN GENERAL.—The Board shall consist of 9 members as follows:

''(A) 2 Members of the Senate appointed by the Majority Leader of the Senate.

''(B) 2 Members of the Senate appointed by the Minority Leader of the Senate.

''(C) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives.

''(D) 2 Members of the House of Representatives appointed by the Minority Leader of the House of Representatives.

''(E) The Director of the Board, who shall serve as a nonvoting member.

''(2) ADVISORY BOARD.—There is established an Advisory Board to assist and advise the Board with respect to its duties under this title, that shall consist of 15 members appointed—

''(A) in the case of the initial such members of the Advisory Board, by the leaders of the Senate and House of Representatives making the appointments under paragraph (1), from recommendations received from organizations and entities involved in the arts such as businesses, civic and cultural organizations, and the Arts Education Partnership steering committee; and

''(B) in the case of any other such members of the Advisory Board, by the Board.

''(3) SPECIAL RULE FOR ADVISORY BOARD.—In making appointments to the Advisory Board, the individuals and entity making the appointments under paragraph (2) shall consider recommendations submitted by any interested party, including any member of the Board.

''(4) INTEREST.—

''(A) IN GENERAL.—Members of Congress appointed to the Board shall have an interest in 1 of the purposes described in section 205(a).

''(B) DIVERSITY.—The membership of the Advisory Board shall represent a balance of artistic and education professionals, including at least 1 representative who teaches in each of the following disciplines:

''(i) Music.

''(ii) Theater.

''(iii) Visual Arts.

''(iv) Dance.

''(b) TERMS.—

''(1) BOARD.—Members of the Board shall serve for terms of 6 years, except that of the members first appointed—

''(A) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 2 years;

''(B) 1 Member of the House of Representatives and 1 Member of the Senate shall serve for terms of 4 years; and

''(C) 2 Members of the House of Representatives and 2 Members of the Senate shall serve for terms of 6 years,

as determined by lot when all such members have been appointed.

''(2) ADVISORY BOARD.—Members of the Advisory Board shall serve for terms of 6 years, except that of the members first appointed, 3 shall serve for terms of 2 years, 4 shall serve for terms of 4 years, and 8 shall serve for terms of 6 years, as determined by lot when all such members have been appointed.

''(c) VACANCY.—

''(1) IN GENERAL.—Any vacancy in the membership of the Board or Advisory Board shall be filled in the same manner in which the original appointment was made.

''(2) TERM.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term.

''(3) EXTENSION.—Any appointed member of the Board or Advisory Board may continue to serve after the expiration of the member's term until the member's successor has taken office.

''(4) SPECIAL RULE.—Vacancies in the membership of the Board shall not affect the Board's power to function if there remain sufficient members of the Board to constitute a quorum under subsection (d).

''(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

''(e) COMPENSATION.—Members of the Board and Advisory Board shall serve without pay but may be compensated, from amounts in the trust fund, for reasonable travel expenses incurred by the members in the performance of their duties as members of the Board.

''(f) MEETINGS.—The Board shall meet annually at the call of the Chairperson and at such other times as the Chairperson may determine to be appropriate. The Chairperson shall call a meeting of the Board whenever ⅓ of the members of the Board submit written requests for such a meeting.

''(g) OFFICERS.—The Chairperson and the Vice Chairperson of the Board shall be elected from among the members of the Board, by a majority vote of the members of the Board, for such terms as the Board determines. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson.

''(h) COMMITTEES.—

''(1) IN GENERAL.—The Board may appoint such committees, and assign to the committees such functions, as may be appropriate to assist the Board in carrying out its duties under this title. Members of such committees may include the members of the Board or the Advisory Board.

''(2) SPECIAL RULE.—Any employee or officer of the Federal Government may serve as a member of a committee created by the Board, but may not receive compensation for services performed for such a committee.

''(i) BYLAWS AND OTHER REQUIREMENTS.—The Board shall establish such bylaws and other requirements as may be appropriate to enable the Board to carry out the Board's duties under this title.

''SEC. 207. ADMINISTRATION.

''(a) IN GENERAL.—In the administration of the Congressional Recognition for Excellence in Arts Education Awards Program, the Board shall be assisted by a Director, who shall be the principal executive of the program and who shall supervise the affairs of the Board. The Director shall be appointed by a majority vote of the Board.

''(b) DIRECTOR'S RESPONSIBILITIES.—The Director shall, in consultation with the Board—

''(1) formulate programs to carry out the policies of the Congressional Recognition for Excellence in Arts Education Awards Program;

''(2) establish such divisions within the Congressional Recognition for Excellence in Arts Education Awards Program as may be appropriate; and

''(3) employ and provide for the compensation of such personnel as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, subject to such policies as the Board shall prescribe under its bylaws.

''(c) APPLICATION.—Each school or student desiring an award under this title shall submit an application to the Board at such time, in such manner and accompanied by such information as the Board may require.

''SEC. 208. LIMITATIONS.

''(a) IN GENERAL.—Subject to such limitations as may be provided for under this section, the Board may take such actions and make such expenditures as may be necessary to carry out the Congressional Recognition for Excellence in Arts Education Awards Program, except that the Board shall carry out its functions and make expenditures with only such resources as are available to the Board from the Congressional Recognition for Excellence in Arts Education Awards Trust Fund under section 211.

''(b) CONTRACTS.—The Board may enter into such contracts as may be appropriate to carry out the business of the Board, but the Board may not enter into any contract which will obligate the Board to expend an amount greater than the amount available to the Board for the purpose of such contract during the fiscal year in which the expenditure is made.

''(c) GIFTS.—The Board may seek and accept, from sources other than the Federal Government, funds and other resources to carry out the Board's activities. The Board may not accept any funds or other resources that are—

''(1) donated with a restriction on their use unless such restriction merely provides that such funds or other resources be used in furtherance of the Congressional Recognition for Excellence in Arts Education Awards Program; or

''(2) donated subject to the condition that the identity of the donor of the funds or resources shall remain anonymous.

''(d) VOLUNTEERS.—The Board may accept and utilize the services of voluntary, uncompensated personnel.

''(e) REAL OR PERSONAL PROPERTY.—The Board may lease (or otherwise hold), acquire, or dispose of real or personal property necessary for, or relating to, the duties of the Board.

''(f) PROHIBITIONS.—The Board shall have no power—

''(1) to issue bonds, notes, debentures, or other similar obligations creating long-term indebtedness;

''(2) to issue any share of stock or to declare or pay any dividends; or

''(3) to provide for any part of the income or assets of the Board to inure to the benefit of any director, officer, or employee of the Board except as reasonable compensation for services or reimbursement for expenses.

''SEC. 209. AUDITS.

''The financial records of the Board may be audited by the Comptroller General of the United States at such times as the Comptroller General may determine to be appropriate. The Comptroller General, or any duly authorized representative of the Comptroller General, shall have access for the purpose of audit to any books, documents, papers, and records of the Board (or any agent of the Board) which, in the opinion of the Comptroller General, may be pertinent to the Congressional Recognition for Excellence in Arts Education Awards Program.

''SEC. 210. TERMINATION.

''The Board shall terminate 6 years after the date of enactment of this title. The Board shall set forth, in its bylaws, the procedures for dissolution to be followed by the Board.

''SEC. 211. TRUST FUND.

''(a) ESTABLISHMENT OF FUND.—There shall be established in the Treasury of the United States a trust fund which shall be known as the ''Congressional Recognition for Excellence in Arts Education Awards Trust Fund''. The fund shall be administered by the Board, and shall consist of amounts donated to the Board under section 208(c) and amounts credited to the fund under subsection (d).

''(b) INVESTMENT.—

''(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest, at the direction of the Director of the Board, such portion of the fund that is not, in the judgment of the Director of the Board, required to meet the current needs of the fund.

''(2) AUTHORIZED INVESTMENTS.—Such investments shall be in public debt obligations with maturities suitable to the needs of the fund, as determined by the Director of the Board. Investments in public debt obligations shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current market yield on outstanding marketable obligations of the United States of comparable maturity.

''(c) AUTHORITY TO SELL OBLIGATIONS.—Any obligation acquired by the fund may be sold by the Secretary of the Treasury at the market price.

''(d) PROCEEDS FROM CERTAIN TRANSACTIONS CREDITED TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.''.

(b) CONFORMING AMENDMENTS.—The Congressional Award Act (2 U.S.C. 801–808) is amended—

(1) by inserting after section 1 the following:

''TITLE I—CONGRESSIONAL AWARD PROGRAM'',

(2) by redesignating sections 2 through 9 as sections 101 through 108, respectively,

(3) in section 101 (as so redesignated)—

(A) by striking ''Act'' and inserting ''title'', and

(B) by striking ''section 3'' and inserting ''section 102'',

(4) in section 102(e) (as so redesignated)—

(A) by striking ''section 5(g)(1)'' and inserting ''section 104(g)(1)'', and

(B) by striking ''section 7(g)(1)'' and inserting ''section 106(g)(1)'', and

(5) in section 103(i), by striking ''section 7'' and inserting ''section 106''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. MCKEON).

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2789.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of S. 2789, a bill to establish the Congressional Recognition for Excellence in Arts, or ''Create,'' awards.

Mr. Speaker, S. 2789 passed the Senate on Saturday by unanimous consent. The Senate bill, S. 2789, establishes awards for schools that include the arts in their regular curriculum and is identical to a bill I introduced, H.R. 5554.

Many studies have shown that there is a strong relationship between arts education to brain development, student achievement, career potential, and other quality-of-life issues.

For example, arts activity has been shown to lower the likelihood of delinquent behavior. The National Dropout Prevention Center reported that school arts classes and activities encourage attendance and achievement of at-risk high school students.

S. 2789 establishes within the current Congressional Award Act a Congressional Recognition for Excellence in Arts and Education awards board, made up of nine members, four members from the House of Representatives, and four from the Senate, plus the director of the board who shall serve as a nonvoting member.

Additionally, an advisory board shall be established to assist and advise the congressional board with respect to its duties and shall consist of 15 members from among recommendations received from outside arts organizations.

Membership on the advisory board shall represent a balance of artistic and education professionals and must

include at least one representative who teaches in each of the four disciplines of music, theater, visual arts, and dance.

By recognizing the importance of arts instruction and granting them an award from this body, it is our hope that arts classes in schools will be as common as English or math.

Finally, I am pleased that Senator COCHRAN worked with me on strengthening the role of arts educators on the advisory board. Their strong participation is vital for this program.

In conclusion, I urge my colleagues to join the other body and support this important piece of legislation.

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

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

First of all, it is great to be defending a bill with the gentleman from California (Mr. MCKEON), my good friend, as we did 2 years ago with the higher education bill. It is a pleasure to be working with him. He is one who I number among my friends.

Mr. Speaker, I rise in support of S. 2789, the Congressional Recognition for Excellence in Arts Education Act. This legislation was introduced by Senator COCHRAN and passed the Senate on October 27 by unanimous consent. This bill amends the Congressional Award Act, which is authorized until fiscal year 2005, to establish a board towards schools and students for excellence in the arts and in arts education.

The legislation would also set up a trust fund and allow board members to seek and accept from sources other than the Federal Government funds to carry out activities for the award program. This would be done at little, if any, direct expense to the taxpayers.

This bill supports arts education for our most important population, our children. Studies have shown that arts education stimulates, develops, and refines many cognitive and creative skills in children and young adults. Emphasizing high-quality art and art curriculum through this award will further these worthwhile objectives.

Mr. Speaker, I urge Members to support this legislation.

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

Mr. MCKEON. Mr. Speaker, I want to thank the gentleman from Michigan (Mr. KILDEE), my good friend, and tell him that I also appreciate the opportunity of working together on this bill with him.

Mr. Speaker, I have no more speakers; but I do have some thanks I would like to give at this time, to Karen Weiss, my legislative director; Jo Marie St. Martin, our legal counsel; Rich Stombres with the majority staff; Alex Nock with the minority staff; and Kirk Boyle with the majority leader's office, for their great help in bringing this bill to this point.

Mr. GILMAN. Mr. Speaker, I rise today in support of S. 2789, the Congressional Recognition for Excellence in Arts Education Act and I commend the House Speaker, the gentleman from California, Mr. MCKEON.

Over the past 30 years, our quality of life has been improved by the arts. Support for the arts illustrates our Nation's commitment to freedom of expression, one of the basic principles on which our Nation is founded.

We must understand and appreciate the importance of the arts on our Nation's children. Whether it is music or drama or dance, children are drawn to the arts. By giving children something to be proud of and passionate about, they can make good choices and avoid following the crowd down dark paths.

S. 2789 establishes the sense of Congress that arts literacy is a fundamental purpose of schooling for all students. Arts education stimulates, develops, and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy, and communication, and the capacity for problem-posing and problem-solving.

As chairman of the International Relations Committee, I recognize the importance of the arts on an international level, as they help foster a common appreciation of history and culture that are so essential to our humanity.

Accordingly, I urge all my colleagues to support this measure, to recognize the importance of arts literacy in our Nation's schools.

Mr. MCKEON. 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. MCKEON) that the House suspend the rules and pass the Senate bill, S. 2789.

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.

MINORITY HEALTH AND HEALTH DISPARITIES RESEARCH AND EDUCATION ACT OF 2000

Mr. NORWOOD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1880) to amend the Public Health Service Act to improve the health of minority individuals.

The Clerk read as follows:

S. 1880

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 ''Minority Health and Health Disparities Research and Education 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.
TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER
Sec. 101. Establishment of National Center on Minority Health and Health Disparities.
Sec. 102. Centers of excellence for research education and training.
Sec. 103. Extramural loan repayment program for minority health disparities research.
Sec. 104. General provisions regarding the Center.
Sec. 105. Report regarding resources of National Institutes of Health dedicated to minority and other health disparities research.
TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY
Sec. 201. Health disparities research by Agency for Healthcare Research and Quality.
TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY
Sec. 301. Study and report by National Academy of Sciences.
TITLE IV—HEALTH PROFESSIONS EDUCATION
Sec. 401. Health professions education in health disparities.
Sec. 402. National conference on health professions education and health disparities.
Sec. 403. Advisory responsibilities in health professions education in health disparities and cultural competency.
TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES
Sec. 501. Public awareness and information dissemination.
TITLE VI—MISCELLANEOUS PROVISIONS
Sec. 601. Departmental definition regarding minority individuals.
Sec. 602. Conforming provision regarding definitions.
Sec. 603. Effective date.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Despite notable progress in the overall health of the Nation, there are continuing disparities in the burden of illness and death experienced by African Americans, Hispanics, Native Americans, Alaska Natives, and Asian Pacific Islanders, compared to the United States population as a whole.

(2) The largest numbers of the medically underserved are white individuals, and many of them have the same health care access problems as do members of minority groups. Nearly 20,000,000 white individuals live below the poverty line with many living in nonmetropolitan, rural areas such as Appalachia, where the high percentage of counties designated as health professional shortage areas (47 percent) and the high rate of poverty contribute to disparity outcomes. However, there is a higher proportion of racial and ethnic minorities in the United States represented among the medically underserved.

(3) There is a national need for minority scientists in the fields of biomedical, clinical, behavioral, and health services research. Ninety percent of minority physicians educated at Historically Black Medical Colleges live and serve in minority communities.

(4) Demographic trends inspire concern about the Nation's ability to meet its future scientific, technological and engineering workforce needs. Historically, non-Hispanic white males have made up the majority of the United States scientific, technological, and engineering workers.

(5) The Hispanic and Black population will increase significantly in the next 50 years. The scientific, technological, and engineering workforce may decrease if participation by underepresented minorities remains the same.

(6) Increasing rates of Black and Hispanic workers can help ensure strong scientific, technological, and engineering workforce.

(7) Individuals such as underepresented minorities and women in the scientific, technological, and engineering workforce enable society to address its diverse needs.

(8) If there had not been a substantial increase in the number of science and engineering degrees awarded to women and underepresented minorities over the past few decades, the United States would be facing even greater shortages in scientific, technological, and engineering workers.

(9) In order to effectively promote a diverse and strong 21st Century scientific, technological, and engineering workforce, Federal agencies should expand or add programs that effectively overcome barriers such as educational transition from one level to the next and student requirements for financial resources.

(10) Federal agencies should work in concert with the private nonprofit sector to emphasize the recruitment and retention of qualified individuals from ethnic and gender groups that are currently underrepresented in the scientific, technological, and engineering workforce.

(11) Behavioral and social sciences research has increased awareness and understanding of factors associated with health care utilization and access, patient attitudes toward health services, and risk and protective behaviors that affect health and illness. These factors have the potential to then be modified to help close the health disparities gap among ethnic minority populations. In addition, there is a shortage of minority behavioral science researchers and behavioral health care professionals. According to the National Science Foundation, only 15.5 percent of behavioral research-oriented psychology doctorate degrees were awarded to minority students in 1997. In addition, only 17.9 percent of practice-oriented psychology doctorate degrees were awarded to ethnic minorities.

TITLE I—IMPROVING MINORITY HEALTH AND REDUCING HEALTH DISPARITIES THROUGH NATIONAL INSTITUTES OF HEALTH; ESTABLISHMENT OF NATIONAL CENTER

SEC. 101. ESTABLISHMENT OF NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES.

(a) IN GENERAL.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following subpart:

''Subpart 6—National Center on Minority Health and Health Disparities

"SEC. 485E. PURPOSE OF CENTER.

''(a) IN GENERAL.—The general purpose of the National Center on Minority Health and Health Disparities (in this subpart referred to as the 'Center') is the conduct and support of research, training, dissemination of information, and other programs with respect to minority health conditions and other populations with health disparities.

''(b) PRIORITIES.—The Director of the Center shall in expending amounts appropriated under this subpart give priority to conducting and supporting minority health disparities research.

''(c) MINORITY HEALTH DISPARITIES RESEARCH.—For purposes of this subpart:

''(1) The term 'minority health disparities research' means basic, clinical, and behavioral research on minority health conditions (as defined in paragraph (2)), including research to prevent, diagnose, and treat such conditions.

''(2) The term 'minority health conditions', with respect to individuals who are members of minority groups, means all diseases, disorders, and conditions (including with respect to mental health and substance abuse)—

''(A) unique to, more serious, or more prevalent in such individuals;

''(B) for which the factors of medical risk or types of medical intervention may be different for such individuals, or for which it is unknown whether such factors or types are different for such individuals; or

''(C) with respect to which there has been insufficient research involving such individuals as subjects or insufficient data on such individuals.

''(3) The term 'minority group' has the meaning given the term 'racial and ethnic minority group' in section 1707.

''(4) The terms 'minority' and 'minorities' refer to individuals from a minority group.

''(d) HEALTH DISPARITY POPULATIONS.—For purposes of this subpart:

''(1) A population is a health disparity population if, as determined by the Director of the Center after consultation with the Director of the Agency for Healthcare Research and Quality, there is a significant disparity in the overall rate of disease incidence, prevalence, morbidity, mortality, or survival rates in the population as compared to the health status of the general population.

''(2) The Director shall give priority consideration to determining whether minority groups qualify as health disparity populations under paragraph (1).

''(3) The term 'health disparities research' means basic, clinical, and behavioral research on health disparity populations (including individual members and communities of such populations) that relates to health disparities as defined under paragraph (1), including the causes of such disparities and methods to prevent, diagnose, and treat such disparities.

''(e) COORDINATION OF ACTIVITIES.—The Director of the Center shall act as the primary Federal official with responsibility for coordinating all minority health disparities research and other health disparities research conducted or supported by the National Institutes of Health, and—

''(1) shall represent the health disparities research program of the National Institutes of Health, including the minority health disparities research program, at all relevant Executive branch task forces, committees and planning activities; and

''(2) shall maintain communications with all relevant Public Health Service agencies, including the Indian Health Service, and various other departments of the Federal Government to ensure the timely transmission of information concerning advances in minority health disparities research and other health disparities research between these various agencies for dissemination to affected communities and health care providers.

''(f) COLLABORATIVE COMPREHENSIVE PLAN AND BUDGET.—

''(1) IN GENERAL.—Subject to the provisions of this section and other applicable law, the Director of NIH, the Director of the Center, and the directors of the other agencies of the National Institutes of Health in collaboration (and in consultation with the advisory council for the Center) shall—

''(A) establish a comprehensive plan and budget for the conduct and support of all minority health disparities research and other health disparities research activities of the agencies of the National Institutes of Health (which plan and budget shall be first established under this subsection not later than 12 months after the date of the enactment of this subpart);

''(B) ensure that the plan and budget establish priorities among the health disparities research activities that such agencies are authorized to carry out;

''(C) ensure that the plan and budget establish objectives regarding such activities, describes the means for achieving the objectives, and designates the date by which the objectives are expected to be achieved;

''(D) ensure that, with respect to amounts appropriated for activities of the Center, the plan and budget give priority in the expenditure of funds to conducting and supporting minority health disparities research;

''(E) ensure that all amounts appropriated for such activities are expended in accordance with the plan and budget;

''(F) review the plan and budget not less than annually, and revise the plan and budget as appropriate;

''(G) ensure that the plan and budget serve as a broad, binding statement of policies regarding minority health disparities research and other health disparities research activities of the agencies, but do not remove the responsibility of the heads of the agencies for the approval of specific programs or projects, or for other details of the daily administration of such activities, in accordance with the plan and budget; and

''(H) promote coordination and collaboration among the agencies conducting or supporting minority health or other health disparities research.

''(2) CERTAIN COMPONENTS OF PLAN AND BUDGET.—With respect to health disparities research activities of the agencies of the National Institutes of Health, the Director of the Center shall ensure that the plan and budget under paragraph (1) provide for—

''(A) basic research and applied research, including research and development with respect to products;

''(B) research that is conducted by the agencies;

''(C) research that is supported by the agencies;

''(D) proposals developed pursuant to solicitations by the agencies and for proposals developed independently of such solicitations; and

''(E) behavioral research and social sciences research, which may include cultural and linguistic research in each of the agencies.

''(3) MINORITY HEALTH DISPARITIES RESEARCH.—The plan and budget under paragraph (1) shall include a separate statement of the plan and budget for minority health disparities research.

''(g) PARTICIPATION IN CLINICAL RESEARCH.—The Director of the Center shall work with the Director of NIH and the directors of the agencies of the National Institutes of Health to carry out the provisions of section 492B that relate to minority groups.

''(h) RESEARCH ENDOWMENTS.—

''(1) IN GENERAL.—The Director of the Center may carry out a program to facilitate

minority health disparities research and other health disparities research by providing for research endowments at centers of excellence under section 736.

''(2) ELIGIBILITY.—The Director of the Center may provide for a research endowment under paragraph (1) only if the institution involved meets the following conditions:

''(A) The institution does not have an endowment that is worth in excess of an amount equal to 50 percent of the national average of endowment funds at institutions that conduct similar biomedical research or training of health professionals.

''(B) The application of the institution under paragraph (1) regarding a research endowment has been recommended pursuant to technical and scientific peer review and has been approved by the advisory council under subsection (j).

''(i) CERTAIN ACTIVITIES.—In carrying out subsection (a), the Director of the Center—

''(1) shall assist the Director of the National Center for Research Resources in carrying out section 481(c)(3) and in committing resources for construction at Institutions of Emerging Excellence;

''(2) shall establish projects to promote cooperation among Federal agencies, State, local, tribal, and regional public health agencies, and private entities in health disparities research; and

''(3) may utilize information from previous health initiatives concerning minorities and other health disparity populations.

''(j) ADVISORY COUNCIL.—

''(1) IN GENERAL.—The Secretary shall, in accordance with section 406, establish an advisory council to advise, assist, consult with, and make recommendations to the Director of the Center on matters relating to the activities described in subsection (a), and with respect to such activities to carry out any other functions described in section 406 for advisory councils under such section. Functions under the preceding sentence shall include making recommendations on budgetary allocations made in the plan under subsection (f), and shall include reviewing reports under subsection (k) before the reports are submitted under such subsection.

''(2) MEMBERSHIP.—With respect to the membership of the advisory council under paragraph (1), a majority of the members shall be individuals with demonstrated expertise regarding minority health disparity and other health disparity issues; representatives of communities impacted by minority and other health disparities shall be included; and a diversity of health professionals shall be represented. The membership shall in addition include a representative of the Office of Behavioral and Social Sciences Research under section 404A.

''(k) ANNUAL REPORT.—The Director of the Center shall prepare an annual report on the activities carried out or to be carried out by the Center, and shall submit each such report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Commerce of the House of Representatives, the Secretary, and the Director of NIH. With respect to the fiscal year involved, the report shall—

''(1) describe and evaluate the progress made in health disparities research conducted or supported by the national research institutes;

''(2) summarize and analyze expenditures made for activities with respect to health disparities research conducted or supported by the National Institutes of Health;

''(3) include a separate statement applying the requirements of paragraphs (1) and (2) specifically to minority health disparities research; and

''(4) contain such recommendations as the Director considers appropriate.

''(l) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for the conduct and support of minority health disparities research or other health disparities research by the agencies of the National Institutes of Health.''.

(b) CONFORMING AMENDMENT.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended—

(1) in section 401(b)(2)—

(A) in subparagraph (F), by moving the subparagraph two ems to the left; and

(B) by adding at the end the following subparagraph:

''(G) The National Center on Minority Health and Health Disparities.''; and

(2) by striking section 404.

SEC. 102. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

Subpart 6 of part E of title IV of the Public Health Service Act, as added by section 101(a) of this Act, is amended by adding at the end the following section:

''SEC. 485F. CENTERS OF EXCELLENCE FOR RESEARCH EDUCATION AND TRAINING.

''(a) IN GENERAL.—The Director of the Center shall make awards of grants or contracts to designated biomedical and behavioral research institutions under paragraph (1) of subsection (c), or to consortia under paragraph (2) of such subsection, for the purpose of assisting the institutions in supporting programs of excellence in biomedical and behavioral research training for individuals who are members of minority health disparity populations or other health disparity populations.

''(b) REQUIRED USE OF FUNDS.—An award may be made under subsection (a) only if the applicant involved agrees that the grant will be expended—

''(1) to train members of minority health disparity populations or other health disparity populations as professionals in the area of biomedical or behavioral research or both; or

''(2) to expand, remodel, renovate, or alter existing research facilities or construct new research facilities for the purpose of conducting minority health disparities research and other health disparities research.

''(c) CENTERS OF EXCELLENCE.—

''(1) IN GENERAL.—For purposes of this section, a designated biomedical and behavioral research institution is a biomedical and behavioral research institution that—

''(A) has a significant number of members of minority health disparity populations or other health disparity populations enrolled as students in the institution (including individuals accepted for enrollment in the institution);

''(B) has been effective in assisting such students of the institution to complete the program of education or training and receive the degree involved;

''(C) has made significant efforts to recruit minority students to enroll in and graduate from the institution, which may include providing means-tested scholarships and other financial assistance as appropriate; and

''(D) has made significant recruitment efforts to increase the number of minority or other members of health disparity populations serving in faculty or administrative positions at the institution.

''(2) CONSORTIUM.—Any designated biomedical and behavioral research institution involved may, with other biomedical and behavioral institutions (designated or otherwise), including tribal health programs, form a consortium to receive an award under subsection (a).

''(3) APPLICATION OF CRITERIA TO OTHER PROGRAMS.—In the case of any criteria established by the Director of the Center for purposes of determining whether institutions meet the conditions described in paragraph (1), this section may not, with respect to minority health disparity populations or other health disparity populations, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

''(d) DURATION OF GRANT.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years. Such payments shall be subject to annual approval by the Director of the Center and to the availability of appropriations for the fiscal year involved to make the payments.

''(e) MAINTENANCE OF EFFORT.—

''(1) IN GENERAL.—With respect to activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may not make such an award to a designated research institution or consortium for any fiscal year unless the institution, or institutions in the consortium, as the case may be, agree to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the institutions involved for the fiscal year preceding the fiscal year for which such institutions receive such an award.

''(2) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a designated research institution or consortium and available for carrying out activities for which an award under subsection (a) is authorized to be expended, the Director of the Center may make such an award only if the institutions involved agree that the institutions will, before expending the award, expend the Federal amounts obtained from sources other than the award.

''(f) CERTAIN EXPENDITURES.—The Director of the Center may authorize a designated biomedical and behavioral research institution to expend a portion of an award under subsection (a) for research endowments.

''(g) DEFINITIONS.—For purposes of this section:

''(1) The term 'designated biomedical and behavioral research institution' has the meaning indicated for such term in subsection (c)(1). Such term includes any health professions school receiving an award of a grant or contract under section 736.

''(2) The term 'program of excellence' means any program carried out by a designated biomedical and behavioral research institution with an award under subsection (a), if the program is for purposes for which the institution involved is authorized in subsection (b) to expend the grant.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

SEC. 103. EXTRAMURAL LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 102 of this Act, is amended by adding at the end the following section:

"SEC. 485G. LOAN REPAYMENT PROGRAM FOR MINORITY HEALTH DISPARITIES RESEARCH.

''(a) IN GENERAL.—The Director of the Center shall establish a program of entering into contracts with qualified health professionals under which such health professionals agree to engage in minority health disparities research or other health disparities research in consideration of the Federal Government agreeing to repay, for each year of engaging in such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals.

''(b) SERVICE PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(c) REQUIREMENT REGARDING HEALTH DISPARITY POPULATIONS.—The Director of the Center shall ensure that not fewer than 50 percent of the contracts entered into under subsection (a) are for appropriately qualified health professionals who are members of a health disparity population.

''(d) PRIORITY.—With respect to minority health disparities research and other health disparities research under subsection (a), the Secretary shall ensure that priority is given to conducting projects of biomedical research.

''(e) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(2) AVAILABILITY OF APPROPRIATIONS.—Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were made available.''.

SEC. 104. GENERAL PROVISIONS REGARDING THE CENTER.

Subpart 6 of part E of title IV of the Public Health Service Act, as amended by section 103 of this Act, is amended by adding at the end the following section:

"SEC. 485H. GENERAL PROVISIONS REGARDING THE CENTER.

''(a) ADMINISTRATIVE SUPPORT FOR CENTER.—The Secretary, acting through the Director of the National Institutes of Health, shall provide administrative support and support services to the Director of the Center and shall ensure that such support takes maximum advantage of existing administrative structures at the agencies of the National Institutes of Health.

''(b) EVALUATION AND REPORT.—

''(1) EVALUATION.—Not later than 5 years after the date of the enactment of this subpart, the Secretary shall conduct an evaluation to—

''(A) determine the effect of this subpart on the planning and coordination of health disparities research programs at the agencies of the National Institutes of Health;

''(B) evaluate the extent to which this subpart has eliminated the duplication of administrative resources among such Institutes, centers and divisions; and

''(C) provide, to the extent determined by the Secretary to be appropriate, recommendations concerning future legislative modifications with respect to this subpart, for both minority health disparities research and other health disparities research.

''(2) MINORITY HEALTH DISPARITIES RESEARCH.—The evaluation under paragraph (1) shall include a separate statement that applies subparagraphs (A) and (B) of such paragraph to minority health disparities research.

''(3) REPORT.—Not later than 1 year after the date on which the evaluation is commenced under paragraph (1), the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Commerce of the House of Representatives, a report concerning the results of such evaluation.''.

SEC. 105. REPORT REGARDING RESOURCES OF NATIONAL INSTITUTES OF HEALTH DEDICATED TO MINORITY AND OTHER HEALTH DISPARITIES RESEARCH.

Not later than December 1, 2003, the Director of the National Center on Minority Health and Health Disparities (established by the amendment made by section 101(a)), after consultation with the advisory council for such Center, shall submit to the Congress, the Secretary of Health and Human Services, and the Director of the National Institutes of Health a report that provides the following:

(1) Recommendations for the methodology that should be used to determine the extent of the resources of the National Institutes of Health that are dedicated to minority health disparities research and other health disparities research, including determining the amount of funds that are used to conduct and support such research. With respect to such methodology, the report shall address any discrepancies between the methodology used by such Institutes as of the date of the enactment of this Act and the methodology used by the Institute of Medicine as of such date.

(2) A determination of whether and to what extent, relative to fiscal year 1999, there has been an increase in the level of resources of the National Institutes of Health that are dedicated to minority health disparities research, including the amount of funds used to conduct and support such research. The report shall include provisions describing whether and to what extent there have been increases in the number and amount of awards to minority serving institutions.

TITLE II—HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

SEC. 201. HEALTH DISPARITIES RESEARCH BY AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.

(a) GENERAL.—Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 902, by striking subsection (g); and

(2) by adding at the end the following:

"SEC. 903. RESEARCH ON HEALTH DISPARITIES.

''(a) IN GENERAL.—The Director shall—

''(1) conduct and support research to identify populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to and satisfaction with such services, as compared to the general population;

''(2) conduct and support research on the causes of and barriers to reducing the health disparities identified in paragraph (1), taking into account such factors as socioeconomic status, attitudes toward health, the language spoken, the extent of formal education, the area or community in which the population resides, and other factors the Director determines to be appropriate;

''(3) conduct and support research and support demonstration projects to identify, test, and evaluate strategies for reducing or eliminating health disparities, including development or identification of effective service delivery models, and disseminate effective strategies and models;

''(4) develop measures and tools for the assessment and improvement of the outcomes, quality, and appropriateness of health care services provided to health disparity populations;

''(5) in carrying out section 902(c), provide support to increase the number of researchers who are members of health disparity populations, and the health services research capacity of institutions that train such researchers; and

''(6) beginning with fiscal year 2003, annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

''(b) RESEARCH AND DEMONSTRATION PROJECTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Director shall conduct and support research and support demonstrations to—

''(A) identify the clinical, cultural, socioeconomic, geographic, and organizational factors that contribute to health disparities, including minority health disparity populations, which research shall include behavioral research, such as examination of patterns of clinical decisionmaking, and research on access, outreach, and the availability of related support services (such as cultural and linguistic services);

''(B) identify and evaluate clinical and organizational strategies to improve the quality, outcomes, and access to care for health disparity populations, including minority health disparity populations;

''(C) test such strategies and widely disseminate those strategies for which there is scientific evidence of effectiveness; and

''(D) determine the most effective approaches for disseminating research findings to health disparity populations, including minority populations.

''(2) USE OF CERTAIN STRATEGIES.—In carrying out this section, the Director shall implement research strategies and mechanisms that will enhance the involvement of individuals who are members of minority health disparity populations or other health disparity populations, health services researchers who are such individuals, institutions that train such individuals as researchers, members of minority health disparity populations or other health disparity populations for whom the Agency is attempting to improve the quality and outcomes of care, and representatives of appropriate tribal or other community-based organizations with respect to health disparity populations. Such research strategies and mechanisms may include the use of—

''(A) centers of excellence that can demonstrate, either individually or through consortia, a combination of multi-disciplinary expertise in outcomes or quality improvement research, linkages to relevant sites of care, and a demonstrated capacity to involve members and communities of health disparity populations, including minority health disparity populations, in the planning, conduct, dissemination, and translation of research;

''(B) provider-based research networks, including health plans, facilities, or delivery system sites of care (especially primary care), that make extensive use of health care

providers who are members of health disparity populations or who serve patients in such populations and have the capacity to evaluate and promote quality improvement;

''(C) service delivery models (such as health centers under section 330 and the Indian Health Service) to reduce health disparities; and

''(D) innovative mechanisms or strategies that will facilitate the translation of past research investments into clinical practices that can reasonably be expected to benefit these populations.

''(c) QUALITY MEASUREMENT DEVELOPMENT.—

''(1) IN GENERAL.—To ensure that health disparity populations, including minority health disparity populations, benefit from the progress made in the ability of individuals to measure the quality of health care delivery, the Director shall support the development of quality of health care measures that assess the experience of such populations with health care systems, such as measures that assess the access of such populations to health care, the cultural competence of the care provided, the quality of the care provided, the outcomes of care, or other aspects of health care practice that the Director determines to be important.

''(2) EXAMINATION OF CERTAIN PRACTICES.—The Director shall examine the practices of providers that have a record of reducing health disparities or have experience in providing culturally competent health services to minority health disparity populations or other health disparity populations. In examining such practices of providers funded under the authorities of this Act, the Director shall consult with the heads of the relevant agencies of the Public Health Service.

''(3) REPORT.—Not later than 36 months after the date of the enactment of this section, the Secretary, acting through the Director, shall prepare and submit to the appropriate committees of Congress a report describing the state-of-the-art of quality measurement for minority and other health disparity populations that will identify critical unmet needs, the current activities of the Department to address those needs, and a description of related activities in the private sector.

''(d) DEFINITION.—For purposes of this section:

''(1) The term 'health disparity population' has the meaning given such term in section 485E, except that in addition to the meaning so given, the Director may determine that such term includes populations for which there is a significant disparity in the quality, outcomes, cost, or use of health care services or access to or satisfaction with such services as compared to the general population.

''(2) The term 'minority', with respect to populations, refers to racial and ethnic minority groups as defined in section 1707.''.

(b) FUNDING.—Section 927 of the Public Health Service Act (42 U.S.C. 299c–6) is amended by adding at the end the following:

''(d) HEALTH DISPARITIES RESEARCH.—For the purpose of carrying out the activities under section 903, there are authorized to be appropriated $50,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.''.

TITLE III—DATA COLLECTION RELATING TO RACE OR ETHNICITY

SEC. 301. STUDY AND REPORT BY NATIONAL ACADEMY OF SCIENCES.

(a) STUDY.—The National Academy of Sciences shall conduct a comprehensive study of the Department of Health and Human Services' data collection systems and practices, and any data collection or reporting systems required under any of the programs or activities of the Department, relating to the collection of data on race or ethnicity, including other Federal data collection systems (such as the Social Security Administration) with which the Department interacts to collect relevant data on race and ethnicity.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academy of Sciences shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Commerce of the House of Representatives, a report that—

(1) identifies the data needed to support efforts to evaluate the effects of socioeconomic status, race and ethnicity on access to health care and other services and on disparity in health and other social outcomes and the data needed to enforce existing protections for equal access to health care;

(2) examines the effectiveness of the systems and practices of the Department of Health and Human Services described in subsection (a), including pilot and demonstration projects of the Department, and the effectiveness of selected systems and practices of other Federal, State, and tribal agencies and the private sector, in collecting and analyzing such data;

(3) contains recommendations for ensuring that the Department of Health and Human Services, in administering its entire array of programs and activities, collects, or causes to be collected, reliable and complete information relating to race and ethnicity; and

(4) includes projections about the costs associated with the implementation of the recommendations described in paragraph (3), and the possible effects of the costs on program operations.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001.

TITLE IV—HEALTH PROFESSIONS EDUCATION

SEC. 401. HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES.

(a) IN GENERAL.—Part B of title VII of the Public Health Service Act (42 U.S.C. 293 et seq.) is amended by inserting after section 740 the following:

''SEC. 741. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

''(a) GRANTS FOR HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.—

''(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to public and nonprofit private entities (including tribal entities) for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education of health professionals for the reduction of disparities in health care outcomes and the provision of culturally competent health care.

''(2) ELIGIBLE ENTITIES.—Unless specifically required otherwise in this title, the Secretary shall accept applications for grants or contracts under this section from health professions schools, academic health centers, State or local governments, or other appropriate public or private nonprofit entities (or consortia of entities, including entities promoting multidisciplinary approaches) for funding and participation in health professions training activities. The Secretary may accept applications from for-profit private entities as determined appropriate by the Secretary.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a), $3,500,000 for fiscal year 2001, $7,000,000 for fiscal year 2002, $7,000,000 for fiscal year 2003, and $3,500,000 for fiscal year 2004.''.

(b) NURSING EDUCATION.—Part A of title VIII of the Public Health Service Act (42 U.S.C. 296 et seq.) is amended—

(1) by redesignating section 807 as section 808; and

(2) by inserting after section 806 the following:

''SEC. 807. GRANTS FOR HEALTH PROFESSIONS EDUCATION.

''(a) GRANTS FOR HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make awards of grants, contracts, or cooperative agreements to eligible entities for the purpose of carrying out research and demonstration projects (including research and demonstration projects for continuing health professions education) for training and education for the reduction of disparities in health care outcomes and the provision of culturally competent health care. Grants under this section shall be the same as provided in section 741.''.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are to be appropriated to carry out subsection (a) such sums as may be necessary for each of the fiscal years 2001 through 2004.''.

SEC. 402. NATIONAL CONFERENCE ON HEALTH PROFESSIONS EDUCATION AND HEALTH DISPARITIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary''), acting through the Administrator of the Health Resources and Services Administration, shall convene a national conference on health professions education as a method for reducing disparities in health outcomes.

(b) PARTICIPANTS.—The Secretary shall include in the national conference convened under subsection (a) advocacy groups and educational entities as described in section 741 of the Public Health Service Act (as added by section 401), tribal health programs, health centers under section 330 of such Act, and other interested parties.

(c) ISSUES.—The national conference convened under subsection (a) shall include, but is not limited to, issues that address the role and impact of health professions education on the reduction of disparities in health outcomes, including the role of education on cultural competency. The conference shall focus on methods to achieve reductions in disparities in health outcomes through health professions education (including continuing education programs) and strategies for outcomes measurement to assess the effectiveness of education in reducing disparities.

(d) PUBLICATION OF FINDINGS.—Not later than 6 months after the national conference under subsection (a) has convened, the Secretary shall publish in the Federal Register a summary of the proceedings and findings of the conference.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such

sums as may be necessary to carry out this section.

SEC. 403. ADVISORY RESPONSIBILITIES IN HEALTH PROFESSIONS EDUCATION IN HEALTH DISPARITIES AND CULTURAL COMPETENCY.

Section 1707 of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

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

''(1) Advise in matters related to the development, implementation, and evaluation of health professions education in decreasing disparities in health care outcomes, including cultural competency as a method of eliminating health disparities.'';

(2) in subsection (c)(2), by striking ''paragraphs (1) through (9)'' and inserting ''paragraphs (1) through (10)''; and

(3) in subsection (d), by amending paragraph (1) to read as follows:

''(1) RECOMMENDATIONS REGARDING LANGUAGE.—

''(A) PROFICIENCY IN SPEAKING ENGLISH.—The Deputy Assistant Secretary shall consult with the Director of the Office of International and Refugee Health, the Director of the Office of Civil Rights, and the Directors of other appropriate departmental entities regarding recommendations for carrying out activities under subsection (b)(9).

''(B) HEALTH PROFESSIONS EDUCATION REGARDING HEALTH DISPARITIES.—The Deputy Assistant Secretary shall carry out the duties under subsection (b)(10) in collaboration with appropriate personnel of the Department of Health of Human Services, other Federal agencies, and other offices, centers, and institutions, as appropriate, that have responsibilities under the Minority Health and Health Disparities Research and Education Act of 2000.''.

TITLE V—PUBLIC AWARENESS AND DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES

SEC. 501. PUBLIC AWARENESS AND INFORMATION DISSEMINATION.

(a) PUBLIC AWARENESS ON HEALTH DISPARITIES.—The Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall conduct a national campaign to inform the public and health care professionals about health disparities in minority and other underserved populations by disseminating information and materials available on specific diseases affecting these populations and programs and activities to address these disparities. The campaign shall—

(1) have a specific focus on minority and other underserved communities with health disparities; and

(2) include an evaluation component to assess the impact of the national campaign in raising awareness of health disparities and information on available resources.

(b) DISSEMINATION OF INFORMATION ON HEALTH DISPARITIES.—The Secretary shall develop and implement a plan for the dissemination of information and findings with respect to health disparities under titles I, II, III, and IV of this Act. The plan shall—

(1) include the participation of all agencies of the Department of Health and Human Services that are responsible for serving populations included in the health disparities research; and

(2) have agency-specific strategies for disseminating relevant findings and information on health disparities and improving health care services to affected communities.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. DEPARTMENTAL DEFINITION REGARDING MINORITY INDIVIDUALS.

Section 1707(g)(1) of the Public Health Service Act (42 U.S.C. 300u–6) is amended—

(1) by striking ''Asian Americans and'' and inserting ''Asian Americans;''; and

(2) by inserting ''Native Hawaiians and other'' before ''Pacific Islanders;''.

SEC. 602. CONFORMING PROVISION REGARDING DEFINITIONS.

For purposes of this Act, the term ''racial and ethnic minority group'' has the meaning given such term in section 1707 of the Public Health Service Act.

SEC. 603. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Ohio (Mr. STRICKLAND) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. NORWOOD).

GENERAL LEAVE

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1880.

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

There was no objection.

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

Mr. Speaker, whether we care to admit it or not, there are disparities in health care in America today. In the minority health community, there are clearly significant disparities in health outcomes.

□ 2115

In the African-American community, the Asian-American community, and the Hispanic-American community, there are disproportionate incidences of cardiovascular disease and certain forms of cancer. This also holds true for certain nonminority, low-income, rural communities as well.

Mr. Speaker, the two questions we must have the courage and the determination to answer are why, and what can be done about it? It takes courage because the admission of the problem moves us all out of our comfort zone, in which we are all too content to just let racial and ethnic and class disparities improve on their own and work themselves out over time.

It takes determination, because there is no easy answer. In fact, many health care experts sharply disagree on all the underlying causes of health disparities.

Mr. Speaker, all of this takes determination, because there is no easy answer. In fact, many health care experts sharply disagree on all the underlying causes of health disparities. Many point to the role of continued income disparities, others to discrimination in diagnosis and prescribed treatments. Some point out a lack of training in our medical schools concerning racial, gender and ethnic differences in symptoms presented by patients when seeking treatment.

All of these points make for good debate, but they in no way justify doing nothing while patients lives are on the line. There are solutions that can be identified right now as providing relief, and the Health Care Fairness Act is one of those remedies.

For this reason, I am proud to cosponsor very similar legislation in this body with the gentleman from Georgia (Mr. LEWIS) and the gentleman from Oklahoma (Mr. WATTS), my good friend, and the gentleman from Kentucky (Mr. WHITFIELD).

This bill creates a Center for Health Disparities at the National Institutes of Health, provides increased funding and incentives for minority health and health disparities research and new support for educating both our health professionals and patients on common sense approaches to increasing the number of positive health outcomes for minorities and other health disparity patients.

Mr. Speaker, I want to draw particular attention to the bill's emphasis on education. The bill will provide access to critical funding for those schools that are researching health disparities and educating the health professionals that will bring treatment to minority and health disparity communities. We can wait to do anything unless we address each cause or we can move immediately to repair those things that we can.

Mr. Speaker, since we are dealing with the life and health of Americans, we have no choice but the latter, and I urge all of my colleagues to support this bill.

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

Mr. STRICKLAND. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I am very pleased that the House is considering the Minority Health and Health Disparities Research and Education Act this evening. This is legislation that will improve the health status of many Americans who suffer the inequity of health disparities. I think the need for this bill is demonstrated by the tragic fact that minorities in America lag behind other Americans in nearly every health indicator, including health care coverage, access to care, life expectancy and disease rates.

Minorities suffer disproportionately from cancer, cardiovascular disease, HIV and AIDS and diabetes. Some of these disparities in health status are linked to problems of access to care and low levels of health care coverage.

These characteristics also describe my Appalachian constituents from rural Ohio, even though my district

has very few minorities. Not surprisingly, my constituents suffer from some of the same disparities in disease and mortality rates, particularly for cancer and diabetes.

S. 1880 is the result of months of bipartisan, bicameral work to craft solutions to this complex problem. The bill will create a Center for Research on Minority Health and Health Disparities at the National Institutes of Health, where research into the causes of and solutions to this health crisis will be prompted. It will also create opportunities for researchers who are members of health disparity populations.

Mr. Speaker, I would like to thank several Members for their hard work on this piece of legislation, the gentleman from Georgia (Mr. LEWIS); the gentleman from Illinois (Mr. JACKSON); the gentleman from Mississippi (Mr. THOMPSON); the gentleman from New York (Mr. TOWNS); the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN); and the gentleman from Michigan (Mr. DINGELL), the ranking member. And I would especially like to thank the sponsors of this bill for their willingness to work with me and the gentleman from Kentucky (Mr. WHITFIELD) to include our constituencies in this important bill.

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

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

Mr. STRICKLAND. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), the primary sponsor of this bill.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. STRICKLAND), my good friend, for yielding me the time and for all of his help. I also want to thank the gentleman from Georgia (Mr. NORWOOD), my colleague and my friend, for all of his help to bring this bill before us tonight.

Mr. Speaker, I, along with the gentleman from Oklahoma (Mr. WATTS), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Illinois (Mr. JACKSON) introduced H.R. 3250, the House companion bill to S. 1880.

H.R. 3250 passed out of the Committee on Commerce on July the 26.

As one of the original authors of H.R. 3250, I want to take this opportunity to thank my colleagues tonight on both sides of the aisle for their dedication and hard work to pass H.R. 3250 and S. 1880.

Over the past few decades, we have made great advances as a Nation in science and medicine. However, all of our citizens have not shared in the benefits of these advances. Minority Americans lag behind the rest of the country on nearly every health indicator, including health care coverage, access to care, life expectancy and disease rates.

Some striking examples include the African-American infant mortality rate, which is twice that all of U.S. infants; and nearly twice as many Hispanic adults report they do not have a regular doctor compared to white adults. However, health disparities are not limited to minority communities. Nearly 20 million white Americans live below the poverty line and many live in rural areas where high rates of poverty contribute to health disparity outcomes.

In the Appalachian regions of Kentucky, Tennessee and West Virginia, the rates of the five top causes of death in the United States all exceeded the national average in 1997. Mr. Speaker, we have a moral obligation, a duty and responsibility to find effective ways to eliminate these health disparities. Equal access to health care is not a privilege, it is a fundamental right. That is why S. 1880 is a good bill.

This legislation will take the necessary step to bridge the health disparity gap. The Minority Health and Health Disparities Research and Education Act is a comprehensive approach to addressing the complex set of factors which surround health disparity.

Mr. Speaker, let me close by saying the last century saw our Nation make great strides. We passed laws to address that right, like equal opportunity in employment, education and housing. We also passed the Voting Rights Act of 1965 and the Civil Rights Act of 1964. However, until now, our country has not given health care the same attention.

We must focus our attention on bridging the health disparity gap.

Mr. Speaker, I urge all of my colleagues to vote to pass S. 1880, the Minority Health and Health Disparities Research and Education Act.

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

Mr. STRICKLAND. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RUSH), a member of the Committee on Commerce.

Mr. RUSH. Mr. Speaker, I want to, first of all, commend the gentleman from Georgia (Mr. LEWIS) and the gentleman from Georgia (Mr. NORWOOD), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Mississippi (Mr. THOMPSON), and the gentleman from Oklahoma (Mr. WATTS) for their outstanding work on this bill.

It is with great pride that I support S. 1880, the Minority Health and Health Disparities Research and Education Act of 2000.

The disparities in health care as they relate to ethnic minorities is alarming. Consider these statistics, the infant mortality rate among African Americans is still more than double that of white citizens.

African-American children are significantly more likely than whites to experience childhood asthma.

Heart disease death rates are more than 40 percent higher for African Americans than for whites.

For prostate cancer, it is more than double the rates for whites.

African-American women have a higher death rate from breast cancer, despite having mammography screening rates that is higher than for white women.

The death rate from HIV/AIDS for African Americans is more than 7 times that for whites. The rate for homicide is 6 times that for whites. The suicide right among young African-American men has doubled since 1980.

Many whites living in medically underserved areas suffer from the same health care access problems as do members of minority groups. In rural Appalachia, 46 percent of counties are designated as health professions shortage areas and high rates of poverty contribute to health disparity outcomes.

White Appalachian males between the ages of 35 and 46 are 19 percent more likely to die of health disease than their counterparts elsewhere in the country, and white Appalachian women are 20 percent more likely to die of heart disease.

Mr. Speaker, this bill addresses this critical problem, and we do need to do more to correct these alarming disparities, and the creation of the Center for Research on Minority Health and Health Disparities within the National Institutes of Health is an excellent step forward.

Mr. STRICKLAND. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I rise in strong support of S. 1880, the Minority Health and Health Disparities Research and Education Act. This bipartisan legislation holds great promise for reducing the health status gap between our Nation's majority populations and our ethnic minority and medically underserved communities, helping to ensure that no American is left behind.

Mr. Speaker, the bill's most central feature, section 1, which was H.R. 2391, which I proposed a year and a half ago, elevates the Office of Research on Minority Health at the National Institutes of Health to ''Center'' status and puts these health disparities on the exact same parity that exists with other prioritized health disparity issues at the National Institutes of Health.

Despite the national economic prosperity and double digit growth for NIH, the health status gap amongst African Americans and other underserved populations is getting worse and not better.

As a member of the Subcommittee on Labor, Health and Human Services and Education, I had the opportunity during our hearings to carefully review

the program activities and priorities of the NIH and to question the researchers who carry out such vital work.

The unsung hero of today's legislation, who is not a Member of Congress, but certainly the former Secretary of Health and Human Services, Dr. Louis Sullivan was before the Subcommittee on Appropriations in the Senate, and Dr. Sullivan shared with me testimony that he had recently presented to that Subcommittee on the Institute of Medicine study that demonstrated a disturbingly low level of support that is funding support for cancer research among minorities through the National Cancer Institute. To improve the response to minority health, Dr. Sullivan recommended that the Office of Research of Minority Health should be elevated to ''Center'' status because the existing structure at NIH did not adequately address or prioritize the issue of health disparities.

After asking scores of questions to the NIH director and the directors of the Institutes and Centers during the last year's hearings about these disparities, I became more convinced than ever that the Office of Research and Minority Health needed to be elevated to ''Center'' status.

□ 2130

Consequently, I worked with Dr. Sullivan and other health care professionals to fashion a bill that would do just that. And so, Mr. Speaker, today S. 1880, among other vital provisions of the bill, authorizes the director of the National Center, in collaboration with other NIH institutes and centers, to establish a comprehensive plan and budget for the conduct and support of all minority health and other health disparities research at NIH.

Mr. Speaker, as I said earlier, passage of this bill is an important first step, and I would like to thank all of my colleagues on both sides of the aisle who played an important leadership role, including Senators KENNEDY and FRIST, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Oklahoma (Mr. WATTS), the gentleman from Georgia (Mr. LEWIS), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Virginia (Chairman BLILEY), the unsung hero on the legislative side of this, the gentleman from Florida (Mr. BILIRAKIS), who walked this bill through a number of hurdles, the gentleman from Michigan (Mr. DINGELL), and the gentleman from Ohio (Mr. BROWN).

Mr. Speaker, I ask all of my colleagues to support this important measure.

Mr. NORWOOD. Mr. Speaker, I yield such time as he might consume to the gentleman from Florida (Mr. BILIRAKIS), chairman of the Commerce Subcommittee on Health and Environment.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Georgia (Mr. NORWOOD) for yielding me this time. Obviously, I support S. 1880, the Minority Health Disparities Research and Education Act of 2000.

This proposal encompasses H.R. 3250, which is the Health Care Finance Act of 2000 which was reported from the Committee on Commerce. The gentleman from Illinois (Mr. JACKSON) and so many others were so very much responsible for that.

The bill addresses disparities in biomedical and behavioral research and health professional education for minority medically underserved Americans. There is ample evidence, Mr. Speaker, that some populations suffer disproportionately from certain diseases. For example, African Americans have a 70 percent higher rate of diabetes than whites. Hispanics suffer a rate that is nearly double the rate for whites. Vietnamese women suffer from cervical cancer five times the rate of white women.

Mr. Speaker, we need to know why this is the case, and I hope this legislation will help. The proposal will create a new National Center on Minority Health and Health Disparities at NIH which will be charged with coordinating biomedical and behavioral health disparities research.

The bill strengthens research into health care quality and access by funding studies at the Agency for Health Care Research and Quality. And, finally, the bill provides additional funds for loan repayment programs in the Health Resources and Services Administration for health professional training and education programs focusing in the causes and potential solutions to health disparities among Americans.

S. 1880 includes some important changes to H.R. 3250 that improve the underlying bill. These changes reflect bipartisan efforts to address concerns expressed by Members of Congress and the administration. Chief among these is the recognition of health disparities in medically underserved populations as well as in racial and ethnic minorities.

Additional changes were made to the bill to address concerns raised by the Department of Justice and some Members with potential constitutional problems with the bill as introduced. These are all positive changes that ensure Americans who suffer from disease and death disproportionately to the population at large benefit from the research and education provisions in this legislation.

This is an important piece of legislation, Mr. Speaker, and I urge all of my colleagues to join us in a ''yes'' vote.

Mr. STRICKLAND. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman from Ohio (Mr. STRICKLAND) for yielding me this time. I also want to thank the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. DINGELL), the ranking member, for their leadership and work in getting S. 1880 to the floor today.

Mr. Speaker, I also want to applaud the gentleman from Georgia (Mr. LEWIS), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Illinois (Mr. JACKSON), the gentleman from Oklahoma (Mr. WATTS), and Senator EDWARD KENNEDY who sponsored the bill in the other body for shepherding this bill through the entire process, as well as all of our staff. I thank the leadership in the committee and the House on both sides of the aisle.

Mr. Speaker, health care disparities in people of color, those of low socioeconomic status, and in our rural areas should cause us all concern in this country which boasts of the best in medical expertise and the most advanced medical technology. But they exist, and even as we turn the page into a new century, the gaps are not closing but getting wider.

Heart disease, cancer, infant mortality, stroke, diabetes, HIV/AIDS and mental illnesses are among the diseases which represent the most glaring disparities.

Surely, lack of insurance, deficiencies in the health delivery system and the lack of culturally and linguistically competent providers are some of the factors responsible. It has been proven that bias and prejudice has a significant role as well.

But there remains much that we do not know, and without more in-depth knowledge we will never be able to develop the appropriate remedies. Therefore, S. 1880, though long overdue, comes at a critical time, but also at a time when this country has the resources and I think the will to right the wrongs, to close the gaps, and to bring fairness and equity to the system and access to quality health care for all of our citizens and residents.

I am proud, Mr. Speaker, of the role that the Health Brain Trust of the Congressional Black Caucus played in this bill's development. I want to be proud of this body tomorrow, and so I ask all of my colleagues to vote ''yes'' for S. 1880, to vote ''yes'' to the research and related activities that will usher in a millennium of health and wellness for many who, until now, have been left behind, and to vote ''yes'' to a healthy and a better America.

Mr. STRICKLAND. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. THOMPSON), who was an original cosponsor in the fashioning of this legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, first let me compliment the gentleman from Georgia (Mr. NORWOOD), my colleague, for his leadership in helping shepherd this bill to the

floor this evening for consideration. I would also like to recognize the gentleman from Illinois (Mr. JACKSON), the gentleman from Oklahoma (Mr. WATTS), and the gentleman from Georgia (Mr. LEWIS), who also cosponsored this legislation.

Mr. Speaker, I am pleased to come before you in support of S. 1880, the Minority Health and Health Disparities Research and Education Act of 2000.

Nearly 1 year ago, on November 8, 1999, I introduced H.R. 3250, a bill to amend the Public Health Service Act to improve the health of minority individuals. I thank Senator EDWARD KENNEDY for introducing S. 1880, and I am extremely proud to see this bill come to the floor for consideration.

Mr. Speaker, the statistics are alarming when comparing the disparity between whites and minorities, alarming when we speak of infant mortality rates, alarming when we speak of heart disease death rates, alarming when we speak of prostate cancer and breast cancer, and most alarming of all, HIV/AIDS infection and death rates for African Americans.

Mr. Speaker, I say for all of us now to come forward in a bipartisan manner and pass this bill and take the first step toward correcting these alarming disparities for African Americans and all other underserved communities. Let us have a quality health care system for everyone in the 21st century.

Mr. STRICKLAND. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time. I want to also commend the sponsors and also commend this House in a bipartisan way, recognizing this is an excellent opportunity to begin to close the gap between those who have access to quality health and those who indeed have not been considered in the research.

I live in rural North Carolina, but I also live in an area called the ''Stroke Belt.'' And the Stroke Belt indeed affects those persons who are African American perhaps a little more than it does other individuals. But if we begin to look at the Stroke Belt, it also includes white Americans in there. So there is a disparity related to poverty, isolation, and ruralness of the community.

So I want to commend the sponsors of this, because it does, indeed, bring a more healthy America and allows the research to work with those entities and look at those disparities in ways that will reduce the incidence of disease and encourage prevention. I support this bill 100 percent.

The bill will be considered under suspension of the rules; 40 minutes of debate; not subject to amendment; two-thirds majority vote required for passage. The measure will be managed by Chairman Bliley, R-Va., or Rep. Bilirakis, R-Fla. The Democratic manager will be Rep. Dingell, D-Mich., or Rep. Brown, D-Ohio.

The Senate passed the bill on Oct. 26 by unanimous consent. The Commerce Committee did not act on the measure.

Following is a summary of the bill as passed by the Senate. As of press time, it was not known whether the floor manager will move to suspend the rules and agree to the Senate-passed bill, thereby clearing the measure for the president, or whether he would include an amendment, thus sending the bill back to the Senate.

The Senate passed bill establishes a National Center on Minority Health and Health Disparities in the National Institutes of Health (NIH) to conduct and support research on minority health conditions and disparities between the health of the overall population and the health of minority groups. The measure authorizes $100 million in FY 2001, and such sums as may be necessary for fiscal years 2002 through 2005, for these activities.

The bill authorizes such sums as may be necessary in fiscal years 2001 through 2005 for centers of excellence for research and training, which would support training in biomedical and behavioral research for members of minority populations.

The measure authorizes such sums as may be necessary in each of fiscal years 2001 through 2005 for a program under which the federal government would repay certain education loans for individuals who agree to engage in minority health disparity research. Under the bill, the federal government would repay up to $35,000 of the principal and interest on educational loans of such individuals for each year the engage in such research.

The bill also authorizes $50 million in FY 2001, and such sums as may be necessary for each of fiscal years 2002 through 2005, for the Agency for Healthcare Research and Quality to conduct and support research on health disparities.

This measure is an authorization measure and is not covered by spending limitations in the Budget Act or any budget resolution because it does not directly result in expenditures. As of press time, the Congressional Budget Office had not completed a cost estimate for the bill. In many cases, however, Congress does not appropriate the full amount contained in authorization measures.

Mr. STRICKLAND. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is an excellent piece of legislation. I thank the gentleman from Ohio (Mr. STRICKLAND), my good friend, for yielding me this time. I thank the gentleman from Georgia (Mr. LEWIS), the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the gentleman from Mississippi (Mr. THOMPSON), the gentleman from Illinois (Mr. JACKSON), and the gentleman from Oklahoma (Mr. WATTS) for their leadership, along with the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Florida (Mr. BILIRAKIS) for their leadership as well.

Mr. Speaker, if my colleagues would take a journey with me and realize how far we have come on a cure for breast cancer, and part of the effort behind that cure was utilizing women in clinicals in the National Institutes of Health. This Minority Health and Health Disparities Research and Education Act has the same focus; it is to concentrate on the enormous disparities that are found with minorities in the health care system. In particular, African Americans, Hispanics, Asian Americans, Pacific Islanders, Native Americans all have found themselves without access to health care, including rural white Americans as well.

It is important that this legislation strengthens research into health care quality and access. It examines collection of data on race or ethnicity. It addresses the role of health professionals so that they will be culturally sensitive to be sure that they understand what is occurring. It is very important to educate our health care professionals so they can ask the kinds of sensitive questions to ensure that if they are speaking to a particular minority group, that they can secure from them the information that will allow the physician or the health care professional to treat them correctly.

It is very important that we focus on diet and nutrition and immunization for children and find out whether there is an intimidation or some concern about why minorities do not have the access, why they are not interacting with our health care professionals.

Mr. Speaker, let me just briefly, as I close, share a story, and I will certainly point to this as a cultural concerns of an elderly person going into a medical office of a doctor. Happened to be a minority, in particular African American. This person was accused of taking a bar of soap. Of course that would discourage a particular African American or minority, because of some cultural bias to go to that particular office again or go to any doctor.

Mr. Speaker, I think this bill is a good bill to study what will help us ensure that all Americans have equal access to health care. This is a good bill, and I ask my colleagues to support it.

Ms. PELOSI. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I wish to, in the course of this debate, associate myself with the comments of our colleagues who spoke in favor of that.

I would first like to thank the gentleman from Georgia (Mr. LEWIS) for his tremendous leadership in initiating this legislation, the gentleman from Illinois (Mr. JACKSON), with whom I serve on the Subcommittee on Labor, Health and Human Services, and Education on the Committee on Appropriations, who has been a relentless supporter in ending the disparity and access to quality health care research and prevention, and the gentleman from Mississippi (Mr. THOMPSON), who has been a leader on this issue, as well as the gentlewoman from North Carolina (Mrs. CLAYTON).

I thank them all for their tremendous work on this issue. They have

been great leaders in the effort to reduce health disparities, and this bill is a testament to their hard work and commitment.

Mr. Speaker, numerous studies have shown that minority communities suffer disproportionately from many severe health problems and have higher mortality rates than whites for many treatable health conditions. Although we have seen giant leaps in scientific knowledge, particularly in recent years, as we have increased our investment in the National Institutes of Health, the benefits of those advances are not clearly reaching all segments of our society.

At this point, I would like to recognize the tremendous work of the gentleman from Pennsylvania (Mr. GEKAS). He and I are co-chairs of the Biomedical Research Caucus, but he is our leader in having monthly meetings where Members and staff can be made aware of the scientific opportunities in the biomedical community. He is a giant on that issue in this Congress.

During our NIH hearings in the Subcommittee on Labor, Health and Human Services, and Education, we have heard many alarming statistics on racial and ethnic health disparities, including significantly higher rates of death from cancer and heart disease, as well as higher rates of HIV/AIDS, diabetes, and other health problems.

HIV/AIDS has been particularly devastating in minority communities. African Americans and Hispanics, who represent 12 and 11 percent respectively of our Nation's population, now account for 70 percent of new HIV cases and nearly 60 percent of new AIDS cases. And African-American and Hispanic women account for 78 percent of the newly reported infections among women.

Not enough research is being done to understand and eliminate racial and ethnic health disparities. According to an Institute of Medicine study published in February 1999, Federal efforts to research cancer in minority communities are insufficient. The IOM recommended an increase in resources in development of a strategic plan to coordinate this research.

I commend the administration for responding to this need by implementing the initiative to eliminate racial and ethnic disparities in health. The initiative identifies the steps necessary to eliminate disparities in the areas of cardiovascular disease, cancer screening and management, diabetes, infant mortality, HIV/AIDS and immunizations by 2010.

At this point, I would also like to commend the gentlewoman from California (Ms. WATERS) for her relentless efforts ongoing but especially when she was Chair of the Congressional Black Caucus in getting the minority initiative passed and funded. It made a drastic difference, but it is still not enough.

Fulfilling the goals of this initiative must be a top priority. Next decade, however, these goals cannot be met without a comprehensive effort to improve research on the health of my minority communities and develop the interventions capable of reducing these disparities.

The Center for Minority Health and Health Disparities created by the Minority Health and Health Disparities Research and Education Act and the full grant-making authority conferred upon it is an important step toward this effort. And while I am pleased that this critical issue is finally gaining the attention it deserves and again commend the gentleman from Georgia (Mr. LEWIS) for his leadership, the next step forward must be full institute status. This creates a center. It does have full grant-making authority, and that is an important distinction. Usually an institute gives full grant-making. But I do not know why we cannot make this a full institute at the National Institutes of Health.

It is imperative that, as we continue to increase NIH funding, we provide this ongoing issue the permanent attention necessary to eliminate current health disparities and prevent future health disparities from emerging.

All Americans deserve a healthy future. I urge my colleagues to vote yes on the Minority Health and Health Disparities Research and Education Act.

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

Mr. Speaker, have no other speakers. I would just like to close by thanking the gentleman from Georgia (Mr. NORWOOD) for his wonderful leadership in this House on health matters. I also thank the gentleman from Georgia (Mr. LEWIS) and all those who have had a part in the fashioning and the passage of this wonderful piece of legislation.

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

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

Mr. Speaker, I want to take just a minute to close this up and thank really everybody that has been involved with this over the past 6 months. I am sorry the gentleman from Oklahoma (Mr. WATTS), my good friend, is not here. He has worked very hard and worked with me long to help us get to this point. He has done things way upstairs back there that the rest of us could not do, and I am grateful to him.

This bill is, in my view, pretty meaningful. It has some very interesting prospects for America, one of which is the research. The biomedical research that we are talking about under the auspices of NIH is going to reveal to us, I believe, some anomalies in health care and in medicine that we are not aware of today. At least I hope that is where the research takes us.

Second, and maybe we had not talked about it as much and it is equally important to me, is the education factor of this bill. I readily admit to anyone who asked, very selfishly I hope a lot of this goes to Morehouse Medical School. I hope they do a lot of the education and the research right there. And to continue to be selfish, it is for a very simple reason. The graduates, the doctors, health care professionals that they put out are the people that go into my counties and my communities and treat rural Georgia. That is what I am after here as much as anything else.

So I thank all that have been involved. And I know that we will all follow this, the research and the education aspects of it, very carefully over the coming years and hope and pray that this does what we all intend for it to do.

Mr. ENGEL. Mr. Speaker, I want to commend the authors of this legislation and express my strong support for this bill. Historically, minorities have been under-represented in health research.

It is my hope that establishing a National Center for Research on Minority Health and Health Disparities at the National Institutes of Health will provide the means necessary to meet the health challenges many minorities face. With the unique health problems affecting different racial and ethnic communities, it is essential that this National Center be established to research and develop treatments and cures for afflictions that are more prevalent in minorities.

One of my concerns throughout my tenure in Congress has been the effects of smog and pollution that inner-city residents are exposed to on a daily basis. Within inner-cities, minorities comprise a large portion of the population. I have been a strong advocate on behalf of inner-city communities, including my own district, that have been unfairly burdened by environmental hazards.

I included an amendment in the House version of this bill which simply stated that the Administrator of Health Care Policy, within the National Center for Research on Minority Health and Health Disparities, take into account environmental factors when researching the cause of health disparities for minority populations. While the Senate version of the bill that we are considering today does not include the exact language of my amendment, it does accomplish the goal I intended to address.

The legislation clearly states that when researching barriers many minorities face in obtaining proper health care, the Administrator of Health Care Policy is specifically directed to take into account the socioeconomic status, attitudes toward health, the language spoken, the extent of formal education, the area or community in which the population resides, and other factors the Director determines to be appropriate. It is my hope that by identifying health problems caused by environmental factors, we can begin to address the issue and enhance the quality of life for our urban residents.

Mr. Speaker, I want to reiterate my support for this bill, and I urge my colleagues to vote in favor of this important legislation.

Mr. TOWNS. Mr. Speaker, I rise in support of the Health Care Fairness Act. As a senior member of the Commerce Committee's Subcommittee on Health and Environment, I have long been concerned about the pervasive inequality of health services endured by America's minority populations.

At a recent hearing before my subcommittee, we confronted the compelling evidence that race and ethnicity correlate with persistent, and often increasing, health disparities among U.S. populations. Despite notable progress in the overall health of the nation, there are continuing disparities in the burden of illness and death experienced by African Americans, Hispanics, and others compared to the U.S. population as a whole. In fact, current information about the biologic and genetic characteristics of racial and ethnic groups does not explain the health disparities experienced by these groups compared with the white, non-Hispanic population. Given the demographic projections for the U.S. population in 2030, I believe that it is imperative that Congress establishes a forward-looking strategy to address health disparities in minority communities.

For example, research shows that the AIDS epidemic is disproportionately affecting minorities. According to the Centers for Disease Control, African Americans, who comprise 13 percent of the U.S. population, account for 49 percent of AIDS deaths in 1998. In March 2000, an audit conducted by the U.S. General Accounting Office assessed how government funding on AIDS programs was spent. The audit concluded that African Americans and Hispanics were receiving substandard care relative to whites in areas such as doctor visits, emergency room care, hospitalizations, and drug therapies.

In order to identify and rectify health disparities that occur among minorities, I agreed to cosponsor H.R. 3250, the House companion to S. 1880, the Health Care Fairness Act. Among other things, this legislation would create a new National Center for Research on Minority Health and Health Disparities. This center would support basic and clinical research, training and the dissemination of information with respect to minority health.

I believe the new National Center will enable us to make real progress toward eliminating the daunting gap in health status between minorities and the rest of America, and I encourage my colleagues to support its passage.

Mr. CUMMINGS. Mr. Speaker, I rise this evening in support of The Minority Health and Health Disparities Research and Education Act.

During his radio address on February 21st, 1998, President Clinton committed the Nation to an ambitious goal by the year 2010:

> To eliminate the disparities in six areas of health status experienced by racial and ethnic minority populations while continuing the progress we have made in improving the overall health of the American people.

Achieveing the President's vision will require a major national commitment to identify and address the underlying causes of higher levels of disease and disability in racial and ethnic minority communities.

Contrary to what some may say, this legislation is not a ''quota'' bill.

This legislation that opens the door of fairness and equality for a healthy nation.

Eliminating racial and ethnic disparities in health will require enhanced efforts at preventing disease, promoting health, and delivering appropriate care.

This will necessitate improved collection and use of standardized data to correctly identify all high risk populations and monitor the effectiveness of health interventions targeting these groups.

Research dedicated to a better understanding of the relationships between health status and different racial and ethnic minority backgrounds will help us acquire new insights into eliminating the disparities and developing new ways to apply our existing knowledge toward this goal.

Improving access to quality health care and the delivery of preventive and treatment services will require working more closely with communities to identify culturally-sensitive implementation strategies.

At my request, the Committee on Government Reform held a Congressional hearing entitled, ''Ethnic Minority Disparities in Cancer Treatment: Why the Unequal Burden?''

The hearing gave us the opportunity to engage in a more exhaustive investigation of the disparity issue as it related to ''conventional'' treatments for cancer.

I requested this hearing in response to a study published by the New England Journal of Medicine in October 1999, which reported that African American patients with early stage lung cancer are less likely than whites to undergo life-saving surgery, and as a result are more likely to die of their disease.

The treatment disparities revealed in the study were of great concern to me, particularly when considered along with other data regarding cancer incidence and mortality rates among minorities as compared to the majority population.

In fact, disturbingly:

The incidence rate for lung cancer in African American and Native Hawaiian men is higher than in white men; Hispanics suffer elevated rates of cervical and liver cancer; and Alaskan Native and African American women have the first and second highest all-cancer and lung cancer mortality rates among females;

Cancer has also surpassed heart disease as the leading cause of death for Japanese, Korean, and Vietnamese populations;

Further, while surgery is the treatment option for lung cancer in its early stages, only 64 percent of African Americans had surgery at this stage, as compared to 76.7 percent of white Americans; and

Paralleling recommended treatment options, cancer death rates among African Americans are about 35 percent higher than that for whites, and in my district of Baltimore City, 251 African Americans per every 100,000 die of cancer as compared to 194 of whites.

Our Nation is in a ''race for the cure.'' However, we must be mindful that this race for a healthy America must be run by and for all Americans. The entry into this contest should not be dependent on your race, but must be based on your humanity. And winning the race for a quality, healthy life must be a victory for every citizen, no matter their race, ethnicity, or socioeconomic status.

As we move closer to crossing that victory line, we must all work toward a meaningful improvement in the lives of minorities who now suffer disproportionately from the burden of disease and disability.

I will remain committed to the bioethical principles of justice and fairness which call for one standard of health in this country for all Americans, not an acceptable level of disease for minorities and another for the majority population.

Mr. WATTS of Oklahoma. Mr. Speaker, I would like to begin by thanking my House colleagues JOHN LEWIS, BENNIE THOMPSON, CHARLIE NORWOOD, and JESSE JACKSON, Jr., who are champions in this important effort to address the issue of minority health disparities. This is a matter of deep concern to not only African-Americans, but also to Hispanic-Americans, Native-Americans and other minorities who are clearly underserved by the American health care system.

Despite continuing advances in research and medicine, disparities in American health care are a growing problem. This is evidenced by the fact that minority Americans lag behind in nearly every single measure of heath quality. Those measures include life expectancy, health care coverage, access to care, and disease rates. Ethnic minorities and individuals in medically underserved rural communities continue to suffer disproportionately from many diseases such as cancer, diabetes, and cardiovascular diseases. There have been numerous studies in scientific journals showing the severity of racial and ethnic disparities and the need for action in order to remedy this grave problem.

For these and countless other reasons, it is time for the nation to focus on this problem and to work to bring fairness to our minority citizens in the nation's public and private health care systems. There is no better place to start this effort than the focal point for federal research, the renowned and highly respected National Institutes of Health.

Since 1996, Congress has increased funding for basic medical research at NIH from $12 billion to over $18 billion—over a 50% increase. These funds support 50,000 scientists working at 2,000 institutions across the United States. I have been proud to support these increases, but I think it is now time that we target some portion of those funds on the nation's most acute health problems among our minority citizens—and I might add, minority taxpayers.

Let me say that I am delighted to be a cosponsor of this legislation. Among other provisions, this legislation will elevate the existing office of Research on Minority Health at NIH to a National Center for Research on Minority Health. This upgrade to the level of National Center would in itself underscore the importance of this work, and along with expanded research and education, improved data systems and strengthened public awareness, we will be taking a great leap forward in addressing this critical national problem.

The Minority Health and Health Disparities Research and Education Act will increase our

knowledge of the nature and causes of health disparities, improve the quality and outcomes of health care services for minority populations, and aid in bringing us closer to our mutual goal of closing the long-standing gap in health care.

I am deeply committed to this legislation, and I urge you to support my colleagues and me in our effort to rectify this inequality in health care.

Mr. DINGELL. Mr. Speaker, I strongly support S. 1880, the Minority Health and Health Disparities Research and Education Act of 2000. I urge all of my colleagues to approve this much needed and long overdue legislation.

We have before us a bill aimed at one of the most significant challenges in health care research and education. The existence of disparities in all aspects of health care is well documented. Reports published by the Institute of Medicine and in the New England Journal of Medicine and the Journal of the American Medical Association are just a few of many that point clearly to the need for quick enactment and implementation of the legislation that is before us today. The Commerce Committee's hearing on this subject highlighted the fact that there are massive differences in the frequency, severity, and survivability of many health conditions among different members of our diverse population. Unfortunately, where you live, what you earn, and the color of your skin make a big difference in health care quality and access.

Great care has been taken in drafting this legislation so that it responds to the panoply of disparities issues without running afoul of the equal protection clause of the Constitution. Indeed, the Department of Justice has concluded that the bill does not trigger strict scrutiny under applicable tests for the validity of laws and programs aimed at addressing inequities that fall, in some cases, along racial and ethnic lines.

Disparities occur for a variety of reasons, so it is not surprising that legislation aimed at identifying and eliminating disparities has several facets. First, S. 1880 addresses biomedical issues through the establishment of a National Center on Minority Health and Health Disparities at the National Institutes of Health. Next, this bill directs the Agency for Health Care Research and Quality to carry out activities to address disparities in health care quality and access. S. 1880 also addresses quality and access issues through the Public Health Service Act's health professions programs.

This legislation enjoys broad bipartisan support. I wish to take particular note of the fine work of my colleagues, Representatives LEWIS, JACKSON, THOMPSON, TOWNS, STRICKLAND, NORWOOD, WATTS, and WHITFIELD. I know that many other of my colleagues on both sides of the aisle contributed to the effort of getting this bill before us today and I am greatful to all of them. Our colleagues in the Senate, particularly Senators KENNEDY and FRIST, also made significant contributions to this bill.

I urge my colleagues to join me in support of this bill.

Mr. STARK. Mr. Speaker, one of America's most important assets is the diversity of our residents, and this diversity is growing rapidly. Between 1991 and 2000, the population of Asians and Pacific Islanders increased by 46 percent, Latinos by 40 percent, American Indians by 16 percent, and African Americans by 14 percent.

Unfortunately, vestiges of racism—both conscious and unconscious—still exist, permeating our society and our institutions. Last month, I highlighted research findings that demonstrate people of color disproportionately lack access to health care, vital treatments, and preventive screening measures. In addition, a recent New England Journal of Medicine study found that unconscious perceptions and biases can be revealed in differential physician recommendations for minority individuals seeking heart disease treatment. Taken together, these findings underscore the urgency of supporting legislation to improve health care quality for diverse communities.

So far, very little has been done to address these tremendous disparities. For example, people of color are disproportionately affected by certain types of cancers—Vietnamese American women are five times more likely to contract cervical cancer than white women and Africa Americans are 35 percent more likely to die from cancer than whites. Despite these alarming statistics, the Institute of Medicine concluded that federal funding for cancer research among communities of color remains insufficient.

S. 1880, The Health Care Fairness Act is an opportunity to positively improve the health care of all Americans by working toward reducing these disparities. It is a bipartisan effort that contains many important provisions, including an increased commitment to research on health disparities, improved data systems, and enhanced quality of care for health disparity populations, including low-income, medically underserved, racial and ethnic minority, and rural individuals.

This legislation ensures a prominent focus in our nation's premier research agencies—the National Institutes of Health and the Agency for Health Care Policy Research—in improving health outcomes for populations that have a significant disparity in the rate of disease incidence, prevalence, morbidity, mortality, or survival as compared to the general population. It also provides grants to our medical, public health, dental, nursing, and other health professional schools so that curricula to promote improved health care quality can be developed for these populations. Furthermore, it designates opportunities for training so that our current and future medical providers are equipped to join the fight against health disparities due to geography, the lack of medical services, race and ethnicity, and socioeconomic status.

Our country has made phenomenal advancements in science and medicine. It is time to ensure that all of our communities share in these rewards. This is a chance to help ensure our health care system is just, equitable, and equal for all Americans. Support fairness in health care, and vote for S. 1880.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Georgia (Mr. NORWOOD) that the House suspend the rules and pass the Senate bill, S. 1880.

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.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENTS OF 2000

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 207) to amend title 5, United States Code, to provide that physicians comparability allowances be treated as part of basic pay for retirement purposes, as amended.

The Clerk read as follows:

H.R. 207

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 ''Federal Physicians Comparability Allowance Amendments of 2000''.

SEC. 2. AUTHORITY MADE PERMANENT.

(a) IN GENERAL.—

(1) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The second sentence of section 5948(d) of title 5, United States Code, is repealed.

(2) AMENDMENT TO THE FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978.—Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5948 of title 5, United States Code, is amended—

(1) by repealing paragraph (2) of subsection (j); and

(2) in subsection (j)(1)—

(A) by striking ''(j)(1)'' and inserting ''(j)'';

(B) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively; and

(C) in paragraph (5) (as so redesignated by this paragraph) by striking ''subparagraph (B)'' and inserting ''paragraph (2)''.

SEC. 3. TREATMENT OF ALLOWANCES AS PART OF BASIC PAY FOR RETIREMENT PURPOSES.

(a) DEFINITION OF BASIC PAY.—Section 8331(3) of title 5, United States Code, is amended—

(1) in subparagraph (F) by striking ''and'' after the semicolon;

(2) in subparagraph (G) by inserting ''and'' after the semicolon;

(3) by inserting after subparagraph (G) the following:

''(H) any amount received under section 5948 (relating to physicians comparability allowances);''; and

(4) in the matter following subparagraph (H) (as added by paragraph (3)) by striking ''through (G)'' and inserting ''through (H)''.

(b) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) COMPUTATION RULES.—Section 8339 of title 5, United States Code, is amended by adding at the end the following:

''(s)(1) For purposes of this subsection, the term 'physicians comparability allowance' refers to an amount described in section 8331(3)(H).

''(2) Except as otherwise provided in this subsection, no part of a physicians comparability allowance shall be treated as basic

pay for purposes of any computation under this section unless, before the date of the separation on which entitlement to annuity is based, the separating individual has completed at least 15 years of service as a Government physician (whether performed before, on, or after the date of enactment of this subsection).

''(3) If the condition under paragraph (2) is met, then, any amounts received by the individual in the form of a physicians comparability allowance shall (for the purposes referred to in paragraph (2)) be treated as basic pay, but only to the extent that such amounts are attributable to service performed on or after the date of enactment of this subsection, and only to the extent of the percentage allowable, which shall be determined as follows:

''If the total amount of service performed, on or after the date of enactment of this subsection, allowable is: as a Government physician is:	Then, the percentage allowable is:
Less than 2 years	0
At least 2 but less than 4 years	25
At least 4 but less than 6 years	50
At least 6 but less than 8 years	75
At least 8 years	100.

''(4) Notwithstanding any other provision of this subsection, 100 percent of all amounts received as a physicians comparability allowance shall, to the extent attributable to service performed on or after the date of enactment of this subsection, be treated as basic pay (without regard to any of the preceding provisions of this subsection) for purposes of computing—

''(A) an annuity under subsection (g); and

''(B) a survivor annuity under section 8341, if based on the service of an individual who dies before separating from service.''.

(2) GOVERNMENT PHYSICIAN DEFINED.—Section 8331 of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting ''; and'', and by adding at the end the following:

''(28) 'Government physician' has the meaning given that term under section 5948.''.

(c) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) COMPUTATION RULES.—Section 8415 of title 5, United States Code, is amended by adding at the end the following:

''(i)(1) For purposes of this subsection, the term 'physicians comparability allowance' refers to an amount described in section 8331(3)(H).

''(2) Except as otherwise provided in this subsection, no part of a physicians comparability allowance shall be treated as basic pay for purposes of any computation under this section unless, before the date of the separation on which entitlement to annuity is based, the separating individual has completed at least 15 years of service as a Government physician (whether performed before, on, or after the date of enactment of this subsection).

''(3) If the condition under paragraph (2) is met, then, any amounts received by the individual in the form of a physicians comparability allowance shall (for the purposes referred to in paragraph (2)) be treated as basic pay, but only to the extent that such amounts are attributable to service performed on or after the date of enactment of this subsection, and only to the extent of the percentage allowable, which shall be determined as follows:

''If the total amount of service performed, on or after the date of enactment of this subsection, allowable is: as a Government physician is:	Then, the percentage allowable is:
Less than 2 years	0
At least 2 but less than 4 years	25
At least 4 but less than 6 years	50
At least 6 but less than 8 years	75
At least 8 years	100.

''(4) Notwithstanding any other provision of this subsection, 100 percent of all amounts received as a physicians comparability allowance shall, to the extent attributable to service performed on or after the date of enactment of this subsection, be treated as basic pay (without regard to any of the preceding provisions of this subsection) for purposes of computing—

''(A) an annuity under section 8452; and

''(B) a survivor annuity under subchapter IV, if based on the service of an individual who dies before separating from service.''.

(2) GOVERNMENT PHYSICIAN DEFINED.—Section 8401 of title 5, United States Code, is amended by striking ''and'' at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ''; and'', and by adding at the end the following:

''(34) the term 'Government physician' has the meaning given such term under section 5948.''.

(d) CONFORMING AMENDMENT.—Section 5948(h)(1) of title 5, United States Code, is amended by striking ''chapter 81, 83, or 87'' and inserting ''chapter 81 or 87''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

□ 2145

GENERAL LEAVE

Mrs. MORELLA. 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. 207.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

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

Mr. Speaker, I am pleased that we are considering H.R. 207, as amended. This important bill makes two critical changes that will allow for better pay comparability for Federal physicians. The first change, which was not part of the original H.R. 207, would include a permanent extension of the Physicians Comparability Allowance. This will eliminate the need to reauthorize the language every 3 years.

The bill would also include a physician's PCA in his or her average pay for purposes of computing retirement. Presently the ''high-three'' that is used to calculate a title 5 physician's retirement annuity does not include the additional PCA component of his or her salary. Again, when I say PCA, I mean the Physicians Comparability Allowance.

In title 37, which governs the Uniformed Services and the military, bonus pay is counted as part of base pay for calculation of retirement benefits. Title 38, which governs the Veterans Affairs, also allows physicians who, in this case, have served at least 15 years to count their bonus compensation as part of basic pay for retirement purposes.

Thus, my bill does not create any unique benefit. It only allows title 5 physicians to receive the same benefit that other Federal physicians receive.

In 1978, Congress first responded to the critical shortage of Federal physicians and the gap in income for civil service physicians, as compared to the Department of Defense and Veterans Affairs physicians. And it responded to it by enacting the Physicians Comparability Act of 1978. This bill provided for a maximum of $10,000 a year in special pay to civil service physicians. The present maximum is $30,000.

Since the PCA was originally passed, there have been several extensions in the authority, most recently in 1998. But the uncertainty of PCA reauthorization every 3 years makes it quite difficult for agencies to negotiate contracts with physicians.

Agencies are often forced to delay negotiations with physicians, and delays in negotiations are a disincentive to potential candidates, and they lead to increased administrative burden for the agency.

In the event that the Congress does not reauthorize PCA, the different agencies must create contingency plans for each contract negotiation. The increased administrative burden as well as the recruitment disincentives posed by these uncertainties would be eliminated by making PCA a permanent authority. We cannot allow our best Federal physicians to defect to the private sector. The work they do is just simply too important.

Title 5 Federal physicians eligible for the PCA are working on cures for AIDS, cancer, and heart disease, and they protect the safety of food and drugs. They also provide medical care to Defense and State Department employees and dependents, airline pilots, astronauts, Native Americans and Federal prisoners.

The PCA gives agencies such as NIH, CDC and the FDA the flexibility to attract physicians from diverse backgrounds into mission-critical fields that are not predicated toward single-population groups. The traditional battlefield specialties of title 37 and title 38 physicians do not represent the future medical staff diversity needs.

In considering the pool of potential future applicants, statistics indicate

that 40 percent of those entering medical schools are now women. The majority of these female graduates indicate pursuit of fields such as pediatrics, psychiatry, and internal medicine. Thus the PCA is a fair and effective tool for maintaining diversity among Federal physicians.

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

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

Mr. Speaker, it is critical that the Federal Government be able to recruit and retain the best and brightest in the field of medicine. I thus commend the gentlewoman from Maryland (Mrs. MORELLA) for having the foresight to introduce H.R. 207 to address an inequity.

The government cannot pay civil service physicians on the same scale as physicians employed in hospitals, HMOs, and universities. The Physicians Comparability Act enacted by Congress in 1978 provides Federal physicians with additional compensation to offset their lower pay and to ensure that the government can recruit and retain well-qualified physicians.

H.R. 207 would permanently extend authority for the Physicians Comparability Allowance to eliminate the need to reauthorize the legislation every 3 years.

H.R. 207 would also amend title 5 to authorize the PCA to be included as part of basic pay for retirement purposes for all civil service physicians. Under current law, depending on the Federal agency that hired them, only certain physicians receiving comparability pay are allowed to have the amount included in the calculations for retirement pay. H.R. 207 would erase this inequity and ensure that the government treats comparability pay the same for all Federal physicians.

This legislation will not only help retain over 3,000 Federal-employed physicians who were awarded PCAs last year, but will help the Federal Government recruit highly trained physicians to join their ranks.

The government's ability to attract highly qualified physicians at such agencies as the Food and Drug Administration, the National Institutes of Health, and the Substance Abuse and Mental Health Services Administration, is one of the reasons that the United States has led the world in medical research advances.

I would like to remind my colleagues, however, that we have an obligation as lawmakers to ensure that these medical advances benefit all Americans regardless of race. As such, it gives me great pleasure to know that we have just passed Senate bill, S. 1880, to authorize these very institutions, our Nation's medical centers, to collaborate in an effort to eliminate racial and ethnic disparities in health.

Our Nation is in a ''race for the cure.'' The entry into this contest should not be dependent on one's race, but must be based on one's humanity. Winning the race for a quality healthy life must be a victory for every citizen no matter the race or ethnicity or the socioeconomic status.

As we move closer to crossing that victory line, we must all work toward a meaningful improvement in the lives of minorities who now suffer disproportionately from the burden of disease and disability.

Further, as the bill before us, H.R. 207, provides, we must also ensure that those physicians that have our lives in their hands are treated fairly and equitably.

This bill is supported by the Federal Physicians Association, the American Medical Association, and the American Academy of Family Physicians, and the National Treasury Employees Union.

Mr. Speaker, I urge all of our Members to join me and give this bill their support.

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

Mrs. MORELLA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in 1997, I commissioned a GAO study to review the PCA and its usefulness, and the report that was submitted confirmed that the Physicians Comparability Allowance is critical. In addition, H.R. 207 has been endorsed, as we have heard, by the American Medical Association, the American Osteopathic Association, the American Academy of Family Physicians, a number of State Medical Societies, as well as a number of our employee unions.

In the last several years, I have heard from thousands of Federal physicians across the country who have stated very clearly that, without the PCA, they would have chosen a different career. The permanent PCA extension, coupled with the inclusion of a physician's PCA in his or her average pay for purposes of computing retirement, demonstrates that Congress is serious about maintaining the quality of care that presently exists within our Federal agencies.

The government cannot pay physicians on the same scale as physicians employed in hospitals, HMOs, and universities. But passage of H.R. 207 shows that the government will make every effort to recruit and retain highly trained and well-qualified physicians. I certainly applaud its passage this evening.

I do want to take this opportunity to thank the gentleman from Florida (Mr. SCARBOROUGH), the chairman of the Subcommittee on Civil Service, his staff director Gary Ewing, as well as the gentleman from Indiana (Chairman BURTON) of the Committee on Government Reform and Oversight and his staff aid Dan Moll for their support in expediting consideration of the resolution.

I also want to thank the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Subcommittee on Civil Service, the gentleman from California (Mr. WAXMAN), ranking member of the Committee on Government Reform and Oversight, for their support.

In addition, Ted Newland and Harry Wolf of OPM were very helpful in working with us to recraft this legislation to ensure that there were no inequities written into the bill. I also want to point out the instrumental roles that Dennis Boyd and Richard Granville played in drafting and helping us to pass this legislation. Finally, I have to thank my diligent staff assistance, Jordi Hannum, and Ed Leong of Legislative Counsel for his tireless efforts in advising my staff.

So I ask for unanimous passage of this very important legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I am very happy to be able to rise today in support of my good friend from Maryland, Mrs. MORELLA's bill, that will help improve pay and retirement conditions for physicians employed by the Federal Government.

The bill, H.R. 207, corrects a number of problems with the current pay structure for Title 5 physicians. For one, it would permanently extend the Physicians Comparability Allowance (PCA), eliminating the need to reauthorize this language every three years. Additionally, the bill would include the physician's PCA as part of their base, average pay for the purpose of computing their retirement benefits, thus allowing them to boost their retirement contributions. This is not a new, unique benefit for physicians in the federal government, this is simply extending a formula Title 37 and 38 physicians have had for years.

H.R. 207 is a bill seeking pay equity for all physicians within the federal government. It is important to note that physicians under Title 5 are the same that are working on cures for cancer, AIDS, and heart disease; protecting the safety of our food and prescription drugs; and providing direct medical care to federal employees, and their dependents, in the State and Defense Departments. It is truly unfortunate that the government cannot pay physicians on the same scale as the private sector, but amending the PCA for Title 5 physicians will provide some compensation to offset the loss in income they have willingly accepted to become public servants.

I ask all my colleagues to join the American Medical Association, the American Academy of Family Physicians, and a continually growing list of State medical societies (including my home state of Virginia), in supporting this important legislation. I want to thank the gentlelady from Maryland for her persistence and leadership on this matter, and hope this bill will be supported by this House.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 207, as amended.

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

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

''A bill to amend title 5, United States Code, to make permanent the authority under which comparability allowances may be paid to Government physicians, and to provide that such allowances be treated as part of basic pay for retirement purposes.''.

A motion to reconsider was laid on the table.

PROVIDING FOR SPECIAL IMMIGRANT STATUS FOR CERTAIN U.S. INTERNATIONAL BROADCASTING EMPLOYEES

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3239) to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

The Clerk read as follows:

S. 3239

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

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN UNITED STATES INTERNATIONAL BROADCASTING EMPLOYEES.

(a) SPECIAL IMMIGRANT CATEGORY.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) by striking ''or'' at the end of subparagraph (K);

(2) by striking the period at the end of subparagraph (L); and

(3) by adding at the end the following new subparagraph:

''(M) subject to the numerical limitations of section 203(b)(4), an immigrant who seeks to enter the United States to work as a broadcaster in the United States for the International Broadcasting Bureau of the Broadcasting Board of Governors, or for a grantee of the Broadcasting Board of Governors, and the immigrant's accompanying spouse and children.''.

(b) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—Section 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(4)) is amended by inserting before the period at the end the following: '', and not more than 100 may be made available in any fiscal year to special immigrants, excluding spouses and children, who are described in section 101(a)(27)(M)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to visas made available in any fiscal year beginning on or after October 1, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. 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. 3239.

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

There was no objection.

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

Mr. Speaker, the bill before us is one that accommodates one of the best mechanisms we have as Americans of promoting liberty, justice and freedom across the world. I refer, of course, to the utilization of the international broadcasting services that we provide to citizens of other lands. Radio Free Europe, Radio Iraq, Radio Marti, Radio Free Asia, all of these are set for the purpose of teaching other peoples how we function as a society and inspiring them to seek in their own countries the foundations of liberty and freedom which we take for granted and which we enjoy.

The problem is that these broadcasting services have discovered that we need bilingual personnel to work in these broadcasting services. So we have to try to accommodate their coming to our country for that purpose.

The State Department seems to have a natural hurdle to that, a block, if you will, to their just flowing into our country for these purposes. So we have to establish, and this legislation does it, a special kind of visa to permit 100 of these broadcasters, 100 per year to come into our country. They are going to be invaluable as they stream into our country.

It will alleviate also, for their own personal freedom, the possibility of oppression if they are doing our work in their own countries but doing it from here. Broadcasting in their native language will get the message across, provide them with safeguards, and will foster the entire purpose of the international broadcasting services of which we are so proud.

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

Ms. JACKSON-LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished gentleman from Pennsylvania (Mr. GEKAS); and I, too, rise in support of this bill, S. 3239, which would amend the Immigration and Nationality Act, to provide special immigrant status for certain international broadcasting employees.

□ 2200

S. 3239 would establish a new immigrant visa category for international broadcasting employees which would be subject to numerical limitations. It would provide a maximum of 200 visas in the first year, which would deal with the current critical shortage of international broadcasters. Then it would provide a maximum of 100 visas annually for 3 successive years. Also, it would waive the labor certification requirement for the broadcasters who receive the visas.

The people who work in the international broadcasting industry are highly skilled individuals. They must have journalistic skills. They must be fluent in a number of languages. Many times, Mr. Speaker, they are exchanging concepts of democracy and other governmental concepts to foreign countries where people are hungering after information, and so these people must have an in-depth knowledge of the people, history and cultures of other nations.

Historically it has not been possible to find a sufficient number of people in the American workforce who have this combination of skills. All of us realize, however, that this is an important effort to ensure that we do have a diverse employee base and provide the kind of training to Americans that would provide them with the skills to be international broadcasters.

Similar to our plea as we provided 195,000 H–1B visas, it is going to be important that we train an American workforce to ensure that they too can be part of the high technology industry.

With respect to these particular visas, the availability of these visas would help to provide needed broadcasters for the Voice of America, Radio Free Asia and Radio Free Europe, or Radio Liberty. This bill would provide the assistance that the international broadcasting industry needs to continue to provide essential news coverage around the world.

Mr. Speaker, I am very glad to be able to stand here and support these special needs, as did I in our discussion on H1–B, even though we are looking to expand some additional opportunities for American workers and minorities. And I am very pleased to stand here today and support this legislation because I happen to believe in the Voice of America and Radio Free Asia and Radio Free Europe. I think that we have found that it teaches democracy in a very effective way.

At the same time, Mr. Speaker, I am certainly concerned and dismayed that my colleagues have not seen fit to support the Latino Immigration Fairness Act. That is part of the logjam that we are having in this Congress where we are not realizing that individuals who have been here working in the United States paying taxes and paying for their mortgages and sending their children to school and doing the work that America needs them do, whether it is trash pickup or whether it is waiting on them in restaurants, Mr. Speaker, we see fit in this Congress not to provide them with access to legalization.

Just the other day, we had a debate where someone got on the floor and talked about who came to this country legally and who did not come to this country legally and talking about the Statue of Liberty.

Well, Mr. Speaker, I would simply say to my colleagues that it is enormously important that, as we support these specialized non-immigrant visas for international broadcasters or high-tech industry, that we look to those common working men and women, the average working man and woman, who needs the Latino Immigration Fairness Act, and I would believe that this Congress needs to stand on the right side of this issue and stop throwing accusations against people who are hard working, who are immigrants, and who deserve to be here.

What a tragedy to be able to vote this good bill today but yet we are not able to vote for a bill that would provide the fairness to these individuals.

While I was in this debate on the floor of the House, Mr. Speaker, would you imagine that someone indicated that everyone who came to this country previous to these years came here legally.

I did want to engage in a chastising debate. But frankly, Mr. Speaker, I did not come here legally. My ancestors came here slaves. And yet, we contributed a great deal to this country. We are very proud of the fact that we did contribute, and we are still contributing. These individuals came here out of persecution, prosecution and fear of their lives, but they came here under the encouragement of the United States Government.

Just a few years ago, we gave the same kind of relief to Nicaraguans and Cubans and what happened was that we failed to do the right thing, the equitable thing and include people from Honduras, Guatemala, Haiti and Liberia. The only thing we are asking at this time, Mr. Speaker, is that we do the right thing.

So I am very pleased to support S. 3239, but I believe that we are doing a great disservice and we are undermining the high status of this body by not passing the Latino Immigration Fairness Act.

Mr. GEKAS. Mr. Speaker, I continue to reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), a member of the Subcommittee on Foreign Operations, Export Financing and Related Programs and a very distinguished Member of this body.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me the time. I thank her for her great leadership on the Committee on the Judiciary on issues of fairness in relationship to our immigration policy, whether it is the H1–B visa and what the impact is on our engineers in our own country and recognition of the need for the H1–B but also for the need to educate and train our own workers, for her leadership on the immigration fairness issues, for equity for the 245(i), for parity, et cetera, in the fairness issues, and I associate myself fully with her remarks on those subjects again commending her for her tremendous leadership, her relentlessness on behalf of fairness in our immigration policy.

I thank the gentlewoman from Texas (Ms. JACKSON-LEE) and commend her for her leadership on this issue, which is the immigration fairness issues, as well as on the health disparity issue.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS) for his leadership in assisting us with this legislation and his leadership on the Committee on the Judiciary and finally say that this bill should be passed by this body. These international broadcasters and the non-immigrant visa status that they are giving will help spread democracy around the world.

As we do that, Mr. Speaker, I could not conclude without saying, likewise, let us share democracy with those that are reaching for freedom and justice in this country who are simply seeking access to legalization. That is thousands and thousands of immigrants who have come here fleeing persecution. And this House now stands to deny them that right by not working to pass the Latino Immigration Fairness Act. I believe that we should do that, along with S. 3239.

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

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume, only for the purpose of asking that the record show that the gentleman from Texas (Mr. SMITH) is the prime mover of this legislation and has been involved in its foundation for a long time, along with the member of the Senate, JESSE HELMS, who has had an outstanding interest in the furtherance of this legislation.

George Fishman, the staff member for the gentleman from Texas (Mr. SMITH) has been important in bringing this to the floor.

Mr. BERMAN. Mr. Speaker, I urge my colleagues to support this legislation which will allow the Broadcasting Board of Governors (BBG) to receive a limited number of special immigrant visas, 100 per year, to allow broadcasters to work in the United States for the Voice of America, Radio Free Europe/Radio Liberty, and Radio Free Asia.

This legislation would allow the BBG to utilize a uniform visa category for all of its broadcast entities; allow the family members of those serving U.S. interests to integrate into U.S. life; and provide protection through permanent residency to those broadcasters whose lives may be threatened because they provide accurate information about dictatorships and corrupt officials abroad.

U.S. international broadcasters continue to reach societies which live under regimes that censor the information available to their citizens. Some, after serving U.S. international broadcasting, are unable to return to their countries of origin for fear of retaliation against themselves or their families.

Certain employees of Radio Free Iraq have been threatened with their lives because of the work they do to empower citizens through the free flow of accurate information.

U.S. international broadcasting remains a vital part of our international effort to encourage democracy-building abroad. Its successes precede and follow the Cold War. For example, the most recent BBG survey showed that RFE/RL was the number-one radio station among Serbians during the recent attempt to topple Slobodan Milosevic. Foreign populations rely on broadcasting sponsored by the U.S. as a lifeline in a crisis.

Recognizing this, we need to provide the means for the BBG to recruit, retain, and protect the talented individuals it employs.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the Senate bill, S. 3239.

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.

CHAPTER 12 EXTENSION AND BANKRUPTCY JUDGMENT ACT OF 2000

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5540) to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted, as amended.

The Clerk read as follows:

H.R. 5540

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 ''Chapter 12 Extension and Bankruptcy Judgeship Act of 2000''.

SEC. 2. AMENDMENTS.

(a) EXTENSION OF CHAPTER 12.—Section 149 of title I of division C of Public Law 105–277, as amended by Public Law 106–5 and Public Law 106–70, is amended—

(1) by striking ''July 1, 2000'' each place it appears and inserting ''June 1, 2001''; and

(2) in subsection (a)—

(A) by striking ''September 30, 1999'' and inserting ''June 30, 2000''; and

(B) by striking ''October 1, 1999'' and inserting ''July 1, 2000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 1, 2000.

SEC. 3. BANKRUPTCY JUDGESHIPS.

(a) TEMPORARY JUDGESHIPS.—

(1) APPOINTMENTS.—The following bankruptcy judges shall be appointed in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judge for the eastern district of California.

(B) Four additional bankruptcy judges for the central district of California.

(C) One additional bankruptcy judge for the district of Delaware.

(D) Two additional bankruptcy judges for the southern district of Florida.

(E) One additional bankruptcy judge for the southern district of Georgia.

(F) Two additional bankruptcy judges for the district of Maryland.

(G) One additional bankruptcy judge for the eastern district of Michigan.

(H) One additional bankruptcy judge for the southern district of Mississippi.

(I) One additional bankruptcy judge for the district of New Jersey.

(J) One additional bankruptcy judge for the eastern district of New York.

(K) One additional bankruptcy judge for the northern district of New York.

(L) One additional bankruptcy judge for the southern district of New York.

(M) One additional bankruptcy judge for the eastern district of North Carolina.

(N) One additional bankruptcy judge for the eastern district of Pennsylvania.

(O) One additional bankruptcy judge for the middle district of Pennsylvania.

(P) One additional bankruptcy judge for the district of Puerto Rico.

(Q) One additional bankruptcy judge for the western district of Tennessee.

(R) One additional bankruptcy judge for the eastern district of Virginia.

(2) VACANCIES.—The first vacancy occurring in the office of a bankruptcy judge in each of the judicial districts set forth in paragraph (1) shall not be filled if the vacancy—

(A) results from the death, retirement, resignation, or removal of a bankruptcy judge; and

(B) occurs 5 years or more after the appointment date of a bankruptcy judge appointed under paragraph (1).

(b) EXTENSIONS.—

(1) IN GENERAL.—The temporary office of bankruptcy judges authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under paragraphs (1), (3), (7), (8), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring—

(A) 8 years or more after November 8, 1993, with respect to the northern district of Alabama;

(B) 10 years or more after October 28, 1993, with respect to the district of Delaware;

(C) 8 years or more after August 29, 1994, with respect to the district of Puerto Rico;

(D) 8 years or more after June 27, 1994, with respect to the district of South Carolina; and

(E) 8 years or more after November 23, 1993, with respect to the eastern district of Tennessee.

(2) APPLICABILITY OF OTHER PROVISIONS.—Except as provided in paragraph (1), section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) shall continue to apply to the temporary office of bankruptcy judges referred to in such paragraph.

(c) TECHNICAL AMENDMENTS.—Section 152(a) of title 28, United States Code, is amended—

(1) in paragraph (1) by striking the first sentence and inserting the following:

''Each bankruptcy judge authorized to be appointed for a judicial district as provided in paragraph (2) shall be appointed by the United States court of appeals for the circuit in which such district is located.''; and

(2) in paragraph (2)—

(A) in the item relating to the middle district of Georgia, by striking ''2'' and inserting ''3''; and

(B) in the collective item relating to the middle and southern districts of Georgia, by striking ''Middle and Southern . . . . . 1''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentlewoman from Wisconsin (Ms. BALDWIN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 5540.

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

There was no objection.

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

Mr. Speaker, this legislation extends the life of chapter 12 in the Bankruptcy Code as we know it today. Chapter 12 is devoted to a special kind of bankruptcy relief that is granted to the farm community and to farmers who feel the burdens of the debt that has caused them to seek bankruptcy relief.

□ 2215

What we have at this moment is a kind of a hiatus. We are waiting for the Senate to act on what is euphemistically called the Gekas-Grassley bankruptcy reform bill which contains an extension, a permanent status for chapter 12, actually. What we are doing here is filling a vacuum between last June and the time that we have consumed since then waiting for action by the Senate. This temporary extension will take us into next year and will offer this special relief for our farmers on a continuing basis, as well as the extension of some temporary judgeships that are needed for the current flow of bankruptcy across the Nation, five extensions of temporary judgeships and 23 appointments of temporary judges, all of this in the context of the burgeoning world of bankruptcy which is plaguing our country and which has created a workload that requires special attention.

This legislation has drawn broad support from all those who observe bankruptcy, who work in bankruptcy, who legislate as we do in the arena of bankruptcy, and who are eager to see reforms occur throughout the system.

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

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

Mr. Speaker, H.R. 5540, introduced by the gentleman from Michigan (Mr. SMITH), would extend chapter 12 of the bankruptcy code for an additional 11 months. Chapter 12 is the safety net of last resort for our farmers. It expired 4 months ago, on July 1, 2000. That means that if in the last 4 months a family farmer in my State of Wisconsin, or anywhere else in the United States, has needed the protection of chapter 12, they have not had it. Farmers in the most dire of economic circumstances do not have that protection today. Fortunately, this bill takes effect retroactively.

I am pleased that the House earlier passed a permanent and expanded chapter 12 bankruptcy provision as part of H.R. 2415. However, it appears unlikely that the bill will pass into law this session. Therefore, temporary extension of chapter 12 is needed to ensure that farmers are given the economic security that they need.

Chapter 12 is tailored to meet the unique economic realities of family farming during times of severe economic crisis. With chapter 12, Congress created a chapter of the bankruptcy code that provides a framework to prevent family farms from going out of business. At the time of its enactment in 1986, Congress was unable to foresee whether chapter 12 would be needed by America's family farmers indefinitely. Congress has extended chapter 12 four times since then. The law expired, as I said, on July 1, 2000. We must extend this law and ultimately make it permanent. The family farm is the backbone of the rural economy in Wisconsin and all over the Nation. Without chapter 12 protection, a family farmer has little choice but to liquidate all assets, sell the land, equipment, crops and herd to pay off creditors if an economic crisis hits. This means losing the farm. Losing a farm means losing a supplier of food and a way of life. When a family decides it can no longer afford to farm, many times that farm is lost forever to development or sprawl.

With chapter 12 in place when an economic disaster hits America's farmers, a family's farmland and other farm-related resources cannot be seized by creditors. A bankruptcy judge for the Western District of Wisconsin notes that chapter 12 has been used in his jurisdiction more than 50 times over the past year. Obviously, in this time of severe economic farm crisis, chapter 12 is needed. Our farmers must have the assurance that if they must reorganize their farm in order to keep their farm, they can do so. Chapter 12 must be there for them.

Chapter 12 must also be there for us. In order to protect America's food supply, it is in our country's best interest to protect family farms from foreclosure. Mr. Speaker, family farmers in Wisconsin are having a tough time. Wisconsin dairy farmers continue to be

at the same price disadvantage they have been subject to for over 60 years. Wisconsin pork producers, like pork producers everywhere, are losing thousands of dollars every month. Soybean prices are at record lows and have seen a 36 percent decline in 3 years. In the past 6 years alone, Wisconsin has lost over 7,000 family farms at a rate equivalent to five per day.

The picture is similar nationally. In 1950, there were 5.6 million farms averaging 213 acres each in the country. In 1998, there were only 2.2 million farms averaging 432 acres each. Our families must have the assurance that if they are to reorganize their farms to keep their farms, they can do so. Farmers, like all of us, should be able to plan for their futures.

I support the passage of H.R. 5540 and hope that it becomes law quickly. I also look forward to assuring that chapter 12 becomes a permanent protection so that family farmers do not again face expiration of bankruptcy protection.

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

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

I want the RECORD to show that Susan Jensen-Conklin, the resident expert on bankruptcy, assisted us in not just this but on all phases of our work in bankruptcy; and Ray Smietanka, the chief counsel of our subcommittee, has also contributed handily to all of this.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, the gentlewoman from Wisconsin (Ms. BALDWIN) talked to me going out the hall here maybe 3 weeks ago and I said, Shall we introduce the bill to last another 6 months? The gentlewoman from Wisconsin said, No, let's do it at least till June. This is somewhat of a frustration for us, I think, because there have been some that thought by only temporarily extending chapter 12 bankruptcy, which is vital for farmers that happen to be down on their luck, if we leave that out and only do it temporarily, somehow it is going to encourage the passage of the full bankruptcy package. I would hope something could happen on that package. Tomorrow morning the Senate is voting on cloture. The odds are that the bill will go to the President. Then the President has got to make a decision. But somehow there have got to be changes, that people that borrow money are not burdened by yet higher interest rates, because it is too easy to go into bankruptcy.

Likewise, talking to the gentleman from New York (Mr. NADLER), it is reasonable to conclude that some of those lenders probably are more eager to loan because they usually can go into the assets of that individual and end up making money at whatever interest rate they might be charging. Chapter 12 of the bankruptcy code is a very special provision available to America's family farmers in times of hardship. It allows family farms to reorganize their assets rather than liquidate them under the bankruptcy code. Without chapter 12, Mr. Speaker, many farmers would be forced to sell their farming equipment, which would mean that the farmer no longer has the plow and the planter and the disc and the cultivator and the milking machines that they need to make money on the farm. So without chapter 12, to file under chapter 11 or 13, it is a particular hardship on this kind of family farm business.

It is limited to family farmers, because under the provisions of this law, it specifically limits these chapter 12 provisions to a definition of the family farmer; and it eliminates many of the barriers that family farmers face when they seek to reorganize under chapter 11 or chapter 13.

Some have thought, as I mentioned, that continuing this as a temporary would somehow motivate the passage of the full bill. However, this is my fourth bill that has temporarily extended the chapter 12 bankruptcy for farmers that has passed through this Chamber. So I am not sure it is the motivator that some would hope.

In terms of amending this bill to add the judges, I objected to that simply because I do not want provisions in the bill that some Senators have indicated that they disagree with to slow down and reduce by any way the assurance that this bill is going to pass into law.

Let me say again, this relief is narrowly tailored to family farmers. Family farmers are those with debts less than $1.5 million, with 80 percent of their assets consisting of farm assets and 50 percent of their income coming from farm income. This ensures that it is only family farmers that qualify for these provisions.

Again, hopefully sometime we are going to be able to make this permanent.

Mr. Speaker, Chapter 12 of the bankruptcy code is a special provision available to America's family farmers in times of hardship. It allows family farms to reorganize their assets rather than liquidate them under our bankruptcy code. Without Chapter 12, Mr. Speaker, many farmers would be forced to sell off their farming equipment, which would mean that the farmer could no longer reorganize and farm in order to pay debtors.

Chapter 12 eliminates many of the barriers that family farmers face when seeking to reorganize under either Chapter 11 or Chapter 13 of the bankruptcy code. Unlike these others, however, Chapter 12 expired last June and needs to be renewed. Leaders in both the House and the Senate have hoped a total bankruptcy reform bill would become law with provisions to make chapter 12 permanent. My bill, H.R. 5540, would extend it, retroactively, through May of 2001. My preference and what this Congress should pass, is to make Chapter 12 permanent. Some have thought that continuing Chapter 12 as a temporary provision would somehow encourage Congress and the President to pass the complete bankruptcy reform package into law. However, we have now passed four of my bills for temporary extension out of this chamber. So Chapter 12 as a motivator has failed.

This relief is narrowly tailored to family farmers. Family farmers are those with debt less than $1.5 million, with 80% of their assets consisting of farm assets and 50% of their income from farm income. This ensures that it is only family farmers that qualify for these provisions.

Again, hopefully, we'll be able to enact Chapter 12 permanently when we pass much needed bankruptcy overhaul legislation. But we need to make sure that Chapter 12 is available to our constituents in the interim and it's vital that we pass this legislation before Congress adjourns.

Ms. BALDWIN. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on Commercial and Administrative Law.

Mr. NADLER. Mr. Speaker, today we consider legislation to give family farmers another reprieve from the brinkmanship the Republican majority has been playing with the protection available under chapter 12 of the bankruptcy code. While I seriously doubt that anyone will vote against this bill, it is unfortunate that we are still playing politics with the future of family farmers in America. I do want to commend the gentlewoman from Wisconsin (Ms. BALDWIN), who has consistently and energetically fought to protect family farmers, sometimes against enormous odds. In the Committee on the Judiciary, on the floor of the House and in discussions with leadership and with her colleagues, she has been a powerful voice for the family farmer and truly one of their best advocates.

The legislation we are considering today is the result of her bipartisan efforts along with the efforts of the gentleman from Michigan (Mr. SMITH), whose commitment to family farmers is similarly without question. Yet despite this bipartisan support, we go on with temporary extension after temporary extension. In fact, the political games being played with family farmers have been so extreme that chapter 12 was actually permitted to go out of existence last July 1. Each time, every year we have extended chapter 12 by a scant few months. This bill does so for 11 months. This has been going on for years.

Why do we continue to string family farmers along? Why not finally pass a permanent extension? What policy justification can there possibly be to enact the permanent extension of chapter 12 when there is bipartisan agreement in both Houses that we should do so? I have yet to hear any policy justification. So it would be preferable to

pass a permanent extension bill today. But this temporary bill is the best we can get in this Congress, so I urge everyone to approve it.

This legislation will also extend, finally, a number of temporary bankruptcy judgeships and provide for additional bankruptcy judgeships in areas where increasing workloads necessitate them. This judgeship legislation has always been noncontroversial in this House. It was passed by the House in the form of a bill sponsored by the gentleman from Illinois (Mr. HYDE), the gentleman from Pennsylvania (Mr. GEKAS), the gentleman from Michigan (Mr. CONYERS), and myself 4 years ago.

There has been no disagreement that these additional judgeships are absolutely necessary. In fact, the gentleman from Georgia (Mr. KINGSTON), who has introduced his own bill on this subject, has joined me and the gentleman from Michigan (Mr. DINGELL) as cosponsors of this legislation. As with chapter 12, there is no policy argument against providing the necessary judicial resources to process cases fairly and in a timely manner. Delay costs everyone, debtors and creditors alike. We owe it to families and businesses in our communities to ensure that our courts can function fairly and normally. No additions to the bankruptcy bench have been made since 1992 despite the many speeches delivered on this floor concerning the large rise in bankruptcy filings. These additions to the bench are long overdue and should be approved.

Mr. Speaker, if we do not pass this bill, cases will be delayed in overcrowded courts and families will lose their farms. We should do the people's business and pass this bipartisan, noncontroversial bill today.

□ 2230

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

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume, only for the purpose of also extending my gratitude to the gentleman from South Carolina (Mr. GRAHAM), to the gentleman from Georgia (Mr. KINGSTON), to the gentleman from Delaware (Mr. CASTLE), for continuously contributing to the final outcome in the passage of this bill.

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation before us today. This bill extends the period in which family farmers may recognize their debts for ten additional months. H.R. 5540 will meet the needs of financially distressed family farmers by giving them a chance to keep their farms. In addition, this legislation will provide much needed bankruptcy judgeships several states including Alabama, California, Delaware, Georgia, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia.

While I do support this legislation, I would be remiss if I did not raise the issue that this legislation continuously has been extended because we have not yet brought forth acceptable bankruptcy reform legislation. Although we all agree that H.R. 5540 is necessary to aid our nation's farmers who are facing financial distress, we are constantly faced with the task of renewing this legislation instead of making it permanent. And it is well noted that the bankruptcy court system is overwrought with a backlog of cases and too few judges to handle the caseload. Despite the need to pass a bill that addresses important issues such as the needs of our farmers and our children as well as our nation's citizens and our bankruptcy courts, the leadership established a stealth process allowing wealthy creditors to severely undermine the goal of protecting the ability of small businesses to get a fresh start. The process questioned the integrity of the legislative process of the House. While conferees were appointed, no conference took place. Instead, a bankruptcy bill conference report was negotiated by a small group of staff working for a handful of Members in a closed door process, although the rules dictate that conference meetings must held in public. The most contentious issues were considered by the Republican leadership, excluding Democrats. This legislation was attached to an unrelated conference report and passed with minimal public scrutiny. Thankfully, the President has threatened a veto of this unjust legislation.

With H.R. 5540, we can ensure that for at least the next ten months, the family farmers are given the ability to engage in reorganization efforts. We also will make strides towards curing our nation's bankruptcy court system of serious backlog. I urge a "yes" vote.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 5540, which extends Chapter 12 of the Bankruptcy Code to June 1, 2001. Chapter 12 bankruptcy, which allows family farmers to reorganize their debts as compared to liquidating their assets, was scheduled to expire last year, but it has been extended through enactment of separate legislation.

This Member would thank the distinguished gentleman from Michigan (Mr. NICK SMITH) for introducing H.R. 5540. In addition, this Member would like to express his appreciation to the distinguished chairman of the Judiciary Committee from Illinois (Mr. HENRY HYDE), and the distinguished ranking minority member of the Judiciary Committee from Michigan (Mr. JOHN CONYERS, Jr.) for their efforts in expediting this measure to the House floor today.

Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer. If Chapter 12 bankruptcy provisions are not extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the serious situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear that agricultural sector is hurting.

The gravity of this situation for family farmers nationwide makes it imperative that Chapter 12 bankruptcy is extended. Moreover, it is this Member's hope that Chapter 12 bankruptcy is extended permanently as provided in the conference report of the Bankruptcy Reform Act of 1999, which passed the House by a vote of 237–174, with this Member's support, on October 26, 2000. Unfortunately, the Senate has yet to pass this conference report. Furthermore, this Member is an original cosponsor of the Bankruptcy Reform Act, that was introduced by the distinguished chairman of the Judiciary Subcommittee on Commercial and Administrative Law from Pennsylvania (Mr. GEORGE GEKAS).

In closing, this Member would encourage his colleagues support for H.R. 5540, which extends Chapter 12 bankruptcy until June 1, 2001.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 5540, 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 extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to provide for additional temporary bankruptcy judges; and for other purposes."

A motion to reconsider was laid on the table.

STRIPED BASS CONSERVATION, ATLANTIC COASTAL FISHERIES MANAGEMENT, AND MARINE MAMMAL RESCUE ASSISTANCE ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2903) to assist in the conservation of coral reefs, as amended.

The Clerk read as follows:

H.R. 2903

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 "Striped Bass Conservation, Atlantic Coastal Fisheries Management, and Marine Mammal Rescue Assistance Act of 2000".

TITLE I—ATLANTIC COASTAL FISHERIES

Subtitle A—Atlantic Striped Bass Conservation

SEC. 101. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.

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

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

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

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

SEC. 102. POPULATION STUDY OF STRIPED BASS.

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

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

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

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

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

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

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

Subtitle B—Atlantic Coastal Fisheries Cooperative Management

SEC. 121. SHORT TITLE.

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

SEC. 122. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.

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

''SEC. 811. AUTHORIZATION OF APPROPRIATIONS.

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

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

(b) TECHNICAL CORRECTIONS.—

(1) IN GENERAL.—Such Act is amended—

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

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

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

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

(c) REPORTS.—

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

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

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

SEC. 201. SHORT TITLE.

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

SEC. 202. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

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

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

(2) by inserting after section 407 the following:

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

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

''(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the stranding regions designated as of the date of the enactment of the Marine Mammal Rescue Assistance Act of 2000, and in making such grants shall give preference to those facilities that have established records for rescuing or rehabilitating sick and stranded marine mammals in each of the respective regions, or subregions.

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

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

''(ii) data regarding average annual strandings and mortality events per region; and

''(iii) the size of the marine mammal populations inhabiting a geographic area within such a region.

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

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

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

''(e) MATCHING REQUIREMENT.—

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

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

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

''(g) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

''Sec. 409. Authorization of appropriations.

''Sec. 410. Definitions.''.

SEC. 203. STUDY OF THE EASTERN GRAY WHALE POPULATION.

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

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

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to other amounts authorized under

this title, there are authorized to be appropriated to the Secretary to carry out this section—

(1) $290,000 for fiscal year 2001; and

(2) $500,000 for each of fiscal years 2002 through 2004.

SEC. 204. CONVEYANCE OF FISHERY RESEARCH VESSEL TO AMERICAN SAMOA.

(a) IN GENERAL.—The Secretary of Commerce (in this section referred to as the ''Secretary'') may convey to the Government of American Samoa in accordance with this section, without consideration, all right, title, and interest of the United States in and to a retired National Oceanic and Atmospheric Administration fishery research vessel in operable condition, for use by American Samoa.

(b) LIMITATION.—The Secretary may not convey a vessel under this section before the date on which a new replacement fishery research vessel has been delivered to the National Oceanic and Atmospheric Administration and put in active service.

(c) OPERATION AND MAINTENANCE.—The Government of the United States shall not be responsible or liable for any maintenance or operation of a vessel conveyed under this section after the date of the delivery of the vessel to American Samoa.

SEC. 205. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO NATIONAL MARINE SANCTUARY DESIGNATION STANDARDS.

(a) TECHNICAL AMENDMENT.—Section 303(a) of the National Marine Sanctuaries Act (16 U.S.C. 1433(a)) is amended by striking ''the Secretary—'' and all that follows through the end of the sentence and inserting the following: ''the Secretary determines that—

''(1) the designation will fulfill the purposes and policies of this title;

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

''(A) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities;

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

''(C) its resource or human-use values;

''(3) 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;

''(4) designation of the area as a national marine sanctuary will facilitate the objectives stated in paragraph (3); and

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

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 304(a)(1)(C) (as amended by section 6(a) of the National Marine Sanctuaries Amendments Act of 2000) by striking ''the Secretary shall''; and

(2) in section 304(a)(2)(E) (as amended by section 6(b) of the National Marine Sanctuaries Amendments Act of 2000) by striking ''findings'' and inserting ''determinations''.

(c) EFFECTIVE DATE.—This section shall take effect immediately after the National Marine Sanctuaries Amendments Act of 2000 takes effect.

SEC. 206. WESTERN PACIFIC PROJECT GRANTS.

Section 111(b)(1) of the Sustainable Fisheries Act (16 U.S.C. 155 note) is amended by striking the last sentence and inserting ''There are authorized to be appropriated to carry out this section $500,000 for each fiscal year.''.

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

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

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

Mr. Speaker, H.R. 2903 will help manage and conserve America's fisheries and benefit marine mammals. Because of the press of time before we adjourn and the limited number of legislative days, we have folded together nearly a dozen previously House- or Senate-passed fisheries conservation measures. These bipartisan provisions include the reauthorization of the Atlantic Striped Bass Conservation Act and the Atlantic Coastal Fisheries Cooperative Management Act, a grant program from marine mammal stranding networks, and a study of eastern gray whale populations. All these measures deserve our support.

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

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

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

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of this legislation. The gentleman from Alaska (Mr. YOUNG) has accurately described the contents of this legislation and we urge the Members of the House to support it.

This package includes several bills that have passed the House already this year.

These include measures to conserve striped bass and other Atlantic coastal fisheries, as well as provisions to improve our understanding of marine mammal strandings around the United States, including the strandings of gray whales which has been a significant problem on the California coast.

Finally it includes a few technical measures and a vessel conveyance to American Samoa that is supported by the Administration. I am aware of no opposition to this package, and I urge Members to support it.

Mr. SAXTON. Mr. Speaker, I rise in strong support of H.R. 2903. Included in this important bill are three measures I introduced that have already been approved overwhelmingly by the House.

First, the bill reauthorizes the Atlantic Striped Bass Conservation Act for Fiscal Years 2001, 2002 and 2003. It also requires the National Marine Fisheries Service to conduct an important study to determine the age distribution of Atlantic striped bass populations and the age structure necessary to maintain adequate recruitment and sustainable opportunities for Jersey Coast fishermen along Long Beach Island in my District.

The second bill reauthorizes the Atlantic Coastal Fisheries Cooperative Management Act through Fiscal year 2005, which encourages and assists states in the management of important recreational and commercial fisheries along the Atlantic Coast from Maine to Florida, such as the all important striped bass, summer flounder, and bluefish.

The third bill creates the John H. Prescott Marine Mammal Rescue Assistance Grant Program as well as authorizes a study on the unusual high mortality rates of eastern gray whale population along our Pacific coast.

Specifically, the Prescott grant program will fill a void under Title IV of the Marine Mammal Protection Act by making a small, but critical amount of money available through a competitive grant process to help cover a portion of the costs associated with day-to-day stranding events. I believe it is very important we demonstrate our support and appreciation for the efforts of all those people along our coasts who help our government agencies assist in the rescue, recovery and rehabilitation of stranded marine mammals.

I urge an ''aye'' vote.

Mr. GEORGE MILLER of California. 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. 2903, 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 reauthorize the Striped Bass Conservation Act, and for other purposes.''

A motion to reconsider was laid on the table.

FORT MATANZAS NATIONAL MONUMENT BOUNDRY REVISION

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1670) to revise the boundary of Fort Matanzas National Monument, and for other purposes.

The Clerk read as follows:

S. 1670

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

SECTION 1. DEFINITIONS.

In this Act:

(1) MAP.—The term ''Map'' means the map entitled ''Fort Matanzas National Monument'', numbered 347/80,004 and dated February, 1991.

(2) MONUMENT.—The term ''Monument'' means the Fort Matanzas National Monument in Florida.

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

SEC. 2. REVISION OF BOUNDARY.

(a) IN GENERAL.—The boundary of the Monument is revised to include an area totaling approximately 70 acres, as generally depicted on the Map.

(b) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 3. ACQUISITION OF ADDITIONAL LAND.

The Secretary may acquire any land, water, or interests in land that are located within the revised boundary of the Monument by—

(1) donation;

(2) purchase with donated or appropriated funds;

(3) transfer from any other Federal agency; or

(4) exchange.

SEC. 4. ADMINISTRATION.

Subject to applicable laws, all land and interests in land held by the United States that are included in the revised boundary under section 2 shall be administered by the Secretary as part of the Monument.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

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

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

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

Mr. Speaker, S. 1670 will expand the boundary of Fort Matanzas National Monument in the State of Florida by approximately 70 acres. The monument was established by Presidential Proclamation in 1924 under the Antiquities Act. The two tracts of land, which are adjacent to the monument boundary, were donated to the United States in the mid-1960s. A third tract of land comprising 1.6 acres was erroneously omitted from the legal description of the monument at the time of its creation. However, it has been managed as part of the monument despite the fact that the United States does not hold title, although the local tax assessor regards it as Federal property. S. 1670 will expand the monument boundaries to include these three parcels. I urge support of the bill.

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

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

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

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of S. 1670 by Senator GRAMM and the gentlewoman from Florida (Mrs. FOWLER). I urge the House to support this measure.

S. 1670 is an Administration proposed, introduced by Senator GRAHAM, to expand the boundary of Ft. Matanzas National Monument in Florida by including three tracts of land totaling approximately 70 acres.

Two of the tracts of land, which are located adjacent to the National Monument, were donated to the United States in the mid-1960s. However, no legislative authority existed at the time to include these properties in the Monument boundary, nor was any effort made since then to do so.

The third tract of 1.6 acres has been administered as part of the National Monument but is not technically within the boundary.

This noncontroversial bill passed the Senate on October 5, 2000. It is supported in the House by Representative FOWLER, who has introduced a House companion measure (H.R. 3200).

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 1670.

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. 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. 2903 and S. 1670.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each de novo motion to suspend the rules on which further proceedings were postponed on Monday, October 30, 2000 in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1653;

H.R. 4020;

S. 2020; and

Concur in Senate amendment to H.R. 2462.

Proceedings on House Concurrent Resolution 397, on which the yeas and nays were ordered, will resume tomorrow.

PRIBILOF ISLANDS TRANSITION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 1653, as amended.

The Clerk read the title of the bill.

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. 1653, 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 complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes."

A motion to reconsider was laid on the table.

DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4020, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4020, 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 authorize the addition of land to Sequoia National Park, and for other purposes."

A motion to reconsider was laid on the table.

NATCHEZ TRACE PARKWAY, MISSISSIPPI, BOUNDARY ADJUSTMENT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2020.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 2020.

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.

GUAM OMNIBUS OPPORTUNITIES ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 2462.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2462.

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.

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.

TRIBUTE TO BILL BARRETT OF NEBRASKA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 40 minutes as the designee of the majority leader.

Mr. BEREUTER. Mr. Speaker, tonight I wanted to pay tribute to my colleague from the Third Congressional District in Nebraska, Congressman BILL BARRETT.

Nebraska has a very small House delegation, only three of us, and we are very close. We are very close for a variety of reasons. In addition to the fact that we are a small delegation, all of us happen to be of the same political party. Nebraska has a unique tradition in that we have a breakfast every Tuesday when the House and Senate are both in session to which we invite all Nebraskans and their guests visiting the Nation's Capitol to meet with us. We have been doing that since 1944, which I guess makes us the oldest breakfast on Capitol Hill.

It has forged a relationship, a close bond, even a bipartisan bond, within the delegation, that I think is one of the strongest in the Congress. It is a way for us to know each other well. It keeps us cooperating and working well, and our staffs as well. It has been my pleasure to learn much more about the capabilities and the personality of my good colleague from the Third District. BILL BARRETT represents a huge piece of America. The Third Congressional District is 66 counties in size, which makes BILL BARRETT's Third larger than 30 States, 30 individual States. He represents these 540,000 people scattered over about 63,000 miles.

BILL BARRETT, my colleague, is now serving in his fifth term as he prepares to retire from the Congress of the United States. He has not only had a distinguished career here in the House of Representatives during this five terms but he had a distinguished and very productive service to the State of Nebraska in many capacities before he came to the Congress of the United States. He had a very important leadership background in the Republican Party in our State, serving 10 years on the Republican State executive committee. He served as the State party chairman for two years, as well as on the National Republican Committee. Later, he was elected to the Nebraska unicameral legislature. In fact, he and I missed serving together only by a matter of days. He served 10 years in that body as well, and during the last 4 years he served as the speaker of our unicameral house legislature, our one-house legislature.

Things are very different in that body. Not only is it nonpartisan, and it truly has acted that way in most respects, it is, of course, unicameral. There are no party caucuses in that body, and the chairman and the speaker are chosen by secret ballot by the entire membership of the legislature.

Now, that is very different than the U.S. House of Representatives, indeed. BILL BARRETT was elected to two successive terms as speaker, covering a period of 4 years, by secret ballot by his colleagues in the Nebraska legislature, because of their confidence in his fairness and his capabilities. In fact, I think he may well have been the first person at the time to be voted two successive terms as speaker, because ordinarily it rotated from one member to another that was chosen by that secret ballot.

Well, BILL BARRETT is going home to the Third Congressional District. He has been a champion of agriculture, a statesman. He is a father of four children with his wonderful wife Elsie, and now he has two grandchildren. He says he wants to spend more time with those grandchildren and as a recent grandfather myself I do understand how all of these grandchildren we have are really super children, and I can understand why BILL wants to retire back to, I am sure, a very active life in business and government and public service in Nebraska. He will be going back to his hometown of Lexington, Nebraska, shortly.

I will continue, but I would be pleased to yield to my colleague, the gentleman from the State of Michigan (Mr. SMITH), who I think he serves together on the Committee on Agriculture with BILL BARRETT.

□ 2245

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding, because I have served with BILL for the last 7 years on the Committee on Agriculture, and I would like to just try to portray his diligence, enthusiasm and dedication to trying to make sure that the farmers not only in Nebraska survive, but the farmers all through the United States. We underwent a rewrite of the Federal agricultural policy. We are going to miss BILL BARRETT next year as we start the next 5-year rewrite. He has been a leader, of course, as chairman of one of the major subcommittees within the Committee on Agriculture; and I, as well as many of my colleagues in this Chamber, are going to miss BILL and Elsie. We hope they will come back and visit often. He has contributed enormously to the success of this Chamber, this body, and the committees on which he has served.

I thank the gentleman for yielding.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his remarks, and I know that BILL BARRETT and Elsie appreciate them as well.

The gentleman mentioned his service on the Committee on Agriculture. The other committee on which BILL served, as he has from the beginning, is now called the Committee on Education and the Workforce; and the chairman of that committee is here, the gentleman from Pennsylvania (Mr. GOODLING), and I yield to him.

Mr. GOODLING. Mr. Speaker, about a year ago, and to the detriment of this House, BILL BARRETT announced that he was retiring at the end of the 106th Congress. His public service did not begin in the Nation's Capital; he started at the grass-roots level. He has been active in local, State, and national politics for many years. In fact, he has served the Republican Party in one capacity or another for over 40 years.

He was first elected to the House of Representatives in 1990, and when we adjourn the 106th Congress, hopefully in the next day or 2 or 3, he will be completing his fifth term in Congress. I know there are many people here in Congress that will be sorry to see BILL retire, and I am sure there are quite a few people in Nebraska's third district that will miss his tireless service, considering he has been reelected by margins of 75 percent or more in each of his campaigns for the House. Everybody should envy that.

BILL served with me on the Committee on Education and the Workforce and is the vice-chair of the Committee on Agriculture and chairman of the Subcommittee on General Farm Commodities, Resource Conservation and Credit. Although we spend a lot of time in Washington, he always remembered the reason that he was here and effectively worked for business, child care, senior citizens, education, health care, rural development, agriculture, trade, and other issues vital to his residents in his district.

The third district of Nebraska can be proud of BILL BARRETT. His tenure here in the House is highlighted with many accomplishments and indeed evidence of his hard work. He was here when the Republicans made history and became the majority party in the House of Representatives for the first time in 40 years; and as a result, Congressman BARRETT was a valuable part of the majority that finally restored fiscal responsibility, balanced the Federal

budget, and started to pay off the national debt.

Congressman BARRETT has always been an effective voice for rural America. His leadership contributed greatly to the Federal Agriculture Improvement Reform Act of 1996, which is helping to provide the basis for a strong and profitable agriculture sector in the 21st century. Over the years, he has worked to improve rural education. In fact, I think it is safe to say that in every debate, discussion or vote we had in the Committee on Education and the Workforce, BILL BARRETT was there, trying to make sure that we were addressing the needs of small rural schools. He would never let us forget that rural school districts could not compete against larger school districts for Federal education grants and has worked diligently to increase the flexibility so that these schools are in a better position to improve academic achievement.

Just this past week, he was instrumental in ensuring the passage of the Older Americans Act, and that was not an easy job. We have been trying to reauthorize that act for many, many years. About a year and a half ago, BILL came and said, I would be very happy to take that on as a challenge, if you want me to do so; and I said, I am sure that the subcommittee chairman, the gentleman from California (Mr. MCKEON), and I would be extremely happy if you would take on that challenge. Everybody thought that we did not make it again; but lo and behold, last week, through his consistent determination that it was going to happen, it was passed. So he has been very instrumental in that passage of the Older Americans Act.

So not only did Congressman BARRETT care about the programs that affected his district, he also cared about the individual constituents in his districts. I know that he felt one of the most important duties of a Member of Congress is constituent casework. He tried to always be there to lend a hand when his constituents needed help cutting through the government's red tape. He could not guarantee a solution to every problem, but he sure tried.

BILL BARRETT is a fiscal conservative, a dedicated public servant, a champion for agriculture and education, a respected statesman, and one of the nicest guys you will ever meet. I read somewhere that Bill has finally decided that he is at the point in his life where he would rather start the day with ''good morning, Grandpa'' instead of ''good morning, Congressman.'' Well, I cannot say I disagree with him. I envy him, because I do not have any grandchildren to say that. He should be truly proud of the years that he has committed to Nebraska, and indeed our country; and I thank BILL BARRETT for his service, and I wish him and Elsie many years of happiness in the future.

Mr. BEREUTER. Mr. Speaker, reclaiming my time, I do want to thank the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce, for his remarks regarding our colleague, BILL BARRETT. I know that they will be very well received by BILL.

Mr. Speaker, he is exactly right, and I can imagine that he would be bringing up the interest of rural, not metropolitan, America in practically everything he did on the gentleman's committee. In fact, I asked for examples from his staff on three of the things that Bill was most pleased or proud of in recent times, and two of the things the gentleman mentions are indeed among them. His staff said, well, certainly one of the things is the reauthorization of the Older Americans Act.

Secondly, I know that he was involved in some issues that relate to schools and giving rural schools a better opportunity to use their funds more flexibly. I think it is called the Rural School Initiative, whereby included in the appropriations conference report it would allow rural schools to combine formula grants and apply for supplemental funds to offer extra flexibility and funding for locally determined education needs. Also, the passage of a bill, the Grain Standards and Warehouse Improvements Acts of 2000, which is extremely important to his district and to rural America generally.

It is true that BILL BARRETT is one of the nicest people you will ever run into. He regards everybody that he meets as a potential friend; and I think, as you walk with him through the halls of the House of Representatives, it is very interesting and complimentary to him that he is on a first-name basis with so many of the people on the staff who do exceptional work for us here in the House of Representatives. This is a special place to BILL, and the people that work here with us are special to him.

Mr. Speaker, I want to mention that my other colleague from Nebraska (Mr. TERRY) may not be able to join us tonight. I know he had, in effect, I believe baby-sitting duties for his three young sons, but I will submit his statement certainly for the RECORD here. I wanted to just read a couple of excerpts from the letter of our colleague from the second district in his first term, the gentleman from Nebraska (Mr. TERRY). He has this to say about BILL BARRETT: ''He has spearheaded efforts to maintain alcohol fuels tax credit and in 1998, succeeded in extending a program vital to Nebraska's corn growers and a nation in need of renewable energy resources. He is a distinguished gentleman who is always well informed and insightful. Congressman BILL BARRETT, even though I was in my first term,'' Mr. TERRY goes on to say, ''never pushed his advice on me; he was always available when I sought his sage advice on policy and procedure. Without exception, it was well grounded and rooted in his love for our State. There is no doubt his counsel made me a better representative for Nebraska, as the wonderful public servant that he is, Congressman BARRETT is an even more remarkable man for his devout faith, spirituality, and his unending love of his family.''

I think in light of that last remark, it is not surprising to know that BILL BARRETT was, in fact, the chairman of the House Bipartisan Nondenominational Prayer Breakfast, which meets every Thursday here at 8 a.m.

BILL BARRETT is without a doubt the colleague that I have served with who is the most cooperative and friendly and totally dedicated person in his performance that I have had the pleasure to serve with. He has many friends here. He was elected as the president of his class, and I think continued to serve in that throughout his career here.

Among his classmates are two gentlemen that are alleged to look exactly like him. I know when the three of them are sitting together, as not only good friends, but they look alike, the gentleman from Illinois (Mr. EWING) and the gentleman from Michigan (Mr. KNOLLENBERG). They oftentimes will sit right over there, and they make sure that they have their glasses on at the same time so that they are almost indistinguishable, and sometimes I think they take great care in what they deliver in the way of comments on the House Floor because they might be mistaken for the other.

In any case, the gentleman from Illinois (Mr. EWING) is also leaving. He is also a distinguished member of the Committee on Agriculture that has been very helpful to BILL and to me and to our constituents. But I know that the gentleman from Illinois (Mr. EWING), and the gentleman from Michigan (Mr. KNOLLENBERG), in particular, asked me to express their extraordinary fondness and appreciation for the service that BILL BARRETT has rendered here as a Member of the United States House of Representatives.

Those of my colleagues that watch the proceedings of the floor will oftentimes find BILL BARRETT as the presiding officer of this body. Again and again, throughout the day and into the evenings, he is a person you could rely upon to give fair kinds of decisions and good council and dignity to the Chamber as a presiding officer.

So BILL BARRETT and Elsie, we are going to miss Bill here very much. We know that you are going to be happy to have more of his time. But we look forward to the last few days of service here with BILL BARRETT, and then I look forward to continuing to work

with him as a citizen of our State of Nebraska.

Mr. TERRY. Mr. Speaker, I rise today to pay tribute to a great Nebraskan, a respected colleague, and a tremendous friend. Congressman BILL BARRETT is not only a consummate gentleman and a devoted public servant, but he is also able to balance his weighty duties in Congress with his even weightier duties as a father of four, a proud grandfather, and a husband to his remarkable wife, Elsie. Congressman BARRETT has my admiration and respect for a life of public service, and the admiration, respect, and thanks of the entire state of Nebraska. Upon his retirement, he will be missed by an entire state that has looked to him for leadership and guidance in his 30 years of public service.

Congressman BARRETT officially began a life in politics as a member of the Nebraska State Republican Party. He served as Chairman from 1973 to 1975. In 1979 he was elected to Nebraska's State Legislature where he ascended to become Speaker of the Unicameral for his last four years there, from 1987 to 1991. Congressman BARRETT was elected to this body of Congress in 1990. He has spent his entire life devoted to his districts, his state, and his country.

Congressman BARRETT'S most notable accomplishment in Congress came in 1996, when his leadership on the Agriculture Committee greatly contributed to passage of the Freedom to Farm Act. The Act's sweeping reforms brought much-needed change to antiquated farm-subsidy programs by replacing them with market-based policies that allow our producers to better compete in a global agricultural economy. He also spearheaded efforts to maintain alcohol fuels tax credits, and in 1998, succeeded in extending a program vital to Nebraska's corn growers and a nation in need of renewable energy resources. Nebraska's farmers, and America's farmers, owe Congressman BARRETT a debt of gratitude.

Before I ran for Congress, I met with Congressman BARRETT on only a half-dozen occasions. He always strikes me as a person who epitomizes Congress. He is a distinguished gentleman who is always well-informed and insightful. It was only after I was elected to this body in 1998 and spent a great deal of time with Congressman BARRETT that my appreciation and respect for him as a person, a father, a grandfather, and a friend blossomed. Plenty of my colleagues are willing to offer advice, but few offer it as genuinely. Congressman BARRETT never pushed his advice on me; he was always available when I sought his sage advice on policy and procedure. Without exception it was sound and rooted in his love for our State. There is no doubt his counsel made me a better representative for Nebraska.

As wonderful a public servant he is, however, Congressman BARRETT is even more remarkable a man for his devout faith, spirituality, and his unbending love of family. When he told me he was days away from announcing his retirement, water welled in his eyes as he looked at my children, Nolan, age 5, and Ryan, age 2, and said, "My grandkids are about the same age and I want to go home and spend time with them." I wish only the best for Congressman BARRETT's family as they gain as a grandfather what we in Congress lose as a colleague. I am fortunate to always have in him a true friend.

Bill, you have the Terry family's and the State of Nebraska's humble thanks and eternal gratitude. We wish that in your retirement, your only job as a grandfather, you find the same fulfillment and richness you found in your years of service to Nebraska and to our great country. God bless you.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

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

There was no objection.

A GENERATION AT RISK

The SPEAKER pro tempore. As no Member is present to take the time reserved to the minority leader, the Chair recognizes the gentleman from Michigan (Mr. SMITH) for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, happy Halloween. This is probably as close as I am going to get to my grandchildren tonight, and they are sort of demonstrating their Halloween outfits. My daughter, Elizabeth, and her husband, Fred, are the mom and dad to Salena and James, and then everybody else comes from Brad and Diane, and Brad and Diane live with me on the farm. Brad is an attorney in Ann Arbor, but a farm guy at heart, and these guys are all 4–Hers. Just to prove to my wife that I can do this, this is Henry and George and Emily and Clair and Francis and Nick, and Alexander is missing from this picture.

I start with this picture because, Mr. Speaker, I am going to make some comments tonight about Social Security. If there is a generation at risk, if we continue to fail to make the changes necessary to keep Social Security and Medicare solvent, this is the generation at risk.

The next chart I am going to show is why they are at risk, because it represents what we have done on tax increases on Social Security in the past. In 1940, the rate was 2 percent, 1 percent for the employee and 1 percent for the employer. The base was $3,000, so the total tax per year for employee and employer was $60.

□ 2300

By 1960, it got up to 6 percent of the first $4,800 for the total tax, employer and employee, $144 each, $288 combined. By 1980, we again increased taxes, and we were doing this as the number of workers per retiree kept going down.

In 1940, we had 38 workers paying in their Social Security tax, 38 of them, to cover the benefits of one retiree. Today, as our tax rate has gone to 12.4 percent of the first $76,000 for a total of $9,448, we have three workers paying in that large tax to cover the benefits of every one retiree, and the guess is that within 20 years to 25 years, we will be down to two workers.

Mr. Speaker, I am concerned about my grandkids and everybody's grandkids, in terms of the kind of tax they are going to be asked to pay if this country continues to give them the burden of a greater debt, a greater mortgage.

I am a farmer from Michigan; and on the farm, we always had a goal of trying to pay down the mortgage so that our kids had a little better chance of having a good life, of having some income, as compared to their parents and their grandparents. This Chamber, this body, the Senate and the President has started borrowing money, because somehow we feel that we are so important in this generation that we can borrow more and more money.

The debt of this country is now $5.6 trillion that we are justified in borrowing this additional money to satisfy what we consider very important needs of this existing generation, if you will; and we leave our kids with that larger mortgage, that larger debt. I think that is bad policy, what we have started doing of not using the Social Security surplus money coming in.

After the 1983 taxes that drove this up to 12.4 percent and indexed the base rate, which is now $76,000 going with inflation, for a short period of time, there is more money coming in than is used for benefits; and what has been happening for the last 40 years is Congress has been spending that extra money on other government programs. So the money sort of disappears.

We started 3 years ago, it was a bill I originally introduced, that said we have to have a recision. We cannot spend the Social Security surplus. With the bill of the gentleman from California (Mr. HERGER) last year, we passed what was called a lockbox. And the lockbox simply said we are not going to use any of the Social Security surplus for any government programs, and it is going to be used for Social Security or to pay down the debt held by the public. That is what we did last year.

It got popular support, so the President went along with it. This year we came up with another policy tool and said, look, the American people will support us if we say that we are going to take 90 percent of the surplus. Look, times are good now. There is extra money rolling in. And the danger is, of course, that this Chamber decides to spend it on government programs, rather than paying down the debt.

We decided in our Republican Caucus about 4 weeks ago that we were going to draw the line in the sand on spending and say at least 90 percent of that

surplus is going to be used to pay down the debt held by the public, and that is what we are arguing about now is what to do with the other 10 percent. That is significant, because it still is going to increase spending substantially.

Speaking of Halloween, I personally feel that we sort of got tricked by the President last night when he vetoed the Treasury Postal bill and Legislative Service branch bill. He vetoed it because he wanted something in the legislation that we are now debating that this Congress was not sure that they wanted to give him, so he decided to veto that bill.

Mr. Speaker, it sets us farther behind. I think it was a disservice to the communication, to the cooperation between the Congress and the White House, and I think probably it is going to end up that we are going to have that much greater difficulty coming to a bipartisan agreement on these appropriation bills in the next couple of weeks.

Social Security has been a debate with both Governor Bush and Vice President GORE. We have heard on the campaign trail what do we do about Social Security. And the Vice President has criticized Governor Bush for wanting to take some of this money and put it into privately owned retirement accounts that could be invested in safe investments.

The criticism was that the Governor was taking a trillion dollars away from Social Security to pay benefits and he was trying to use it for both setting of personal retirement accounts and trying to pay benefits with it at the same time.

I thought it would be good to review just what is happening over the next 10 years with Social Security revenues. Revenues coming in to Social Security over the next 10 years are going to be $7.8 trillion. The costs of benefits over this next 10-year period are going to be $5.4 trillion; that leaves a surplus or an extra amount of $2.4 trillion.

Governor George Bush was suggesting that we take $1 trillion down here at the bottom green, $1 trillion out of that $2.4 trillion and use it for, if you will, transition, starting to set up these personally owned accounts for individuals that if they die it goes into their own estate. Unlike Social Security today, if you pay in all of your life and you die before you go into retirement, you do not get anything.

This other chart sort of represents the problem, some of the rewards that some people would have if they were to invest with the magic of compound interest. This chart shows that a family that has $58,475, and that was figured an average for an area of Michigan, that if they put that into an investment and invested, the blue would be 2 percent of their income, the pink would be 6 percent of the income, purple would be 10 percent of their income. If they just invested it for 20 years with the magic of compound interest, in 20 years they would be at 2 percent. It would be worth $55,000; and this is at 2 percent of the investing, 2 percent of their earnings. If they invested 10 percent, it would be worth $274,000 in 20 years.

But most of us start working at 18, 20, 22, and we work for 40 years until we are 62 or 65 maybe even. So if you were to leave money for 40 years, which is the far right-hand bar charts, and you were to do it for 2 percent of your income, you would accrue $278,000, if it was 6 percent of your income. Remember, Social Security taxes are 12.4 percent of everything you earn.

If you were to do it for the 6 percent, it would be $833,000; or if you would invest 10 percent of that income and leave the 2.4 percent for the disability insurance part of the Social Security, if you were allowed to invest that, you would end up with a $1,389,000. At 5 percent interest, you could have $70,000 a year and not even go into the principal.

Social Security started with, of course, Franklin Delano Roosevelt in 1935. When President Roosevelt created the Social Security program, he wanted it to feature a private sector component to build retirement income. And Social Security was supposed to be one leg of a three-legged stool to support retirees. The other two legs were to be personal savings and private pension plans.

It is interesting researching the archives and the debate in the House and the Senate. The Senate on two different votes in 1935 said that private investment savings, that could only be used for retirement purposes, but owned by the individual should be an option to a government-run program. When the House and the Senate went into conference, the House prevailed, and we ended up with a total government-run program.

□ 2310

And now, because of the demographics, because people are living longer life spans, when we started Social Security the average life span was 62½ years. That meant that most people paid into Social Security all their life, but did not get anything out of it. The system worked very well then.

But now, people are living longer and, at the same time, the birth rate has decreased substantially after the baby boomers, and so we ended up with fewer workers for more retirees, which makes the pay-as-you-go program not workable anymore. Social Security is now insolvent as scored by the Social Security actuaries.

So the problem facing this Congress is how do we come up with the extra dollars to pay the benefits? I think we have made a commitment to retirees. We take their money while they are working and the implied commitment is that they are going to get something when they retire. However, when this was challenged to the Supreme Court, when government refused payment at one time, the Supreme Court on two different occasions now has ruled that there is no entitlement for Social Security. That Social Security is simply a tax that Washington has imposed on workers and any benefits are simply another law that is passed to give some benefits, but there is no relationship, no entitlement.

So the argument for at least some of that money being in private-owned accounts where Washington cannot reduce benefits, or yet again increase taxes, I think has a great deal of merit, above and beyond the fact that we can get a lot better return on our investment with some of those investments.

Let me just briefly show the predicament that Social Security is in. Seventy-eight million baby boomers begin retiring in 2008. They are now paying in at maximum earning. These are big earners paying in a heavy tax on that higher base and they are going to go out of the paying-in mode and start taking out. Because benefits are directly related to what we paid in and what we earned, their benefits are going to be higher than average.

So the actuaries are now predicting that we are going to be short of money and not having enough money by 2015. Social Security trust funds go broke in 2037, although the crisis arrives much sooner. The crisis arrives in 2015 when there is less money coming in in taxes than there is needed to pay benefits.

So the question is for Social Security, how do we come up with that extra money? It is not just speculation from people with green eyeshades on, economists making some predictions. It is an absolute. Insolvency is certain. We know how many people there are. We know when they are going to retire. We know people will live longer in retirement. We know how much they will pay in and how much they will take out. And we know payroll taxes will not cover benefits starting in 2015.

The shortfall will add up to $120 trillion between 2015 and 2075. $120 trillion. To put that in some kind of perspective, our current budget that we are just passing for this year is $1.9 trillion. The $120 trillion is in tomorrow's dollars. The way Alan Greenspan, Chairman of the Federal Reserve, expressed it is the unfunded liability is $9 trillion. In other words we would need $9 trillion today to come up with the tomorrow dollars that are going to be the inflated dollars to cover the $120 trillion needed over and above what is coming in in Social Security taxes.

So, Mr. Speaker, we know there is a huge problem, and yet we have avoided dealing with it because there is a fear by maybe both sides of the aisle, maybe by the President, that they would be criticized for making some

changes in Social Security. And that is obvious. As we listen to the campaigners for the Congress, for the Senate, for the presidency, they want to criticize the other person's Social Security plan. They want to scare people. And it is easy to scare people, because we have almost one-third of our retirees today that depend on Social Security for 90 percent or more of their income. So we can understand, Mr. Speaker, why and how it is easy to demagogue this issue of Social Security.

As I mentioned before, this chart shows the number of workers per each one retiree. In 1940, there were 38 workers paying in their Social Security tax to cover the benefits of each one retiree. Today, there are three. By 2025, there is going to be two. So an extra burden, an extra tax on my grandkids, on everybody's kids and grandkids, and on young workers today if we do not face up to the problem.

This represents the short-term surplus in the blue, and that is because we dramatically increased the Social Security taxes in 1983. We also reduced benefits when Congress dealt with the program in 1983 and we did that in 1977 also. In 1977, when push came to shove on needing additional money, we reduced benefits and increased taxes.

It seems to me that those have got to be part of the criteria of everybody's proposal, they are of Governor Bush's. No tax increases. No cuts in benefits for existing retirees or near-term retirees. And we could have it optional to allow other workers to either stay in the old program or have the opportunity to have some of that money in their name that could be invested in a limited number of safe accounts such as the Thrift Savings Plan, such as the 401(k)s, but even with more restrictions because it could only be used for retirement.

The red represents the $120 trillion I talked about or the $9 trillion unfunded liability today that would have to go in a savings account earning a real return of 6.7 percent.

Some have suggested economic growth. In fact I read in Investors Business Daily yesterday the suggestion if economic growth continues, it is going to help solve the problem of Social Security. Not so. Here is what happens with economic growth. As wages increase and the economy expand, because of the fact that we index Social Security benefits to wage inflation, which is substantially higher than normal inflation, Social Security goes up faster than normal inflation.

My proposal, in one of the three Social Security bills that I have introduced, the last one and the one before that, over the last 5 years it changes the wage inflation to traditional economic inflation so benefits grow with inflation instead of at the faster rate of wage inflation. When the economy grows, workers pay more in taxes, but also they will earn more in benefits when they retire. Growth makes the numbers look better now, but leaves a larger hole to fill in later.

So when we have more employment, and the unemployment is at record lows right now, more people are working, more people are paying in their Social Security taxes. The higher wage earners are, because taxes are directly related to earnings, the higher wage earners are even paying in higher taxes. But because Social Security is indexed to wage inflation, everybody is going to get a higher benefit. Those higher wage earners, because Social Security benefits are also directly related to the wages and the Social Security taxes we pay in, in the future are going to get the higher benefits.

So even though it helps in the short run, ultimately benefits have to pay out to accommodate those higher wages. So a strong economy does not cure the Social Security problem.

Mr. Speaker, I just wanted to mention that the administration has used these short-term advantages as an excuse to do nothing. I think we have missed a real opportunity in the last 8 years not to move ahead with Social Security. I thought we were close, and in this Chamber I stood up and cheered and clapped when President Clinton said he was going to put Social Security first and we were going to do something about solving the Social Security problem.

There is no Social Security account with our name on it. A lot of people think that somehow the money they pay in is into their own private account. These trust fund balances are available to finance future benefit payments and other trust fund expenditures, but only in a bookkeeping sense. They are claims on the Treasury that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or reducing some other expenditures.

What we have done in the past is increased taxes. So that is why I am concerned that it could develop into almost generational warfare if we start asking our future workers to start contributing a 50 percent increase in their current taxes. The economic predictors are suggesting that within the next 40 years, without changes in the programs, even if we do not add extra benefits such as prescription drugs or whatever, simply to cover the existing program promises of Social Security, Medicare and Medicaid, it is going to take a 47 percent payroll tax.

□ 2320

So payroll taxes would have to go to 47 percent to cover Social Security needs and the Medicare and Medicaid. I think of what would we do today if we were workers paying that kind of tax in addition to an income tax to finance the other operations and functions of Federal Government. I think there would be a rebellion.

That is what we have got to start looking at is how do we start paying down the debt, how do we start making corrections while we have a surplus coming in so that we do not run into this huge problem in the future. The longer we put off the solution to fix Social Security, the more drastic the changes are going to have to be. I know that for a fact.

I introduced my first bill when I came to Congress in 1993, my second bill and every term since. So I have introduced four Social Security bills. The last three were scored by the Social Security Administration that, in their determination, that these bills kept Social Security solvent for the next 75 years.

I was appointed as chairman of the Committee on the Budget's bipartisan task force on Social Security. So we brought in experts from, not only this country, but around the world to discuss what the problems of Social Security were, how they work, what was the internal operation of Social Security, what was the real problem of Social Security, what were some of the ways that we might fix Social Security.

The Vice President has suggested one way to fix Social Security would be to pay down the debt and use the interest savings to help pay for benefits, and that would keep Social Security solvent over the next 57 years. So he is suggesting, over the next 57 years, there is a shortfall of $46.6 trillion that will be needed in addition to the money coming in from the Social Security tax to cover the benefits that we say we are going to cover. He is suggesting, by paying down this $3.4 trillion debt and using that interest, it will keep Social Security solvent. That is, well I hate to say it, but that is fuzzy math. That is not going to work.

Here is another chart, trying to portray this in a different way. The interest that we are paying on the debt held by the public is $260 billion a year. So there is some reasonableness to add another IOU to the trust fund or to use this money, instead of paying it on interest, to dedicate it to Social Security. But if we dedicate that $260 billion to Social Security, then we are still left with a shortfall of $35 trillion.

So the Vice President's program is not going to accommodate the needs to keep Social Security solvent over the next 57 years.

Again, the problem is how do we come up with the money when we run out of tax money and tax revenues coming in? The biggest risk is doing nothing at all.

Social Security has a total unfunded liability, as I mentioned, of $9 trillion. The Social Security Trust Funds contain nothing but IOUs. To keep paying promised Social Security benefits, the

payroll tax will have to be increased by nearly 50 percent, or benefits will have to be cut by 30 percent. Neither one of those options I think is reasonable. That is why we have got to get a better return on the investment of the dollars that are now being sent in in the way of taxes.

Social Security lockbox, we passed it out of this Chamber. It says we are not going to spend any of the Social Security surplus. For the last 40 years, we have spending the Social Security surplus money for other government programs. We put a stop to that with a lockbox. We passed it out of this Chamber. Now it is lagging in the other Chamber. I am sure if the President of that Chamber, the Vice President of the United States, would say, look, let us move this bill out, it would go out. I am sure the President would sign it into law. Then it would be an absolute lockbox.

The diminishing returns of one's Social Security investment. The average retiree now gets 1.9 percent back on the money that they and their employer send in on Social Security. That is over and above the 2.4 percent that are needed for the disability insurance.

The disability insurance is really an insurance program. It is proper that that strictly be a total Federal Government operation. One pays in one's 2.4 percent to cover the insurance that says, look, if one gets hurt or disabled, then one is going to get these kind of benefits out of the Social Security Administration.

So there is no proposals in Congress or in the Senate that suggest that we reach in in any way to that part of the disability insurance program. So when I suggest that 1.9 percent return, I am talking about the rest of one's Social Security contribution taxes that one and one's employer puts in.

On the average, we get 1.9 percent, the middle bar. But over here, we see some people get a negative return. As it happens, minorities, for example, are one group that gets a lower return on their particular investments.

The average return of the marketplace, by the way, is running 7 percent. So the question is, can we do better than the 1.9 percent real return? I think even CDs are paying much better than that now.

So how do we make the transition? If we were to have some private investment, what would that do to the economy of this country? The estimate is that, if we would allow 2 percent out of the 12.4 percent of one's Social Security tax to be invested, maybe 60 percent in equities, 40 percent in indexed equities, 40 percent in indexed bonds, within 15 years, there would be an extra additional $3 trillion invested.

What happens to these investments? It goes into companies and businesses to allow them to buy the state-of-the-art equipment, to allow them to do the research to make sure that they are producing the kind of products that people around the world want to buy and the kind of technology that is going to allow us in the United States to produce them more efficiently than any other country. I mean, that is what we have been doing.

I chair the Subcommittee on Basic Research in the Committee on Science. Research is vital. But for the private sector to have the impetus to do that kind of research and develop that kind of equipment that keeps us productive, efficient, and competitive means that they have got to have that investment.

So savings and investment is key. That is why I first became interested in Social Security. I was chairman of the Michigan Senate Finance Committee, and I wrote my first Social Security bill actually while I was in the Michigan Senate because of the fact that our savings and investment in the United States are one of the lowest in the industrialized world.

If we expect that we are going to continue to motivate and have the money for these businesses to do the research and the development, then we have got to have that kind of savings and investment. We give some encouragement by saying to the average worker in this country we are going to allow one to invest part of that tax money. It is going to be in one's name. It is going to be limited, safe investments. One can only use it for retirement. But it means that there is going to be more savings and investment, which is going to spur our economy.

This graph, this bar chart is another way of describing that Social Security is a bad investment for the American worker.

It only took 2 months in 1940. But in 1960, one had to live 2 years after retirement to get back all of the money to break even, to get back all the money one and one's employer put in. By 1980, one has to live 4 years after he retired. By 1995, one has to live 16 years after one retired. So that is living 4 years after one retired in 1980, living 16 years after one retired in 1995, living 23 years after one retired in 2005, just to break even. It is a bad investment on Social Security.

□ 2330

Can we do better on that investment? Can we have a system that allows an average income worker to make some of those investments, to benefit from the magic of compound interest and become a wealthy retiree? The answer is yes, we can do that.

Here is another problem. We kept upping the taxes on the American workers to the point where 78 percent of American workers today pay more in the Social Security tax than they do in the income tax. And that is a very regressive tax.

The six principles of saving Social Security: Protect current and future beneficiaries. Allow freedom of choice. Freedom of choice means you can either take the option of having some of that money in your own name and having the Government say, okay, you can invest it in an indexed stock or an indexed bond or an indexed global fund but safe investments, as determined by the Social Security Administration or by Congress, when they pass the law.

It preserves the safety net. It never touches the disability insurance portion. Makes Americans better off, not worse off. And creates a fully funded system and no tax increases and no reduction in benefits for existing or near-term retirees.

Personal retirement accounts. They do not come out of Social Security. They stay in the system. Some have suggested that you can have these personal retirement accounts and invest them in some of these limited investments and for every $6 you make in your equity investments you would lose $5 in Social Security benefits. So it is a no-lose situation if you were to devise something like that.

In my last piece of legislation, what we did is say that we are going to assume that you can get at least 3½ percent interest real return on your investment and, so, you would offset Social Security benefits.

The other thing I do in my legislation to help keep the Social Security system solvent is I change it from wage inflation to normal economic inflation as far as indexing the increase in benefits. And the third thing I do, I slow down the increase in benefits for high income recipients of Social Security.

It ends up being scored to keep Social Security solvent for the next 75 years with the extra return that can come in from these privately-owned personal retirement accounts.

Personal retirement accounts. I think the important part is that a worker will own his own retirement account and it will not be subject to decisions made by the United States Congress or the President and it is limited to the safe investments and they can earn more than 1.9 percent paid now by Social Security.

Here is an example of some of the personal retirement accounts. If John Doe makes an average of $36,000 a year, he could expect $1,280 a month from Social Security or $6,514 from his personal retirement account.

Galveston, Texas. When we passed Social Security in 1935, there was an option for local and State to not go into the Social Security program and to set up their own personal retirement accounts. Galveston, Texas, ended up doing that. In Galveston, Texas, if you die, your death benefits in Galveston under their personal retirement investment plan is $75,000. Social Security would pay 253, the disability benefits for a month, and Social Security $1,280. The Galveston plan is $2,749. Retirement benefit per month $1,280, same as

disability. The Galveston plan, on their personal retirement investments, the way they have come out with their investments, is $4,790 a month.

I am trying to just show the advantages and the magic of compound interest compared to a Government-run programs, the pay as you go, that does not have any savings, that does not have any real investment. It does the same thing with their PRAs, personal retirement accounts.

A 30-year-old employee who earns a salary of $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement. Under the current system, he would contribute twice as much but receive only $1,077 from Social Security.

The U.S. trails other countries. And I was concerned. I represented the United States in describing our Social Security our public pension system in a meeting in London 4 years ago, and I was impressed at the number of countries around the world that are much more advanced than we are in terms of getting some real return on that tax contribution for their senior citizens.

In the 18 years since Chile offered PRAs, 95 percent of the Chilean workers have created accounts. Their average rate of return has been 11.3 percent per year. And, among others, Australia, Britain, Switzerland offer workers PRAs and they have gone into that system with a better rate of return.

The British worker who chose PRAs is now averaging a 10-percent return. And two out of three British workers that are enrolled in the second tier they call it, allowing you to have some options with half of your Social Security taxes, have invested in that system and the British workers have enjoyed a 10-percent return on their pension investment. The pool of PRAs now in Britain is $1.4 trillion, larger than the rest of the economy of the whole of Europe.

This chart demonstrates what has happened in equity investments over the last 100 years. And so, some have suggested the market is too risky to invest with the ups and downs. That is why I think it is important that you have indexed investments where you have part of the investment in equities and part of the investment in bonds and part of it would depend on the age that you start these private investments.

The average for the last 100 years has been a real return of 6.7 percent. In the lowest years, in 1917 and 1918, still it was three and a half percent, well above the 1.9 percent return that you are getting from Social Security. But again, if you leave the money in an indexed type of investment, there has never been a period, even around the worst recessions of ever 1918 or 1929, there has never been any 30-year period where there was not a positive return on your investment greater than what can be made from Social Security. And again, the average of 6.7 percent real return.

I want to conclude by suggesting that maybe we should be positive in our outlook. We have come a long way. We have made a decision to stop the spending of the Social Security surplus. That was good.

When Republicans came in in 1995 after being in the minority in this chamber for I think almost 38 years, we came in very aggressively determined that we were going to balance the budget.

□ 2340

When President Clinton came in in 1993, he and the Democrats decided to increase taxes, so an increase in Social Security tax, an increase in gas tax and other increases in taxes that ended up being one of the largest tax increases in history, 2 years later the American people decided that they were going to give the Republicans a chance in the majority, and what Republicans did is they did not spend that increased revenue.

We caught heck from the Dems. They suggested that we were going to throw hungry children out in the street and there were going to be people without shelters as we suggested that there should be welfare reform. We sent that welfare reform bill twice to President Clinton and Vice President GORE. Both times they vetoed it. Then the public pressure built, so in the spring of 1996, we passed welfare reform. What was amazing about that, I think, is that it started putting people to work, and it started giving them respect for themselves. Instead of just a hand out, it was a hand up. We made a tremendous change in this country. We were fortunate, I think, to have economic growth.

Now the question before us is how do we save Social Security, how do we save Medicare for future generations without putting our kids and our grandkids at risk in terms of the obligation of potentially higher taxes. The way we do it is start dealing with this problem today, start making the changes necessary, stopping the talk and the promises and going ahead with solving Social Security. Several bills have been introduced in this Chamber, several bills in the Senate. I am disappointed that the President has not presented legislation that could be scored as keeping Social Security solvent by the actuaries. And so the challenge for the next President is going to be to face up to some of these tough issues of keeping Social Security solvent. I am optimistic about the idea of at least some of that money being allowed to be used for personal retirement accounts, not only to have some ownership from those individual American workers but also to have some of the magic of compound interest so you can retire as an even richer retiree than you might have been an average worker.

Of course, the third issue is the increased savings investment and its impact on economic expansion and development and making sure that this great country continues to be the greatest country in the world.

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. GEORGE MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Michigan) to revise and extend their remarks and include extraneous material:)

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. LEACH, for 5 minutes, November 1.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 782. An act 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.

H.R. 4864. An act 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.

H.J. Res. 120. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a joint resolution of the House of the following title:

On October 30, 2000:

H.J. Res. 120. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 1, 2000, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second and third quarters 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 GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 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]
Michael Canty	4/25	4/27	N. Antilles		950.00		1,888.80				
	4/27	4/29	Equador								
Carson Nightwine	4/25	4/27	N. Antilles		950.00		1,888.80				
	4/27	4/29	Equador								
Caroline Katzin	4/26	4/28	Nicaragua		497.50		792.28				
Thomas Costa	5/19	5/23	Haiti		292.00						
Robert Taub	6/6	6/12	Canada		1,790.00		581.00				
Elizabeth Clay	6/16	6/24	Germany		1,600.00		4,524.72		252.80		
Committee Total					6,079.50		9.675.60		252.80		16,007.90

[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.

DAN BURTON, Chairman, July 15, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, 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]
Thomas Costa	8/15	8/16	Eritrea		368.00		7,457.92				
	8/16	8/18	Saudi Arabia		332.00						
	8/18	8/23	Sudan		880.00						
	8/24	8/26	Ethiopia		530.00						
David Rapallo	8/15	8/16	Eritrea		368.00		7,457.92				
	8/16	8/18	Saudi Arabia		332.00						
	8/18	8/23	Sudan		880.00						
	8/24	8/26	Ethiopia		530.00						
John Mica	8/22	8/25	Ireland		843.00						
	8/25	8/28	Russia		1,029.00						
	8/28	8/30	Estonia		434.00						
	8/30	8/31	Netherlands		492.00						
	8/31	9/3	UK		815.00				282.54		
Sharon Pinkerton	8/21	8/26	UK		2,148.00		5,596.43		617.97		
	8/27	9/1	Netherlands		1,593.16				148.18		
Kevin Long	9/14	9/18	Columbia		884.00		1,827.80				
Michael Yeager	9/14	9/18	Columbia		884.00		1,827.80				
Carson Nightwine	9/14	9/18	Columbia		884.00		1,827.80				
Michael Canty	9/14	9/18	Columbia		884.00		1,827.80				
Committee total					15,110.16		28,106.01		1,532.30		44,748.47

[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.

DAN BURTON, Chairman, Oct. 30, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10814. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Kiwifruit Grown in California; Decreased Assessment Rate [Docket No. FV00–920–3 FIR] received October 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10815. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Farm Reconstitutions and Market Assistance for Cottonseed, Tobacco, and Wool and Mohair (RIN: 0560–AG19) received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10816. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—2000 Crop Agricultural Disaster and Market Assistance (RIN: 0560–AG18) received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10817. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 00–049–1] received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10818. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Change in Disease Status of KwaZulu-Natal Province in the Republic of South Africa Because of Rinderpest and Foot-and-Mouth Disease [Docket No. 00–104–1] received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10819. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 25 percent, revised, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

10820. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program, (RIN: 1845–AA12) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10821. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Federal Family Education Loan (FFEL) Program and William D. Ford Federal Direct Loan Program (RIN: 1845–AA16) received October 30, 2000, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10822. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program (RIN: 1845–AA11) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10823. A letter from the Secretary, Department of Energy, transmitting a report on the Comprehensive Status of Exxon and Stripper Well Oil Overcharge Funds, Forty-Fourth Quarterly Report; to the Committee on Commerce.

10824. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Polydextrose [Docket No. 92F–0305] received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10825. A letter from the Secretary, Division of Corporation Finance, Securities & Exchange Commission, transmitting the Commission's final rule—Delivery of Proxy Statements and Information Statements to Households [Release Nos. 33–7912, 34–43487, IC–24715; File No. S7–26–99] (RIN: 3235–AH66) received October 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10826. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that a reward has been paid pursuant to 22 U.S.C. 2708(b), pursuant to 22 U.S.C. 2708(h); to the Committee on International Relations.

10827. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13–443, ''Bail Reform Temporary Act of 2000'' received October 31, 2000, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

10828. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received October 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10829. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10830. A letter from the Benefits Manager, CoBank, transmitting the annual report to the Congress and the Comptroller General of the United States for the CoBank, ACB Retirement Plan for the year ending December 31, 1999, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

10831. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Placement Assistance and Reduction in Force Notices (RIN: 3206–AJ18) received October 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10832. A letter from the Director, Congressional Affairs, Overseas Private Investment Corporation, transmitting the Corporation's final rule—revisions to the Freedom of Information Act regulations (RIN: 3420–ZA00) received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10833. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program—received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10834. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—New Mexico Regulatory Program—received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10835. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northwestern United States; Northeast Multispecies Fishery; Commercial Haddock Harvest [Docket No. 000407096–0096–01; I.D. 101700A] received October 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10836. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Subdivision of Restricted Areas R–6412A and R–6412B, and Establishment of R–6412C and R–6412D, Camp Williams, Utah [Airspace Docket No. 00–ANM–10] (RIN: 2120–AA66) received October 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10837. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the East Coast Low Airspace Area [Airspace Docket No. 99–ANE–91] (RIN: 2120–AA66) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10838. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Albany, KY [Airspace Docket No. 00–ASO–20] received October Transportation and Infrastructure.

10839. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of the Sacramento McClellan Air Force Base (AFB) Class C Airspace Area, Establishment of Sacramento McClellan AFB Class E Surface Area; and Modification of the Sacramento International Airport Class C Airspace Area; CA [Airspace Docket No. 99–AWA–3] (RIN: 2120–AA66) received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10840. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Columbia, KY [Airspace Docket No. 00–ASO–21] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10841. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the San Francisco Class B Airspace Area; CA [Airspace Docket No. 97–AWA–1] (RIN: 2120–AA66) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10842. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Advanced Qualification Program [Docket No. FAA–2000–7497; Amendment No. 61–107, 63–30, 65–41, 108–18, 121–280 and 135–78] (RIN: 2120–AH01) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10843. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Pratt & Whitney (PW) JT9D–7Q, and JT9D–7Q3 Turbofan Engines [Docket No. 2000–NM–98–AD; Amendment 39–11938; AD 2000–21–06] (RIN: 2120–AA64) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX and 1125 Westwind Astra Series Airplanes [Docket No. 2000–NM–10–AD; Amendment 39–11935; AD 2000–21–03) (RIN: 2120–AA64) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10845. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 2000–NM–123–AD; Amendment 39–11937; AD 2000–21–05] (RIN: 2120–AA64) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10846. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 99–NM–379–AD; Amendment 39–11934; AD 2000–21–02] (RIN: 2120–AA64) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10847. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace, Melbourne, FL [Airspace Docket No. 00–ASO–26] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10848. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Bemidji, MN Correction [Airspace Docket No. 99–AGL–53] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10849. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Pella, IA [Airspace Docket No. 00–ACE–26] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

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. SHUSTER: Committee of Conference. Conference report on S. 2796. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 106–1020). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1524. A bill to authorize the

continued use on public lands of the expedited processes successfully used for windstorm-damaged national forests and grasslands in Texas (Rept. 106–1021). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL PURSUANT TO RULE X

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 1, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than November 1, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 1, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than November 1, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 1, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than November 1, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 1, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce extended for a period ending not later than November 1, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 1, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than November 1, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 5607. A bill to prohibit an insurer from treating a veteran differently in the terms or conditions of motor vehicle insurance because a motor vehicle operated by the veteran, during a period of military service by the veteran, was insured or owned by the United States; to the Committee on Commerce.

By Mr. CONYERS:

H.R. 5608. A bill to establish alternative sentencing procedures for certain nonviolent drug offenses; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 5609. A bill to ensure the availability of funds for ergonomic protection standards; to the Committee on Education and the Workforce.

By Mr. BONILLA (for himself and Mr. ORTIZ):

H. Con. Res. 440. Concurrent resolution expressing the sense of the Congress that the Government of Mexico should adhere to the terms of the 1944 Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande Treaty Between the United States and Mexico; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII,

486. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to Resolution No. 104 memorializing the United States Forest Service Chief and the Pennsylvania Congressional delegation support proper timber harvesting as a management tool to ensure better forest health in Pennsylvania; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII:

Mr. THOMPSON of California submitted a bill (H.R. 5610) to the relief of Patricia and Michael Duane, Gregory Hansen, Mary Pimental, Randy Ruiz, Elaine Schlinger, and Gerald Whitaker; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 287: Mr. JENKINS.
H.R. 303: Mr. PITTS.
H.R. 2385: Mr. LATOURETTE.
H.R. 2741: Mr. KENNEDY of Rhode Island and Mrs. NAPOLITANO.
H.R. 3825: Mr. SANDERS.
H.R. 3911: Ms. KAPTUR.
H.R. 4025: Mr. HALL of Texas.
H.R. 4277: Ms. CARSON.
H.R. 4707: Mr. KENNEDY of Rhode Island and Mr. CAMPBELL.
H.R. 4728: Mr. EHRLICH, and Mr. LAMPSON.
H.R. 4770: Mr. BOSWELL.
H.R. 5128: Ms. DELAURO.
H.R. 5200: Mrs. FOWLER.
H.R. 5204: Mr. KENNEDY of Rhode Island and Mr. MCGOVERN.
H.R. 5274: Mr. MOLLOHAN, Mr. EVANS, and Ms. STABENOW.
H.R. 5342: Mr. MINGE, Mr. KIND, and Mrs. CHRISTENSEN.
H.R. 5472: Mr. HOEFFEL.
H.R. 5540: Mr. NADLER and Mr. KINGSTON.
H. Con Res. 431: Mr. LANTOS and Mrs. CAPPS.

PETITIONS, ETC.

Under clause 3 of rule XII,

116. The SPEAKER presented a petition of the Embassy of the Republic of the Marshall Islands, relative to Resolution No. 32 petitioning the United States Congress to Express the Support of the Nitijela for the Petition on Changed Circumstances Pursuant to the Compact of Free Association between the Republic of the Marshall Islands and the United States; which was referred to the Committee on Resources.

EXTENSIONS OF REMARKS

HONORING LINDA ROMER TODD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MCINNIS. Mr. Speaker, I would like to take this moment to congratulate Linda Romer Todd of Grand Junction, Colorado, on her recent award. Linda has been named Realtor of the Year by the Mesa County Association of Realtors. This award is well deserved and I would like to honor Linda's service to the community of Grand Junction by paying her tribute.

Linda is currently a Broker/Owner for Associated Brokers & Consultants, Inc., as well as a member of the Mesa County Association of Realtors. While a member for over two decades, she has used her natural ability to lead by donating her time as the Chair of the Governmental Affairs Committee and as the Director of the Association. Her work within the realty profession only begins at the local level and it is her membership at the state level that is most impressive.

As a member of the Colorado Association of Realtors she has again shown her desire to help others by serving in a number of different capacities. She currently serves on a number of committees including the Legislative, Mobilization, and Grassroots Committees where she serves as Co-Chair. She also is currently serving as Director of the Association and recently received the Political Service Award for the year 2000. Linda's work within her profession is quite impressive but it is her work to benefit her community that truly demonstrates her compassion to help others.

As a member of the Grand Junction Chamber of Commerce, specifically with the Government Affairs Committee and their Leadership Program, Linda has realized the true importance of helping one's community. She is currently an active and dedicated volunteer for Habitat for Humanity. As a member of this distinguished organization she is currently serving as President of the Mesa County division and Director of Habitat for Humanity of Colorado.

Linda's contributions to Mesa County and the State of Colorado are significant. It makes me proud to know that such outstanding individuals reside within the 3rd Congressional District. On behalf of the State of Colorado and the U.S. Congress I would like to congratulate her on her recent award and wish her the very best as she continues to work to better her community.

HONORING QUEENIE PEGRAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Queenie Pegram, who her friends describe as "very pleasant and good company."

Queenie Pegrarn was born on October 23, 1900 in Stony Creek, Virginia. She is the fourth child of seven siblings. Ms. Pegrarn came from a very religious family and was baptized at the age of ten.

She married her husband James in 1931 and moved to Brooklyn, New York where they immediately joined the church. Although they never had children of their own, Queenie and James raised their nephew Arthur and their cousin Brenda from infants.

Ms. Pegram has been a member of the Missionary Society in her church for 69 years. For 30 of those years she served as the president. During those 69 years she served her community well, visiting and caring for the sick and shut-ins. Often she would reach home late, after a full day's work at her housekeeping job. She would read and pray for the sick way past her dinner hour.

Ms. Pegram lives independent of her family with the help of a home health aid. She is still an active member of the community and attends church every Sunday, and sometimes stays for a double service.

She is always willing to take the time to listen and share her wisdom, especially with the younger generation. Some of her quotes: "The Lord has blessed me all my life, I didn't know them, but I do now;" "Treat others the way you want them to treat you and "Love everyone."

Mr. Speaker, Queenie Pegram is a woman of God and a true servant of the people. As such, she is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable woman.

STARK PROVIDES FURTHER EVIDENCE OF NEED FOR FDA INVESTIGATION INTO DRUG COMPANY PRICE MANIPULATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. STARK. Mr. Speaker, I am today submitting for the RECORD a letter I sent to Dr. Jane E. Henney, Food and Drug Administration Commissioner. This letter provides additional information recently discovered during ongoing Congressional investigations into drug company price manipulation and supplements my previous two letters to Dr. Henney.

Recent congressional investigations have collected evidence that certain drug companies consistently inflate prices and engage in other improper business practices in order to create windfall profits from Medicare and Medicaid reimbursements. In response, drug companies have stated that such drug inflation has been consistent with, and perhaps even required by, flaws in the reimbursement system's reliance on Average Wholesale Price (AWP). Further, drug companies contend that AWPs are meaningless numbers.

However, as the letter below and its accompanying exhibits demonstrate, drug companies do indeed rely upon AWPs to advertise their drugs. And, in fact, drug companies often advertise truthful drug prices when there is no Medicare reimbursement available. The evidence uncovered suggests that contrary to drug company statements, it is not a flawed reimbursement system that leads drug companies to inflate their prices. Instead, it is drug companies' dishonest pricing based on their desire to create a profit for prescribing physicians seeking Medicare or Medicaid reimbursements.

My reading of the Federal Food, Drug and Cosmetic Act and its corresponding regulations suggests that the FDA should pay particular attention to these misleading drug company actions. And I again request that the FDA conduct a comprehensive investigation into such drug company business practices. My third letter to the FDA regarding this issue follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 31, 2000

Dr. Jane E. Henney,
Commissioner, Food and Drug Administration, Rockville, Maryland.

DEAR DR. HENNEY: I write to provide essential, additional information to you about price manipulation by some drug companies arising from ongoing Congressional investigations. Such drug company price inflation exploits the Medicare and Medicaid programs. This is the second supplement to my letter to you of October 3, 2000.

Recent media reports of statements by certain drug company executives reveal a concerted effort to continue to mislead the Congress and the public about the nature of their companies'actions. Specifically, the drug companies have represented that their conduct, including-their inflated price reports that have resulted in admittedly excessive Medicare reimbursements, has somehow been consistentwith, and perhaps even required by, flaws in the reimbursement system's reliance upon Average Wholesale Price (AWP). This logic is premised on the erroneous contention that the AWPs associated with their drugs are meaningless numbers that should not reasonably be relied upon as an indicator of wholesale prices. Such statements are in themselves deceptive.

The evidence developed during the course of the Congressional investigation reveals that it is routine for the drug industry to advertise a drug product's price in the AWP

format and to encourage the consideration of AWP as one factor when evaluating competing drug products. Indeed, the drug companies often compare their drug's AWP with that of a competitor in an effort to demonstrate their drug's superiority from a cost perspective and to influence physician prescribing decisions. Such advertisements are directed at prescribing physicians, pharmacists, and other health care professionals and take many forms, such as direct contacts, flyers, and trade publications such as the Red Book, Drug Topics and Medical Economics which are each published or updated monthly.

When there is no inflated Medicare reimbursement available for the prescribing physician, companies often advertise truthful AWP prices. To illustrate this, I have attached, as Composite Exhibit ''1'', copies of advertisements by Rhone-Poulenc Rorer (''RPW') which accurately communicates its price of Dilacor XR in the form of AWP and compares the higher AWP price of the competing drug Cardizern. RPR then emphasizes that the physician should prescribe Dilacor over Cardizem in order to save the patient money:

''Now DILACOR XR provides potential cost savings when angina patients are prescribed diltiazem.''

Attached as Composite Exhibit ''2'' are examples of Bayer Pharmaceutical advertisements for its drug Cipro where the drug company again accurately describes its price in the form of AWP and touts the cost savings to the patient in comparison to five competing drugs. Bayer explained it as follows:

''New CIPRO Cystitis Pack reduces the cost of branded therapy''

It is important to note that both RPR and Bayer use accurate AWPs to urge physicians to consider the cost to the patient when exercising medical judgment in selecting from competing brand drug therapies. Price, as expressed in the industry standard format of ''AWP'', is clearly an important characteristic that is considered in evaluating drug products. Indeed, Bayer's AdalatCC advertisement attached as Exhibit ''3 '', which features the popular ''Dragnet'' star Jack Web, drives home this point:

''Just the Facts

Powerful blood pressure control

Comparable to Procarida. XL or Norvasc

At a more affordable price'' (footnotes omitted).

Footnote 6 of the ad's accompanying materials cites the Red Book—indicating that the AWP is considered a relevant benchmark when evaluating the drug's price.

Composite Exhibit ''4'' demonstrates that physicians seek the lowest drug prices when there is no financial incentive to utilize the highest price drugs. PDR Generics provides pricing information on prescription drugs in ''one comprehensive, authoritative volume.'' The accompanying documents state the following:

''PDR GENERICS is the drug reference designed to help you find the most cost-effective generic alternatives for any prescription medication. . . .''

Exhibit ''4'' also provides further evidence that AWP prices are widely used as a reference tool:

''All detailed NDC and AWP pricing information is drawn from the authoritative RED BOOK database, Pharmacy's Fundamental Reference.''

Ordinarily, drug companies ensure that their AWPs are an accurate reflection of price when engaging in such marketing and advertising activities. Clearly, such advertisements would be misleading if the drug company were aware that the published AWPs had no factual basis and could not be realistically considered as a benchmark for prices. I strongly believe that if any of the above ads used falsely manipulated AWPs to fraudulently indicate that the advertised drugs were less expensive when in fact the drug company was aware that it is more expensive, FDA or FTC enforcement would be warranted.

Unfortunately, such AWP manipulation is at the heart of the misconduct that Congress has uncovered in its investigation. As I have noted previously, the acts are being committed by some drug companies who know that the drug will be reimbursed by Medicare and that a health care professional will profit if the price is inflated. Advertising an AWP in the Red Book that falsely overstates a drug's price is as misleading as advertising an AWP that falsely understates the price. One form of false advertising misleads third parties to pay more for a drug and induces doctors, who submit the claim themselves, to prescribe the most profitable drug. The other form misleads the doctor into believing that a drug, to be dispensed at a pharmacy and not claimed by the doctor, is cheaper for the patient when it is not. I believe both actions should be considered violations of the Federal Food, Drug, and Cosmetic Act.

AWP information is created by drug manufacturers for the express purpose of influencing decisions about their drugs. Although it appears most AWP representations are accurate and are affirmatively used to inform about cost savings, some drug manufacturers have chosen to inflate AWPs to exploit the Medicare and Medicaid Programs and thereby expand sales. Medicare and Medicaid relies on AWPs because the drug industry employs AWP to communicate prices. Drug manufacturers must not now be permitted to misconstrue the facts revealed in Congressional investigations by contending that the reimbursement system is flawed when they themselves provided the misleading information.

Following up on my last two letters on this same issue, I reiterate that my reading of the Federal Food, Drug, and Cosmetic Act and the corresponding regulations suggests that the FDA should pay particular attention to these misleading drug company actions. Accordingly, I request that the FDA conduct a comprehensive investigation into drug company business practices that includes the additional exhibits referenced above.

Sincerely,

PETE STARK,
Member of Congress.

IN HONOR OF OLGA CHORENS AND TONY ALVAREZ, ''OLGA AND TONY''

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Olga Chorens and Tony Alvarez ("Olga and Tony"), two very special and talented entertainers, who have been in show business for six decades.

Olga and Tony began their careers as singers in Cuba during the early 1940's. When they married in 1945, their celebrity status turned the wedding into a popular social event.

After the wedding, Olga and Tony went on a 5-year tour through Latin America, which began in Panama and ended in Argentina. Upon returning to Cuba, they were offered the opportunity to host a daily 1-hour television and radio program for CMQ and Radio Progreso, which they did with great success from 1951 to 1959, while also recording many successful albums. Because of their popularity, Olga and Tony were named Miss and Mr. Cuban Television.

Olga and Tony fled communist rule in Cuba for New York City and Puerto Rico, where they again performed on television. From 1965 to 1972, they performed on Telemundo, Channel 7, Channel 11, and WNJU Channel 47 in New York.

For the past 20 years, Olga and Tony have lived in South Florida, where they maintain a large fan base and where their voices can be heard every Saturday morning on Radio Mambi. They also star on "El Show de Olga y Tony," which airs twice a week on Tele-Miami. In 1999, they were awarded a Star on the "Calle Ocho" Walk of Fame.

As entertainers, Olga and Tony have always promoted family values. They have been married for 55 years, and their parents and children often participated in bringing family-based entertainment to the television audience.

Today, I ask that my colleagues join me in honoring Olga Chorens and Tony Alvarez for entertaining so many for so long, and for being inspirational role models to Hispanics throughout Latin America.

TRIBUTE TO STAN JENNINGS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. MORELLA. Mr. Speaker, I rise to salute Stan Jennings, a multitalented writer, illustrator, cartoonist, and photographer from Silver Spring, MD. His new book, The Capitol and the Kids focuses on Congress, Washington, and Montgomery County, MD, the district I have had the honor to represent in the U.S. House of Representatives since 1987.

The Capitol and the Kids is a refreshing, delightful look at the history of Washington through the eyes of Stan Jennings over the past 75 years. Stan, a native Washingtonian was born at Forest Glen, grew up in the shadow of the Capitol dome on Jenkins Hill, or, as he calls it his "kindergarten and entertainment center." The Capitol and the Kids gives the reader an unusual and heartwarming glimpse of the city, its great figures, and its not so greats. Through his pictures, sketches, and sense of humor he has observed the highlights and lowlights of the past 75 years.

The Kids are the folks in Washington. They include 435 Congressmen, 100 Senators, 9 Justices, a President, a Vice President, and numerous newspaper men and women. Stan Jennings has the unique ability to offer a thoroughly enjoyable trip through this century's

historic times from Franklin Roosevelt's New Dealing era to the current administration.

To quote Robert Frost, The Capitol and the Kids ''begins in delight and ends in wisdom.'' Stan Jennings has written an exciting, informative, and humorous book on the history of Washington over the past three quarters of a century. I salute him.

HONORING BISHOP-DESIGNATE AUBREY BAKER, JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Bishop-Designate Aubrey Baker, Jr., the son of the late Bishop and Mrs. Aubrey Baker, Sr.

Aubrey was born on November 19, 1932 in Brooklyn, NY. At that time, his parents were members of Brooklyn No. I at First Church of God in Christ, under the leadership of the late Bishop Frank Clemmons. The family remained there for 5 years until 1937, when they moved to a little mission in Brownsville, Brooklyn under the pastorate of the late Bishop Frank Edward Cook. Aubrey was reared and nurtured in the church, and he received Jesus Christ as his personal savior at an early age. He was baptized and filled with the precious Holy Ghost at the Holy Trinity Church of God in Christ.

Bishop-Designate Aubrey Baker, Jr. matriculated through the New York City Public School system, receiving his higher education at Long Island and New York Universities. He furthered his religious education at Shelton Bible College and the O.M. Kelly Religious Institute. In 1958, Bishop-Designate Aubrey Baker married Mildred Josephine Butler, and they were blessed with two beloved children: Aubrette and Renwick.

As a loyal and faithful servant of the Lord, the late Bishop O.M. Kelly ordained Aubrey Baker, Jr. in 1959 at the Holy Trinity Church of God in Christ in Brooklyn, NY. Continuing his faithful service, Bishop-Designate Baker, Jr., served as District Secretary Brooklyn No. 1, Assistant Financial State Secretary assisting the late Elder S.A. White, and State Y.P.W.W. President of ENY jurisdiction.

In May 1973, Bishop-Designate Aubrey Baker, Jr., was appointed to the Keystone Church of God in Christ and, in August 1977 under the leadership of the late Bishop O.M. Kelly, he merged Keystone and Zion Temple Church of God in Christ. His service in the jurisdiction included serving as Assistant Superintendent to the late Bishop F.D. Washington in the Brooklyn Hill District. Thereafter, he succeeded the late Bishop F.D. Washington as the Superintendent. Under the leadership of the late Bishop F.D. Washington, he served as a member of the Finance Board.

Mr. Speaker, Bishop-Designate Aubrey Baker, Jr. is a man of God and a true servant of the people. As such, he is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable man.

NEW JERSEY INSTITUTE OF TECHNOLOGY'S STORMWATER MANAGEMENT PROJECT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today regarding a matter of great importance to my district and the entire State of New Jersey. My home state is confronted with an array of complex challenges related to the environment and economic development. However, one issue in particular, the over development of land, had become especially concerning because of the impact it is having on our watersheds and floodplains, as well as its resulting impact on economic activity.

As many of my colleagues already know, this past August vast parts of northern New Jersey were devastated by flooding caused by severe rainfall. The resulting natural disaster threatened countless homes, bridges and roads, not to mention the health, safety and welfare of area residents. The total figure for damages in Sussex and Morris Counties has been estimated at over $50 million, and area residents are still fighting to restore some degree of normalcy to their lives.

While the threat of future floods continues to plague the region, one New Jersey institution is taking concrete steps to prevent another catastrophe. The New Jersey Institute of Technology (NJIT) has been studying the challenges posed by flooding and stormwater flows for some time, and is interested in forming a multi-agency federal partnership to continue this important research.

NJIT is one of our state's premier research institutions and is uniquely equipped to carry out this critical stormwater research. The university has a long and distinguished tradition of responding to difficult public-policy challenges such as environmental emissions standards, aircraft noise, traffic congestion and alternative energy. More broadly, NJIT has demonstrated an institutional ability to direct its intellectual resources to the examination of problems beyond academia, and its commitment to research allows it to serve as a resource for unbiased technological information and analysis.

An excellent opportunity for NJIT to partner with the federal government and solve the difficult problem of flood control has presented itself in the 2000 Water Resources Development Act (WRDA). At my request, the final version of this important legislation includes a provision directing the U.S. Army Corps of Engineers to develop and implement a stormwater flood control project in New Jersey and report back to Congress within three years on its progress. While the Corps of Engineers is familiar with this problem at the national level, it does not have the firsthand knowledge and experience in New Jersey that NJIT has accrued in its 119 years of service to the people of my district and state. Including NJIT's expertise and experience in this research effort is a logical step and would greatly benefit the Army Corps, as well as significantly improve the project's chances of success.

Therefore, I urge the New York District of the Corps of Engineers to work closely with my office and NJIT to ensure the universities full participation in this study. By working together, we can create a nexus between the considerable flood control expertise of the Army Corps and NJIT, and finally solve this difficult problem for the people of New Jersey. I hope my colleagues will support my efforts in this regard.

SUPPORT FOR THE EFFORTS OF CHANNEL ONE TO TEACH OUR CHILDREN ABOUT DEMOCRACY

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. HILLEARY. Mr. Speaker, at a time in which we hear so much about what's wrong with our children and young adults, it is easy forget all of the positive things taking place. The truth is that most of our children are doing well—they are growing up in loving homes, they are receiving a high-quality education, and they are becoming tomorrow's leaders. And while it is right to point out instances where we can improve, I believe it is equally important to call attention to positive developments.

In that vein, today I would like to commend the Channel One Network and the 900,000 young adults who participated in Channel One's ''OneVote'', the largest online vote ever. ''OneVote'' allowed students in Channel One middle and high schools across the country to cast online ballots for President, for Governor, and for Senate in states where statewide races are taking place. The students also were polled on important national issues. Each student was assigned a special registration number so that only registered students could vote and that no student could vote more than once.

Now I know my colleagues are skeptics—and will think I enjoyed this poll solely because Govemor Bush defeated Vice President GORE in a landslide. That's not true, although it did make me feel better about our future.

Seriously, the simple truth is that this vote should be celebrated no matter who won or lost. Channel One's ''OneVote'' undoubtedly gave many young Americans their first taste of democracy on a national scale. Students in one small school in rural Tennessee were able to see how their votes compared not just with their friends across the hallway, but with kids across the country, from California to Missouri to Maine.

Young adults also were encouraged to think about important issues facing our country, including education, world affairs, and integrity in government. They were urged to think about how these issues impact their lives and the lives of those around them. More than just a quick poll, OneVote is part of Channel One News' ongoing process of education and involvement for millions of teens.

Mr. Speaker, these activities should be recognized and encouraged. Staying informed, thinking about concerns greater than one's self interest, and participating in our nation's

decision-making process are excellent habits for our young adults to develop.

There is a great deal of cynicism in our country about whether our government really does the work of the people. Recent history shows that this cynicism has led to lower and lower voter turnout at elections. This is a shame, Mr. Speaker, because the only way to make sure the government does the people's work is if the people stay informed and actively engaged in the affairs of government.

The power of the people to control this country's future can take many shapes and forms—from writing letters to the editor to serving in office. But the greatest power comes from perhaps the simplest of acts: voting. When all the campaigning speeches are over and the television ads are gone, each and every American gets their say when they step into the voting booth and pull the lever. We need to constantly remind our fellow citizens, especially those in the next generation, that voting is both an important right and responsibility.

Mr. Speaker, the Channel One Network's ''OneVote'' gave hundreds of thousands of young Americans an important first lesson in democracy—and I would like to recognize Channel One and the thousands of participating schools and their students for this outstanding success.

WILLIAM KENZO NAKAMURA COURTHOUSE

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Ms. DUNN. Mr. Speaker, I support H.R. 5302, to name the United States courthouse in downtown Seattle as the ''William Kenzo Nakamura United States Courthouse.''

It is important to pay tribute to a man who made such great contributions to our nation. Private First Class Nakamura was an outstanding American, and this is a fitting way to honor him for giving his life to protect our freedom.

Pfc. Nakamura grew up in what is now the Chinatown International District in Seattle. He was studying at the University of Washington when he was moved with his family to an internment camp in Idaho. Despite this hardship, Pfc. Nakamura joined the 442nd Regimental Combat Team, which went on to become the most decorated military unit in history.

On June 4, 1944, Pfc. Nakamura provided cover for a retreating platoon in Catellina, Italy, and was killed by enemy fire. At first, Nakamura and other soldiers of color did not receive national recognition for their heroic deeds. Finally, this June, Nakamura and other soldiers received the Medal of Honor.

I believe naming this courthouse after Pfc. Nakamura is a fitting tribute for a man who defended his country and the freedoms we all enjoy. Pfc. Nakamura's valor and heroic actions should never be forgotten, and his dedication to his country—the United States—should be honored. I encourage all my colleagues to support this resolution.

HONORING LION IRVING STRAVITZ OCTOBER 2, 1912-DECEMBER 19, 1998

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor the life of Lion Irving Stravitz, who passed away on December 19,1998.

Irving Stravitz was raised in Brooklyn and, as a child, loved to work with his hands. He became a carpenter at a very young age and always had his own business.

He met and married Eva, who became his partner in Lionism and life. She served side by side with him through thick and thin for the sixty-three years of their marriage. Together, they raised two children, David and Renee, who bestowed upon them the loves of their lives: two grandchildren, Allison and Matthew.

Irving was emblematic of the drive that Lion Melvin Jones, one of the founding members of Lionism, exhibited. Irving became a member of the Hyde Park Lions Club and served the Club by holding every office up to and including President. He was elected to the position of Deputy District Governor of District 20–K1. Mid-stream, Irving transferred into the Brooklyn Canarsie Lions Club and served for the remainder of his thirty years. He received Certificates of Appreciation, plaques that honored his dedication and was the first Lion in the Club to be presented with the Melvin Jones Fellowship Award.

His love and dedication will keep him in our hearts forever. Irving Stravitz was a Pin Trader and Pin Maker. His special project was the Vacation Camp for the Blind where his skill as a carpenter proved invaluable. He was involved with the Little League and ran the Hyde Park Lions Club's annual football pool fundraiser.

In the final words of Marc Antony's eulogy of Julius Caesar, ''Indeed, this was a man.'' Mr. Speaker, I join with his friends and loved ones in saying'' ''Irving, indeed you were a man and one of Lionism's finest tributes.''

Mr. Speaker, Lion Irving Stravitz is more than worthy of receiving our recognition today, and I hope that all of my colleagues will join me in honoring this truly remarkable man.

VIOLATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. GONZALEZ. Mr. Speaker, as we near the end of this session, one of the country's largest companies is asking Congress for special treatment. According to numerous media reports, AT&T is asking Congress to attach an amendment to an appropriations bill to allow them to violate conditions they agreed to when their merger with MediaOne was approved by the FCC. This amendment would allow AT&T to violate the caps on cable ownership, caps that are designed to promote competition and protect consumers from price-gouging.

No Member of either this House or the other body has introduced a bill to give AT&T this break, nor has a single hearing been held on the issue. To even consider this bill to enter legislation would not at this time be wise for the simple fact that we do not have enough proper information to make an informed decision concerning this break for AT&T.

Mr. Speaker, we should ask that AT&T keep their word. As well we should reject any last minute legislation that has not been fully reviewed by the Congress.

HONORING LAWRENCE D. DAHMS, EXECUTIVE DIRECTOR, METROPOLITAN TRANSPORTATION COMMISSION

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. TAUSCHER. Mr. Speaker, today I pay tribute to Lawrence D. Dahms, executive director of the Metropolitan Transportation Commission in the San Francisco Bay Area, who will be retiring at the end of this year.

The Metropolitan Transportation Commission (MTC) was created in 1970 to provide transportation planning for the nine-county San Francisco Bay Area. MTC is the designated federal Metropolitan Planning Organization (MPO) for the nine-county San Francisco Bay Area, and is charged with disbursing federal, state and regional transportation revenues in the region. The retirement of Lawrence D. Dahms is a severe loss to the Bay Area community.

Lawrence D. Dahms has served as MTC's executive director since 1977. In both his 23 years at MTC and in an earlier six-year stint at the Bay Area Rapid Transit District (BART), Larry spearheaded the successful effort to extend BART to San Francisco International Airport. His many accomplishments also include a pivotal role in negotiating the San Francisco Bay Area Regional Rail Agreement, known as MTC Resolution No. 1876. This became the basis for securing federal funding for BART to San Francisco International Airport and the Tasman light-rail extension in Silicon Valley, as well as state and local funding for East Bay BART extensions to Dublin and Bay Point.

In addition to his regional impact, Larry was a leader on the national stage in developing and advocating the landmark 1991 federal Intermodal Surface Transportation Efficiency Act (ISTEA). This ushered in a new era in federal transportation policy by giving states and localities greater responsibility and flexibility in the investment of federal dollars. Larry continued his involvement as he advocated for the passage of ISTEA's successor, the 1998 Transportation Equity Act for the Twenty First Century (TEA–21), which consolidated that policy shift and dramatically increased funding levels.

Larry took the lead in implementing this new federal policy at the local level by establishing the Bay Area Partnership to foster multimodal decision-making and coalition building, in the process creating a trail-blazing MPO that is a model for the nation.

I, as well as the Bay Area Congressional Delegation, wish Mr. Dahms our most sincere

thanks for his accomplishments. We greatly appreciate his achievements on behalf of the past, current and the future residents of our region. We wish him well in all his future professional and personal endeavors.

HONORING DUSTY RHODES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MOAKLEY. Mr. Speaker, today I pay tribute to the director of Sail Boston 2000, Dusty Rhodes.

It has been estimated that between seven and eight million people visited Boston during Sail Boston 2000. It was a remarkably well planned and well-executed international tall ship event. From the pageantry of the Opening Ceremony at Rowes Wharf to the spectacular Parade of Sail out Boston Harbor for the start of the race to Halifax, Boston was at her very best. Residents and tourists alike thrilled to the majesty of the ships and warmly welcomed the young crews to the historic Port of Boston. The presence of the tall ships in July was a nostalgic reminder of our city's great maritime heritage and a celebration of the rebirth of our magnificent harbor.

Boston was the only Official Race Port in the United States for the International and American Sail Training Associations' Tall Ships 2000 Race of the Century. An event of this magnitude requires precise planning and extraordinary effort, and the appropriate credit should be given to the person who was most responsible for bringing the ships to the port and organizing Sail Boston 2000, the largest event ever held in the history of New England. Her name is Dusty Rhodes.

Eight years ago, immediately following her success in producing Sail Boston 92, Dusty, as President of Conventures, Inc. flew to London to attend the Annual International Sail Training (ISTA) Race Committee Conference. Although not on any agenda, she lobbied committee members, ISTA officials, ship captains, diplomats, and governmental officials, promoting Boston as a potential Race Port for the year 2000.

Energetically and tirelessly (and pregnant), she fought for Boston. It was just the beginning of her persistent and often frustrating attempts to have Boston officially designated for the Tall Ships 2000 Race. Dusty returned each year, from 1993 to 1997 continuing her mission and, I will add, all at her own expense.

In 1996 the International Race Committee selected Boston as a result of her efforts. OPSAIL then entered the competition for the first time attempting to have New York designated as the Official Race Port in place of Boston. Race Ports were required to pay a port fee to ISTA under the Race Committee Rules. New York refused and Dusty Rhodes committed her own funds to assure Boston's involvement. These funds, like many others which accrued during the planning process of Sail Boston, were totally at risk, but Dusty's belief in the potential of this millennium tall ship event made her even more determined. She took that risk and, when the dust settled, Boston had been selected and the OPSAIL, New York/Boston battle began.

Sail Boston was a huge success, from a maritime as well as a financial point of view for the Commonwealth of Massachusetts. Hotels, restaurants, tour boats and retail establishments all benefited substantially from the millions of people who came to Boston for the return of the Tall Ships. Thanks to Dusty Rhodes and her efforts on behalf of the City, Boston will continue its prominence as a destination point for national and international tourism. In a 1992 Boston Globe article, she was referred to as "the Unsinkable Dusty Rhodes." With all the obstacles thrown in her way, Dusty has proved to be just that, and we all can thank her for making the Summer of 2000 a most memorable one.

MISSED OPPORTUNITY ON MEDICAL PRIVACY

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. CONDIT. Mr. Speaker, today I spoke regarding the unfinished business of ensuring Americans that their personal medical information will be kept confidential. Despite a consensus that an individual's health information is easily accessed and susceptible to manipulation, Congress failed to act on this crucial issue.

This is certainly not a new issue. I first introduced comprehensive medical privacy legislation at the beginning of the 104th Congress. Last year, in an effort to reach a consensus, I worked closely with Rep. HENRY WAXMAN, Rep. ED MARKEY and Rep. JOHN DINGELL to develop a bill that could gain the support of the majority of our colleagues. The product of this effort was H.R. 1941, the Health Information Privacy Act. In addition to the four primary sponsors, 66 of our colleagues joined us in sponsoring this legislation.

We were not alone in our efforts to protect these sensitive records. The Secretary of Health and Human Services, directed by provisions of the Health Insurance Portability and Accountability Act, issued proposed health privacy regulations on November 3, 1999 after Congress failed to meet its self imposed deadline. In all, these proposed regulations represent a good solid start, but failed to address several key items since the Secretary's scope was limited to health plans, clearinghouses and providers that share health information electronically.

Therefore, the proposed regulations did not cover health records that have never been maintained or shared electronically. Additionally, the Secretary's proposal does not cover all entities that come into possessions of health information. Safeguards given to an individual's health record should be applied equally, whether it is in the hand of a health care provider, researcher or a lending institution.

Unfortunately, the issue of medical privacy was never given the attention it deserves in this Congress. The leadership of the next Congress, should make this issue a priority and make a public commitment to schedule a full, fair and open floor debate within the first three months of reconvening the next session. This will be the only way we can come to an agreement on comprehensive medical privacy legislation.

TRIBUTE TO MIZELL MEMORIAL HOSPITAL FOR RECIEPT OF THE 2000 ALABAMA QUALITY AWARD

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. EVERETT. Mr. Speaker, I would like to pay tribute to an outstanding business in my congressional district which was recently honored with a prestigious state award for operational excellence.

Earlier this month, Mizell Memorial Hospital in Opp, Alabama was named the winner of the 2000 Alabama Quality Award for excellence in leadership; strategic planning; patients, other customers, staff and market focus; information and analysis; process management; and organizational performance.

The Alabama Quality Award, modeled after the Malcolm Baldrige National Quality Award, honors organizations whose recent innovations increased productivity and quality within the organization.

For years, Mizell Memorial has served rural South Alabama with a level of professionalism equal to and surpassing Alabama's most innovative and progressive businesses. I am pleased that its employees' fine work and dedication has finally been recognized with this prestigious award.

My congratulations go out to Mizell Memorial Hospital's management and employees for their exemplary efforts to improve the lives of south Alabamians.

TRIBUTE TO HANNAH JOANN LANZHEN SIMONS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. WALDEN of Oregon. Mr. Speaker, it gives me a great deal of pride to extend this official welcome to one of our nation's newest citizens, Hannah JoAnn LanZhen Simons of Hood River, Oregon.

Hannah was born November 8, 1996 in Magongtan, Zhejian Province in the Peoples Republic of China. Her first months were spent in the Lanxi Social Welfare Institute, an orphanage. In the summer of 1997, she was adopted at Hangzhou, Zhejian Province, PRC by her mother, Marta Simons, and brought to the United States to live. On September 26 of this year, she became a citizen of the United States.

It's a wonderful thing that China allows for these adoptions which have lifted little babies out of orphanages and placed them into arms of loving families here in America.

Mr. Speaker, it's also important to acknowledge the continued efforts of this Congress to expand the opportunity and affordability for adoption. Together, with families like Hannah's, we're making life better for children from around the world.

ABBOTT LABORATORIES OVERCHARGES TAXPAYERS AND JEOPARDIZES PUBLIC HEALTH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. STARK. Mr. Speaker, I am today submitting for the RECORD a letter I sent to Mr. Miles White, Chief Executive Officer of Abbott Laboratories. Recent congressional investigations have collected evidence that Abbott has reported inflated prices and has engaged in other improper business practices in order to create windfall profits for providers submitting Medicare and Medicaid claims for certain Abbott drugs.

Such drug company behavior overcharges taxpayers and jeopardizes the public health system. The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 31, 2000.

Mr. MILES WHITE,
Chief Executive Officer, Abbott Laboratories, Abbott Park, IL.

DEAR MR. WHITE: You should by now be aware of Congressional investigations revealing that Abbott has for many years reported and published inflated and misleading price data and has engaged in other deceptive business practices. This letter is a call for your company to immediately cease overcharging taxpayers and jeopardizing the public health.

The price manipulation scheme is executed through Abbott's inflated representations of average wholesale price (''AWP'') and direct price (''DP'') which are utilized by the Medicare and Medicaid programs in establishing drug reimbursements to providers. The difference between the inflated representations of AWP and DP versus the true price providers are paying, is regularly referred to in your industry as ''the spread.'' The evidence amassed by Congress clearly shows that Abbott has intentionally reported inflated prices and has engaged in other improper business practices in order to cause its customers to receive windfall profits from Medicare and Medicaid when submitting claims for certain drugs. The evidence further reveals that Abbott manipulated prices for the express purpose of expanding sales and increasing market share of certain drugs. This was achieved by arranging financial benefits or inducements that influenced the decisions of health care providers submitting Medicare and Medicaid claims.

Contrary to Abbott's recent assertions in the national media, the price manipulation conduct was in no way required by or consistent with existing reimbursement laws or policies. Indeed, Abbott did not falsify published prices in connection with other drugs, where sales and market penetration strategies did not include arranging financial ''kickbacks'' to health care providers.

In the case of the drugs for which Abbott sought to arrange a financial kickback at the expense of government programs, the manipulated discrepancies between your company's reported AWPs and DPs versus their true costs are staggering. For example, in the 2000 edition of the Red Book, Abbott reported an AWP of $2,094.75 and a DP of $1,764.00 for a package of Acyclovir Sodium 1 gm. 10's

Acyclovir Sodium is an important drug in the treatment of AIDS related illnesses and it is essential that government health programs be able to accurately estimate its acquisition cost in setting reimbursements. Even more devastating, Abbott has intentionally caused the government to pay inflated amounts for this important drug at a time when AIDS health benefits were being limited due to budgetary constraints.

Another example of Abbott's drug price manipulation concerns the IV antibiotic Vancomycin, the drug of last resort in combating many life threatening infections. The public health crisis associated with the overutilization of Vancomycin is now of immediate concern. Exhibit #2, article from Hospital Pharmacist Report entitled Under Attack Vancomycin-Resistant S. Aureus Hits U.S. Shores, states: Indeed, as stated in the article, the problem has reached the level where the CDC has called for strict limits on the use of this vital drug.

In recent press reports, Abbott attempts to avoid responsibility for financially inducing health care providers to administer Vancomycin. Abbott has suggested that the drug's usage in the outpatient setting is minimal. The evidence developed by the Congressional investigators, however, reveals that outpatient utilization of Abbott Vancomycin has grown substantially in recent years as Abbott inflated its price reports to drug price publishers, while the true price to health care providers fell. Enclosed as Composite Exhibit #3 are excerpts from the Red Book showing Abbott's false price reports for Vancomycin in 1995, 1996 and 1999, together with advertisements available to industry insiders reflecting the lower actual prices. The following chart summarizes this information:

The evidence uncovered shows that providers will purchase and utilize pharmaceutical manufacturers' products that have the widest spread between the providers' true costs and the reimbursement paid by third parties—including State Medicaid Programs and Medicare. In 1996, Abbott, Fujisawa, Lederle, Lilly and Schein all made representations of Wholesaler Acquisition Cost (''WAC'') to the State of Florida, as summarized in the chart below (Exhibit ''4''). The chart sets out the reimbursement amount paid by Florida Medicaid, the industry insider's true cost and ''the spread'' between Medicaid reimbursement and true cost. A review of the chart below clearly demonstrates that the vast majority of providers utilize Abbott's Vancomycin, the drug with the greatest spread between the true wholesaler acquisition cost and the inflated false WAC reported by Abbott.

Exhibit ''5'', prepared by the National Association of Medicaid Fraud Controls Units in conjunction with their ongoing investigation, further demonstrates that Abbott maximized sales volume and

The following document (Exhibit ''6'') reflects misleading price representations that Abbott sent to Medi Span (now acquired by First Data Bank) concerning two package sizes of Vancomycin. Medi Span's data acquisition specialist attempted to clarify with ''Jerrie,'' from Abbott, the pricing discrepancies and confusion over the prices of the two packages:

Abbott's apparent price manipulation created a financial incentive for doctors to increase their usage of Vancomycin, at the very time that overutilization of the drug created a health crisis. This is an especially reprehensible misuse of Abbott's position as a drug manufacturer.

Additionally, as indicated by the evidence below, Abbott has provided or arranged for a number of other financial inducements to stimulate sales of its drugs at the expense of the Medicaid and Medicare Programs. Such inducements include volume discounts, rebates, off invoice pricing, and free goods, and are designed to result in a lower net cost to the purchaser, while concealing the actual cost. For example, a product invoiced at $100 for ten units of a drug item would in reality only cost the purchaser half that amount if a subsequent shipment of an additional ten units is provided at no charge. The same net result can be achieved through a ''grant,'' ''rebate,'' or ''credit memo'' in the amount of $50. The following excerpts from Abbott's internal documents (Composite Exhibit ''7'') are examples of Abbott's creation of off invoice price reductions that conceal the true price of drugs and impede the Medicare and Medicaid Programs from accurately estimating the acquisition cost of drugs:

As I am sure you are aware, the inflation index for prescription drugs continues to rise at a rate of more than twice that of the consumer price index. The American taxpayers, Congress and the press are being told that these increases are justified by the cost of developing new pharmaceutical products. Abbott and certain other manufacturers are clearly exploiting the upward spiral in drug prices by falsely reporting that prices for some drugs are rising when they are in fact falling. For example, the actual price being paid by industry insiders for Abbott's drug, Sodium Chloride 0.9 percent, was in many years less than half of what Abbott represented. Abbott falsely reported that the average wholesale price to health care providers for Sodium Chloride 0.9 percent, 500 ml 24s, [NDC # 00074–7983–03], rose from $206.06 to $229.43 during the years 1993 through 1996. The Congressional investigations have revealed that, in fact, the true price to industry insiders from Florida Infusion was only $43.20 in 1993 and the price actually fell to $36.00 by 1996. (Composite exhibit 8).

Abbott's knowledge that true wholesale prices were falling for many of its drugs at the very time that it falsely reported that its prices were rising is evidenced by an internal Abbott document (Exhibit ''9'') dated March 10, 1994 to a wholesaler, Florida Infusion, which states the following:

''The first three pages, identified as Florida Infusion Price Changes indicate the products in which prices were changed and their new contract price. Favorable factory cost in 1994 have lead the way for these price reductions! (emphasis added).

Shortly after informing Florida Infusion that its prices were being reduced, Abbott falsely informed Red Book that its prices were being increased, as evidenced by the internal memo dated May 26, 1994 (Exhibit ''10''):

''As you are aware, on at [sic] the beginning of April, Abbott took a list price increase. This also has an effect on our AWP (Average Wholesale Price) which Red Book quotes for reimbursement purposes.''

Abbott created and marketed these financial inducements for the express purpose of influencing the professional judgment of doctors and other health care providers. Abbott's strategy of using taxpayer funds to increase company drug sales and enriching

doctors and others who administer the drugs is reprehensible and a blatant abuse of the privileges that Abbott enjoys as a major pharmaceutical manufacturer in the United States.

Doctors should be free to choose drugs based on what is medically best for their patient. Inflated price reports should not be used to financially induce doctors to administer Abbott's drugs. Abbott's conduct, in conjunction with other drug companies, has cost the taxpayers billions of dollars and serves as a corrupting influence on the exercise of independent medical judgement both in the treatment of severely ill patients and in the medical evaluation of new drugs.

Accordingly, I have requested that the Commissioner of the United States Food and Drug Administration, Dr. Jane Henney, conduct a full investigation into the business practices of certain drug companies, including Abbott. My reading of the Federal Food, Drug, and Cosmetic Act and the corresponding regulations suggests that the FDA should pay particular attention to Abbott's misleading price reports and take affirmative action to ensure that its representations about its drugs are accurate and not misleading.

Abbott is clearly capable of representing prices that do not include a kickback for many of its drugs. The following chart (''Exhibit II'') specifies drugs for which Abbott reported accurate prices:

As illustrated by the preceding information, Abbott clearly has the ability to accurately and competently report its prices and consistently did so when it was in its own economic interest.

I urge Abbott to immediately cease reporting inflated and misleading price data. Such action places the nation's health care at great risk and overcharges taxpayers.

Based on the evidence collected, Abbott should make arrangements to compensate taxpayers for the financial injury caused to federally funded programs. Any refusal to accept responsibility will most certainly be indicative of the need for Congress to control drug prices. If we cannot rely upon drug companies to make honest and truthful representations about their prices, then Congress will be left with no alternative but to take decisive action to protect the public.

I would appreciate your sharing this letter with your Board of Directors and in particular with the Board's Corporate Integrity Committee.

Sincerely,

PETE STARK,
Member of Congress.

IN HONOR OF NEW YORK STATE ASSEMBLYMAN DENIS BUTLER ON HIS RETIREMENT AFTER TWENTY-FOUR YEARS IN OFFICE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to New York State Assemblyman Denis Butler, who is retiring this year after twenty-four years of service in the New York State Assembly, where he has represented the residents of his native Queens, New York district superbly.

First elected in 1976, and reelected every year since, Assemblyman Butler has led a remarkably distinguished career in the State Assembly, where he rose to the rank of Assistant Speaker Pro Tempore in 1993. He has served as a senior member of the Assembly labor and Aging Committees, and currently serves as a member of the Rules, Analysis and Investigations, Economic Development, and Oversight Committees. He is also the Chairman of the Subcommittee on the Special Problems of the Aging as well as the Chairman of the Assembly Queens Delegation.

Assemblyman Butler has been a champion of the aging, disabled, and underprivileged, and has worked tirelessly for the working men and women of his district. With the support of the Assembly leadership, Assemblyman Butler created SCRIBE (Senior Citizens Rent Increase Exemption), which has helped low income seniors remain in their homes. Additionally, he was a prime sponsor of EPIC, New York's prescription drug buy plan, which has helped thousands of elderly new Yorkers pay for necessary medication.

Assemblyman Butler has also been extremely active in civic affairs and has worked alongside local community activists on a wide range of issues, from improving educational and youth programs, to strengthening the local police presence. His caring guidance and enthusiasm have truly made his neighborhood a more pleasant place to live and work. Assemblyman Butler's service in Albany has been extraordinarily beneficial to his Queens, New York constituents, and I applaud him on such an esteemed career.

Assemblyman Butler began his career in politics after completing his education, which included a significant amount of time at seminary school, and working as an account executive and sales manager in the fields of television and radio broadcasting. Throughout his years serving his community in the legislature, time and again. Assemblyman Butler has proven to be a community-driven and compassionate legislator. He is one of the original founders of the 114th Auxiliary Police Corps, the past president of St. Joseph's Home School Association, and has also served as a member of the St. Joseph's Parish Council. For twenty-eight years, Assemblyman Butler has organized the annual Toys for Tots Drive. Assemblyman Butler has been honored by numerous organizations, among them, the Veterans of Foreign Wars Post 2348, the Long Island Chapter Knights of Columbus, and the Federation of Italian-American organizations of Queens, Inc.

Mr. Speaker, I encourage my colleagues to pay tribute to such a respectable man. Assemblyman Butler has demonstrated that the work of a legislator is not only a rewarding opportunity for the person in office, but also immeasurably helpful to local communities. Assemblyman Butler has served as an enormously valuable resource and public servant to his Queens constituents and I am sure his services will be missed.

TRIBUTE TO THE HONORABLE WILLIAM L. CLAY, SR.

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 27, 2000

Mrs. JONES of Ohio. Mr. Speaker, it is with great pleasure that I stand here this evening to acknowledge the accomplishments of one, United States Representative WILLIAM CLAY, my friend and colleague.

WILLIAM CLAY, United States Representative from the 1st Congressional District of Missouri, was first elected to Congress in 1968. He has served in these hallowed chambers for 15 succeeding Congresses from 1969 through January 2001.

His commitment to public service has been lifelong. His work includes serving as Alderman in St. Louis and serving as Education Coordinator, Steamfitters Local No. 562. Mr. CLAY, throughout his business and professional life, has always been a people's fighter, championing the cause for those left out, the voiceless and the poor.

Representative CLAY, senior member, Missouri congressional delegation, currently serves as Ranking Member, House Education and Workforce Committee. He also served as Chairman, Committee on the Post Office and Civil Service in the 102d and 103d Congresses. Representative CLAY was the chief architect of H.R. 1, the Family and Medical Leave Act, a major piece of legislation. In addition, it was Representative CLAY who worked tirelessly to have the Hatch Act reform bill signed into law.

Representative CLAY's work in the areas of education, labor and workforce will stand long after he leaves Congress. His work to ensure equal access to education and to promote educational excellence are testaments to his belief in providing opportunities for all Americans. In addition, CLAY has boldly stood, where many others would not, to ensure fair wages as well as safe, healthy working conditions for American workers.

In 1969, Representative CLAY and twelve other African American representatives of the 77th Congress joined together to form the ''Democratic Select Committee.'' This committee was later renamed the Congressional Black Caucus. Founding members included Representatives WILLIAM CLAY, Shirley Chisholm, George Collins, JOHN CONYERS, Ronald Dellums, Charles Diggs, Augustus Hawkins, Ralph Metcalfe, Parren Mitchell, Robert Nix, CHARLES RANGEL, Louis Stokes and Walter Fauntroy. Representative CLAY, through the Congressional Black Caucus, worked and dedicated himself to removing barriers and helped to mold a Nation to its higher calling for a government ''of the people, for the people and by the people.''

Representative CLAY has authored two books, To Kill or Not To Kill (published in 1990) and Just Permanent Interests (published in 1992). Moreover, Mr. Speaker, Representative CLAY has also founded the William L. Clay Scholarship Fund, a fund that presently enrolls fifty-six students in twenty-one different schools.

Today, Mr. Speaker, I recognize a Statesman, an educator, businessman, author, and more importantly, a father and husband to Carol Clay for 43 years. I stand today to personally thank him for his friendship, guidance, love and his long-time friendship with my predecessor, Congressman Louis Stokes. Congressman Stokes gave me the opportunity that I possess today and now I am able to bask in the sunshine too!

Mr. Speaker, I stand to recognize and to say thanks to the outstanding Representative from the 1st Congressional District of Missouri, my friend, Representative WILLIAM LACY CLAY, Sr. Mr. Speaker, America is better off . . ., this Congress is better off, . . ., the Congressional Black Caucus is better off . . . because of Representative WILLIAM LACY CLAY, Sr. I salute you and America salutes you.

CONFERENCE REPORT ON H.R. 2614, CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

SPEECH OF

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. RILEY. Mr. Speaker, in an effort to ensure that our nation's seniors will continue to have access to quality health care, Congress is again providing a financial infusion into our nation's Medicare program.

I want to ensure that the Health Care Financing Administration (HCFA) implements the provisions of this Medicare ''giveback'' bill in accordance with congressional intent. Section 111 of this legislation would help alleviate the high out-of-pocket payment our seniors face today in hospital outpatient departments. HCFA has previously interpreted this provision in a manner that may result in a beneficiary paying more for a procedure done on an outpatient basis than they would pay if the procedure were done on an impatient basis. I believe this interpretation of the Balanced Budget Relief Act (BBRA) of 1999 fails to carry out congressional intent.

While I am pleased that this year's bill would gradually begin to diminish these overcharges to our seniors, HCFA should interpret Sec. 111 on a ''per incident'' or ''per procedure'' basis or seniors will not be able to fully avail themselves of the help we have tried to include for them in this bill. Under HCFA's narrow interpretation of this provision in the BBRA of 1999, seniors may be faced with paying two or more separate copays for the same procedure and would likely pay less out-of-pocket if they had the same procedure done in an in-patient hospital. I do not believe that was Congress' intent when the beneficiary copay limitation was first enacted last year.

There is no reason seniors in my district should check into a hospital overnight for a procedure because of the exorbitant copay they would face if it were done on an outpatient basis. HCFA should revise its interpretation accordingly to include all the services provided to a beneficiary in the course of an outpatient visit as envisioned by this year's Medicare ''giveback'' legislation.

CARDIAC ARREST SURVIVAL ACT OF 2000

SPEECH OF

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. BLILEY. Mr. Speaker, I strongly support H.R. 2498, the Public Health Improvement Act of 2000. This package, referred to by many as the ''minibus,'' is composed of a number of different, but all very worthy, proposals designed to improve our public health infrastructure.

The first title of the bill, the Public Health Threats and Emergencies Act, strengthens the nation's capacity to detect and respond to serious public health threats, including bioterrorist attacks and disease-causing microbes that are resistant to antibiotics. Few things are more important than the ability to quickly and effectively respond to outbreaks of infectious diseases and bioterrorism.

Also in the bill, thanks to the good work of the Chairman of the Health Subcommittee, Mr. BILILRAKIS, is the Twenty-First Century Research Laboratories Act. This bill responds to the fact that while our nation possesses the best research institutions in the world, the infrastructure of many of these facilities is outdated and inadequate. The bill authorizes the NIH to make grants to build, expand, remodel and renovate our nation's research facilities.

The bill contains a number of other meritorious provisions. We reform the certification process for organ procurement organizations, providing them with due process and better performance-based measures; we provide better support for our nation's clinical researchers, so that we continue to attract and retain leaders in patient-oriented research; and we require the NIH to enhance research efforts for Lupus, Alzheimer's Disease, and Sexually Transmitted Diseases.

I'd be remiss if I didn't acknowledge the hard work of my colleague, the gentleman from Florida, Mr. STEARNS, on the Cardiac Arrest Survival Act, which is critical life-saving legislation. Sudden cardiac arrest kills more than 250,000 Americans every year. Many of these lives could be saved by immediate defibrillation. In our Committee investigations, we found that counties with defibrillation programs were able to save up to 57% of cardiac arrest victims. The legislation by Mr. STEARNS would protect good Samaritans who use defibrillators to help save the lives of our fellow Americans. It also encourages widespread use of defibrillators by removing the threat of unlimited and abusive lawsuits, and by establishing guidelines for the placement of defibrillators in Federal buildings.

In conclusion, I must note the hard work that went into this bill on both sides of the aisle, and in both bodies. This bill could not have been finalized without the dedication and efforts of Senator BILL FRIST and my colleague MIKE BILIRAKIS, and they are to be saluted, as is the minority. This is a good bill, and I urge my colleagues to support it.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Sunday, October 29, 2000

Mr. GILMAN. Mr. Speaker, I support the motion to instruct on Medicare+Choice being offered by the gentleman from New Jersey.

This motion will allow Medicare+Choice organizations to offer Medicare+Choice plans under Part C of Title XVIII for a minimum contract period of three years and to maintain the benefits specified under the contract for the three years.

At the time the Medicare+Choice Program was being developed, it seemed like a revolutionary concept that would greatly expand services available under Medicare, while keeping overall costs down. Regrettably, for far too many seniors, Medicare+Choice has become a false choice and a cruel joke.

In theory, Medicare+Choice sounded like a good program. Private health maintenance organizations (HMOs) would enter into contracts with the Health Care Financing Administration to provide services to seniors who signed up for membership. These services were included in various benefit plans, the content of which varied with the premium price. The higher the premium, the more services it offered. It bears noting however, that many of the benefits packages initially came with little or no premium cost to the individual senior. Moreover, many of these plans offered extensive benefits for such little cost, including prescription drug coverage. It sounded too good to be true. As history would show, this was precisely the case.

Within the first year, many of the HMOs recognized that providing health coverage for seniors, especially prescription drug benefits, was a highly expensive matter. Once the books were balanced, it became apparent that the cost of providing these services was not being offset by the per patient reimbursement being offered by HCFA. Being creatures of profit, the various HMOs began to take one of two courses of action. They either received permission to drastically raise their premium rates, as much as 1,500 percent in some cases, or they conveyed their intent to HCFA to withdraw their services from areas which they deemed to be unprofitable, usually surburban and rural counties.

My region, the 20th Congressional District of southeastern New York has been devastated by this process. When the Medicare+Choice Program was started, there were approximately six HMOs for seniors in my district to choose from. Today, none remain in Sullivan County, two small plans exist in Orange County and the remaining plans in Rockland and Westchester Counties have sharply raised their premiums.

This is inexcusable. Our seniors deserve to be able to sign up for a plan with the knowledge and comfort that it will not be ripped out

from under them after a year's time. The current system simply presents seniors with false hopes.

The fault for this situation lies with: HCFA, for not offering reasonable floor reimbursement rates, the HMOs, for seeking unreasonably high profits above patient care, and with the Congress, for failing to attach any punitive measures to HMOs that pull out of certain counties when they arbitrarily decide they will not meet their projected profit margin.

Mr. PALLONE's motion is a good first step toward solving this problem even though it represents the bare minimum of what the Congress should do to address this crisis. Last year, the Congress sent $1.4 billion in additional funds to HMOs so that they would remain in the Medicare+Choice Program. Yet no accountability provisions were attached. The result was further pullouts this year. The House did the same thing last week with the Balanced Budget Act (BBA) giveback legislation that was incorporated into the tax bill; additional funds for HMOs with no strings attached. I predict this latest action will meet with the same results.

For the sake of those seniors who have been left out in the cold by their Medicare+Choice providers, I urge my colleagues to vote for this motion, and restore some common sense and basic accountability to this broken program.

IN HONOR OF DR. HERBERT B. ANDERSON, PASTOR OF THE BRICK PRESBYTERIAN CHURCH, ON HIS RETIREMENT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to Dr. Herbert B. Anderson, the Pastor of the Brick Presbyterian Church in Manhattan, New York, on his retirement after twenty-two years of service to the church. Dr. Anderson will be honored for his many years at the church at a Festival Service of Worship this upcoming November.

Dr. Anderson, recently confirmed to become Pastor Emeritus after his retirement, has dedicated his life to the Presbyterian Church. After graduating from Chicago's McCormick Theological Seminary in 1954, Dr. Anderson began his career as a young pastor at the First Presbyterian Church in Harrison, Arkansas. After five years in this position, he moved onto the Southminister Presbyterian Church in Tulsa, Oklahoma, where he served as pastor for eight years. He then began preaching at the First Presbyterian Church in Lake Forest, Illinois, where he remained from 1967–1978 until he moved to the Brick Presbyterian Church, where he has remained.

Throughout his many years as a pastor, Dr. Anderson has served as a member and leader of numerous religious organizations. Since 1993, Dr. Anderson has been the Chairman of the Federation of Protestant Welfare Agencies, Inc. He has also worked to promote interfaith dialogue and understanding. In the early 1980s, Dr. Anderson served on the delegations of the Appeal of Conscience Foundation to China, Argentina, and Hungary. In 1975 he traveled to Nairobi, Kenya as the Delegate to the Fifth Assembly, World Council of Churches. Throughout the years, Dr. Anderson's extensive involvement in Presbyterian and interfaith organizations has served as a contribution to the already superior reputation of the Brick Presbyterian Church.

Mr. Speaker, as a member of his congregation, I am confident that the work of Dr. Anderson will have a lasting effect on the Brick Presbyterian Church's congregation, whether it is through our recollection of a particularly memorable sermon by Dr. Anderson, or through the many wedding and baptism ceremonies that Dr. Anderson has presided over. Although Dr. Anderson is retiring, his many contributions to the Brick Presbyterian Church will continue to be appreciated for many years to come.

I congratulate Dr. Anderson on his inspiring career and I wish him an enjoyable retirement.

OMNIBUS INDIAN ADVANCEMENT ACT

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 26, 2000

Mr. YOUNG of Alaska. Mr. Speaker, as chairman of the Resources Committee and author of title XV of H.R. 5528 as passed by the House, I wish to make a statement to provide factual background and clarify congressional intent as to the meaning and implementation of that title.

The Secretary of Interior has created allocation pools for acreage entitlements of regional corporations under sections 14(h)(1) and 14(h)(8) of the Alaska Native Claims Settlement Act (ANCSA) and conveyances to one regional corporation under section 14(h)(1) may have the effect of reducing the entitlements of all other regional corporations under section 14(h)(8). Chugach Alaska Corporation (Chugach) currently has significant entitlement remaining under its section 14(h)(1) allocation and the Secretary believes Chugach is overconveyed under its current section 14(h)(8) but allocations under section 14(h)(8) have not been finalized. In the event that any acreage ultimately conveyed to Chugach as a result of title XV would have the effect of reducing the section 14(h)(8) allocations of other regional corporations under current regulations, section 1506(a) provides that such reduction shall be charged solely against Chugach's final section 14(h)(8) allocation, notwithstanding such current regulations, or other applicable law.

SUPPORT FOR H.R. 5543

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. WILSON. Mr. Speaker, the House recently passed a bill to increase the minimum wage, increase the amount Americans can save each year through an IRA, and to improve add funds to Medicare and Medicaid programs. An important part of that Medicare package improves the reimbursement rates for Medicare+Choice. This program offers more choices for seniors to decide what kind of health care plan they prefer. The Medicare+Choice managed care plans usually offer better services and benefits than traditional Medicare—most importantly—they can provide prescription drug coverage to seniors who cannot afford a Medigap policy. In my district, nearly 60 percent of seniors who earn less than $20,000 per year who chose a Medicare+Choice plan. But in my state, Medicare reimbursement for this program is half of what places in New York or Florida receive. And New Mexico's rate is too low for the plans to continue to offer the same quality service. H.R. 5543 will correct that disparity.

This measure is strongly supported by New Mexicans, and I wish to bring your attention to the attached article written by Bob Bada, that clearly illustrates the current situation and need for this legislation and the need for a long term reform of Medicare.

THE DUAL EDGED SWORD OF MEDICARE REIMBURSEMENT—THE MEDICARE PROVIDER AND HEALTH MAINTENANCE ORGANIZATION PERSPECTIVE

(By Bob Badal)

While the nation's booming economy and concomitant boosts in Federal tax revenues over the past six to seven years has extended the solvency of the current Medicare program to 2023, the baby-boom generation soon will begin to enter the program. Paying for the extended range of benefits for this increase in senior citizens will exact a large financial toll. In 2025, 69.3 million elderly and disabled persons are expected to be eligible for Medicare, up from 39 million today. The share of our nation's gross domestic product spent on Medicare is projected to almost double from 2.7 percent in 1998 to 5.3 percent in 2025. Congress passed the Balanced Budget Act of 1997 (''BBA'') to secure the financial stability of the Medicare program by providing an estimated $115 billion in cuts, over five years, in spending to physicians, hospitals, nursing homes, and home health agencies. In addition, the BBA sought to provide alternative network and product choice to beneficiaries via Medicare+Choice plans. Medicare patients, as intended by the BBA, would be able to elect coverage from Preferred Provider Organizations or private insurers, or they could establish a medical savings account, financed by the Health Care Finance Administration (''HCFA''), and purchase a high-deductible insurance policy. With the benefit of hindsight, it is apparent that the BBA, and subsequent amendments, have negatively affected not only the financial stability of Medicare providers, but also the level of choice for the beneficiaries it is mandated to protect. On this point, Senator Pete Domenici R–N.M., Chairman of the Senate Budget Committee stated: ''Seniors in many communities are treated like second-class seniors because their choice and access to care is practically nonexistent. We have created a system of healthcare defined by the 'haves' and 'have nots' ''.

MEDICARE REIMBURSEMENT TO PROVIDERS

The BBA has created a surplus in funds for the Medicare Program over the past 2 years. This surplus is a pyrrhic victory, however. The BBA has reached a surplus by effectively

transferring a growing share of the risk to the provider. The Medicare spending cuts called for by the BBA far exceeded the $115 billion Congressional Budget Office (CBO) estimate, and, in fact, will reach more than $212 billion over the five-year life of the BBA. The subsequent Balanced Budget Refinement Act of 1999 served only to restore a modest $15 to $18 billion in payments back to providers. Many providers have been forced into bankruptcy by these draconian cuts, while others have been forced to close their doors.

Cardiac surgeons saw over a 10 percent drop in their reimbursement and anesthesiologists experienced an 8 percent decline. In heavily penetrated Medicare and Managed Care markets, such declining reimbursement can have a serious financial impact on many providers. John DuMoulin, director of managed care and

In communities like Albuquerque, New Mexico, which has experienced a 15-physician-per-month exodus due, in part, to poor levels of physician-based Medicare reimbursement, access to quality healthcare is becoming a serious concern (New Mexico Hospital Association, January 2000). In addition, as reported in July, 2000, by the American Hospital Association, 10 percent of the nation's nursing homes have filed for bankruptcy protection, and 35 percent of the nation's hospitals are losing money on inpatient services (Healthcare Financial Management, July 2000). Faced with escalating costs of as much as 8–10 percent due in part, to scientific/technological advances, higher drug costs, and increases in union labor nursing costs, hospitals are faced with a dilemma. They are scheduled to receive increases in Medicare reimbursement of 1.1 percent, less than the market-basket rate of inflation in fiscal 2001 and 2002.

Public and provider confidence in HCFA's understanding of the relevancy and possible drastic consequences of their continued pressure on provider reimbursement is not high. To understand the reason why, one need only examine the misguided approach that HCFA has used to determine the initial solvency estimates of Medicare: In 1998, following the passage of the BBA, the General Accounting Officer (GAO) generated new estimates that said that Medicare could remain solvent until 2008. In April 1999, the Bipartisan Commission on the Future of Medicare entered the fray when it issued its report to the nation: Medicare would live until 2015, said the commission. Then in early 2000, the Medicare trustee issued yet another revised estimate for the solvent life of Medicare—2023. That estimate lasted only a few weeks before the trustees admitted they had made a few calculation errors. Medicare would be alive and kicking until 2025. (Healthcare Financial Management, ''Never Underguesstimate the Financial Future of Medicare,'' Jeanne Scott, June 2000).

The formula used by HCFA to calculate physician payment creates extreme oscillations in the reimbursement scale. The swings are due in large part to HCFA's use of a variety of time periods—the current fiscal year, the calendar year and other time frames—to make calculations about physician payment. Part of the problem exists within the new ''sustainable growth rate system'' enacted by the BBA to help control expenditures for physician services under fee-for-service Medicare. The growth rate system calculates the updates to the Medicare fee schedule conversion factor, which is used to set standardized reimbursement for specific service categories. The problem, however, is that HCFA is using projected data on utilization patterns and associated healthcare provider costs rather than current actual data in establishing each year's sustainable growth rate. ''Deliberate use of sustainable growth rate estimates that are based on knowingly flawed projections—even after actual data have become available—is arbitrary and capricious,'' the AMA said in a March 4 letter to Harriet S. Rabb, general counsel for Health and Human Services. (Government and Medicine, ''Data driving swings in Medicare pay,'' Susan J. Landers, AMNews staff. May 17, 1999).

HEALTH MAINTENANCE ORGANIZATIONS AND MEDICARE+CHOICE REIMBURSEMENT FROM MEDICARE

Before the BBA was passed, Medicare beneficiaries essentially were limited to a choice between traditional Medicare coverage under Part A and Part B or HMO coverage. HCFA paid most Health Maintenance Organizations (''HMO'') under the Medicare risk-based system. Under this approach, HCFA generally paid an HMO a prospective amount equal to 95% of the average adjusted per capita cost (AAPCC) of providing traditional coverage to Medicare beneficiaries in the county in which they resided. This amount was adjusted to reflect geographic differences in utilization and practice parameters, as well as certain demographic characteristics of enrollees, such as gender, institutional status, and age. Payment to most HMOs was risk-based in that it was fixed, regardless of the total costs incurred by the HMO in furnishing care to an individual beneficiary. The Medicare payment rates to HMOs varied significantly across the country. Thus, HMOs more actively pursued Medicare enrollees in areas where HMO rates tended to be higher, typically in larger cities. Conversely, market penetration by HMOs was limited in other areas, particularly in rural areas, where Medicare payments to HMOs were lower. Since Medicare HMO plans have traditionally offered enhanced benefits—such as prescription drug coverage and routine physicals—to their enrollees, the lower availability of managed care options in rural areas meant that many rural beneficiaries did not have access to the same benefits as urban beneficiaries did. (ProPac, Medicare and the American Health Care System: Report to the Congress, June 1997; and PPRC, Medicare Managed CARE: Premiums and Benefits, April 1997).

Under the BBA, Medicare+Choice plans would receive aggregate payments for the year based on their geographic location and the demographic characteristics of their enrollees. The BBA establishes that each county's payment is determined as the greater of (1) a local/national blend rate, (2) a national floor, or (3) a minimum update rate set at 2 percent above the previous year's rate. (Project HOPE Center for Health Affairs, ''Changes to Medicare risk plan payments as a result of the Balanced Budget Act of 1997; implications for budget neutrality [abstract],'' Schoenman, 1998). In addition, the BBA, through the use of a risk-adjustment payment, attempts to reflect the relative health status of managed care enrollees, with plans getting more money for their sickest beneficiaries. Because this risk adjustment model is based solely upon impatient hospital utilization gathered from Medicare risk contractors, there

With the passage of the Balanced Budget Act, changes in the Medicare program requirements were designed to attract more managed care plans to the program. These changes have resulted in new plans in some areas, but the payment reforms in the BBA, coupled with new regulatory requirements, have already had the unintended effect of discouraging other health plans from participating, resulting in fewer choices for Medicare beneficiaries overall. In 1999, the number of Medicare risk plans declined in response to changes in public policy under the BBA. An estimated 450,000 seniors were affected in 1999 as 54 health plans announced their intent to reduce the size of the markets they served, and 45 did not renew their contracts with HCFA. In January of this year, another 41 Medicare+Choice plans announced their intentions to leave the Medicare market, with 58 additional plans announcing a reduction in their service area. In addition, many HMOs that remain have raised premiums or cut benefits to beneficiaries, including prescription benefits.

CONSEQUENCES

When Providers and Medicare+Choice plans pull out of markets on such a grand scale, the implications for seniors are tremendous. Access to care, continuity of care, cost of healthcare services, and provider/Medicare HMO (both inpatient and outpatient) ''flight'' are the paramount concerns of most Medicare beneficiaries (Modern Healthcare, ''The exodus escalates, Medicare+Choice market pullouts to nearly double in 2001,'' Benko, July 3, 2000). As Medicare reimbursement to providers continues to fall far short of rates obtainable from private payers, providers will increasingly refuse to serve Medicare patients and/or will reduce the quality of services rendered to them. (Economic Commentary, ''Medicare: Usual and Customary Remedies Will No Longer Work,'' April, 1997). For some providers, this decrease in reimbursement may prove to be too costly, forcing them out of business all together. Declining Medicare reimbursement to HMOs has had a similar effect, and has proven to be even more costly to Medicare beneficiaries than Medicare cuts in provider reimbursement. A study by the Barents Group, Westat, and the Henry J. Kaiser Family Foundation, performed in 1998, providing data on 2,163 Medicare beneficiaries who were involuntarily disenrolled from their Medicare risk HMO, confirms the implications of Medicare's declining HMO reimbursement methodologies, and subsequent decreases in Medicare contracted HMOs. The study identified seven areas of concern:

Benefit Reductions: Eighty-four percent of beneficiaries reported prescription drug coverage in their former HMO, but only 70% reported coverage after their plan withdrew. Beneficiaries most likely to have lost one or more benefits also were those most likely to have health problems and least able to pay for those benefits. The disabled under age sixty-five, those age eighty-five and older, and the poor and near poor were more likely to have moved to traditional Medicare with no supplemental coverage and were most likely to report losing benefits after the transition.

Increased Out-of-Pocket Costs: Four of every ten beneficiaries reported paying higher monthly premiums after their Medicare HMO left the market, with the share of beneficiaries paying no premiums for supplemental benefits declining from 67 percent to

53 percent and the share of beneficiaries reporting premiums of $75 or more a month rising from 3 percent to 21 percent. Joining another Medicare HMO, however, does not appear to protect beneficiaries against premium increases or cost concerns. One quarter of those who joined another HMO reported paying higher premiums after switching HMOs and said they expect to have higher doctor and hospital expenses.

Continuity of Care: Most beneficiaries (91 percent reported having one person they think of as their personal doctor or nurse. However, 22 percent of beneficiaries said that they had to find a new personal doctor after their plan withdrew, and 17 percent had to find a new specialist. Beneficiaries in traditional Medicare with no supplemental coverage were much less likely than others were to report having a personal doctor after their plan pulled out and more likely to report having to change specialists. For markets where provider financial viability is already threatened by high percentages of uncompensated care and dwindling commercial insurance payers, continuity of care is further diminished.

Impact on Patient Interactions: Time spent with Medicare patients on each visit is being reduced, and multiple visits for multiple problems are being required. Some physicians selectively refer the more difficult, costly cases to other physicians. Videos are being substituted for face-to-face patient counseling and education.

Cutting Amenities: Services for the convenience of patients are being dropped, such as arranging for community services, in-office phlebotomy and x-ray services, and incidentals such as post-procedure care kits. Screening and counseling are being curtailed. Satellite offices are being closed. Telephone consultations are being reduced, with office staff returning more telephone calls from patients.

Impact on Access: Medicare patient loads are being reduced, limited or eliminated. Some physicians accept Medicare patients only by referral. Money-losing services, especially surgical procedures, are not being offered to Medicare patients. Simple procedures formerly performed in the office are done in outpatient facilities. In addition, access to specialists is decreasing. Specialists refer patients back to primary care physicians as soon as possible, and are less willing to become primary physicians for their chronically ill patients. ''Reimbursement generosity from private insurance relative to that from Medicare negatively affects physicians' assignment rates, implying that the elderly's access to health care and/or the financial burden is likely to be jeopardized by further reductions in Medicare

Technology lags: Many providers are not renewing or updating equipment used in their office, but shifting to hospitals to perform Medicare procedures. Purchases of equipment for promising new procedures and techniques are being postponed or canceled.

SOLUTION

How should we design Medicare if we had it to do over again? To restore the viability of the program's promise to future generations, and to prevent the drop in access of quality, cost effective healthcare for beneficiaries, the American Medical Association's approach makes sense. Medicare funding, states the AMA, must be shifted from the pay-as-you-go system to one in which beneficiaries have a larger responsibility to provide health insurance for their own retirement health care during their working years. Shifting out of a tax-based, pay-as-you-go system to a system of private savings can assure that all working Americans have access to health care in retirement. This does not means, however, that government would not have a major role to play. The government would continue to make a substantial contribution toward the purchase of insurance for the elderly and it would enforce requirements for individual saving. From a financial standpoint, greater individual funding of retirement health care has at least five advantages over a government-based system:

A private system would allow individuals to freely choose the types of health care plans that meet their particular needs.

Individual funding would remove federal budgetary considerations and the accompanying extraneous budgetary issues from government policy toward the system.

Much of the funding of a private system would be invested in economic activity in the private sector, rather than in unfunded federal debt that must be repaid by subsequent tax revenue.

A higher rate of return is possible with investment of funds in private sector economic activity than in government debt instruments.

And, above all else, provider as well as Medicare+Choice HMO reimbursement would be appropriately set at free market competitive levels, as established by the consumer. (Rethinking Medicare: A Proposal from the American Medical Association—''Solutions for Medicare's Short-term and Long-term Problems'', February, 1998).

CONCLUSION

It is somewhat paradoxical to think that providers of healthcare and their long-time adversary, the HMO (or in this case, the Medicare+Choice HMO), actually may have something in common. Providers of healthcare and managed care organizations agree that the Health Care Financing Administration, and its reimbursement methodologies, have eliminated some of the incentive for providing quality, cost effective access to care for beneficiaries. Nevertheless, because there is only a finite amount of dollars that HCFA can provide to the delivery of healthcare for beneficiaries, any short-lived alliance between providers and HMOs breaks down. Both parties will continue to fight over available healthcare dollars. Worse yet, as the population ages and the number of Medicare beneficiaries grows—leading to a subsequent decline in Medicare tax revenues per beneficiary—the battle for government healthcare funding will increase.

Most health care groups and analysts believe Congress will allocate some additional money to Medicare fixes this year. The large budget surpluses, the greater-than-expected savings from 1997 Medicare cuts, and the data supporting providers' and managed cares' claims of financial pain make it difficult for lawmakers to ignore the problems. ''I think the surplus makes it easier to make corrections and to make a larger amount of corrections,'' said Rick Pollack, executive vice president for the American Hospital Association. Bob Blendon, a health policy and political analysis professor at Harvard University, however, states that members of Congress ''. . . may be concerned about paying for tax cuts and a Medicare prescription drug benefit, as well as ensuring that Medicare cuts won't have to be reinstated if the surplus disappears.'' Despite the cautious optimism among providers, in a highly charged political environment like a presidential election year, the issue remains undecided and unresolved, and the deterioration in service continues apace.

Aetna U.S. Healthcare: 23 counties in 14 states, 355,000 lives.

Humana: 45 counties in 6 states, 84,000 lives.

Foundation Health Systems: 18 markets in 6 states, 19,000.

Oxford Health Plan: 6 Louisiana parishes, 5,900.

Gulf South Health Plans: 5 Louisiana parishes, 4,000.

United Healthcare: Bristol County, R.I., 1,700.

Additional Pullouts pending:

Cigna Corporation, Philadelphia Pennsylvania, announced last month that it is leaving 13 of its 15 Medicare HMO markets, affecting about 104,000 members, effective January 1, 2001. Cigna cites Medicare payment reductions mandated by the BBA have made it difficult for MCOs generally to offer benefits cost effectively. (Healthcare Financial Management, July 2000, ''Cigna Drops Most Medicare HMOs'').

Carefirst Blue Cross and Blue Shield reports its intent to close Maryland's largest Medicare HMO by year-end, displacing 32,000 members. Carefirst blames the government's skimpy reimbursement rates, which it says aren't keeping pace with medical cost increases.

Pacificare's Secure Horizon plan will uproot 20,300 lives when it exits 15 markets in Arizona, Colorado, Texas and Washington. The company has been changing its benefit offerings and boosting members' premiums and copayments in an effort to offset reduced government payments. ''For us to remain viable in the long term, congressional action is needed. We've been urging Congress for over two years to increase funding for the Medicare+Choice program,'' says Robert O'Leary, CEO Pacificare. (Modern Healthcare, July 10, 2000, ''More Plans dropping Medicare HMOs'').

IN HONOR OF COMMANDER CHRISTOPHER JENKINS OF THE NEW YORK COUNTY AMERICAN LEGION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay tribute to the late Christopher Jenkins, the former American Legion New York County Commander, who passed away this past summer. Mr. Jenkins, the first African-American ever to become the Commander of the New York County American Legion, was an outstanding veterans' activist and leader in the Harlem community.

A member of ''the Greatest Generation,'' Mr. Jenkins served in the U.S. Navy during World War II. Originally from Savannah, GA, Mr. Jenkins moved to Harlem after his military discharge and began a career with the New York City Department of Sanitation. He became a Legionnaire at Harlem's Colonel Charles Young Post No. 398 in the late 1940's. He was elected the Post Commander in 1958 and was later reelected to this office more than 15 times. He was then elected New York County Commander in 1975 and served until 1976. From 1992 to 1993 he served as the First District Commander, Department of the New York American Legion. In 1995, he was elected

Vice Commander of the Department of the New York American Legion, remaining in this office until his retirement from the Legion in 1996.

Aside from his work with the local American Legion post, Mr. Jenkins was an extremely well-liked leader in his Harlem neighborhood. He was the founder of the Jackie Robinson Senior Citizen Center's Chorale Group and active in numerous community and religious organizations.

Mr. Speaker, I salute the laudable accomplishments and community activities of Christopher Jenkins. A proud, loyal, and dedicated leader, Mr. Jenkins' gracious and friendly personality, his involvement in the American Legion, and his leadership in the Harlem community, will be sorely missed.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. ABERCROMBIE. Mr. Speaker, on Sunday, October 29, 2000, I was unavoidably detained and I was unable to vote on three rollcall votes. Had I been present, I would have voted as follows: Rollcall 574—Approval of the Journal—''yes''; rollcall 575—One Day Continuing Resolution—''yes''; and rollcall 576—Pallone Motion to Instruct Labor-HHS Appropriations Conferees—''yes.''

On Monday, October 30, I was unavoidably detained and I was unable to vote on the seven rollcall votes taken. Had I been present, I would have voted as follows: Rollcall 583—Technical Corrections to Minimum Wage Legislation/St. Croix Island—''yes''; rollcall 582—Previous Question—''no''; rollcall 581—Rule to Allow Additional Continuing Resolutions—''yes''; rollcall 580—Previous Question—''no''; rollcall 579—Hour of Meeting October 31 at 6:00 p.m.—''no''; rollcall 578—Passage One Day Continuing Resolution—''yes''; and rollcall 577—Approval of the Journal—''yes.''

IN HONOR OF THE NATIONAL ASSOCIATION OF CUBAN-AMERICAN WOMEN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the National Association of Cuban-American Women (NACAW) for promoting excellence and achievement for minority women.

NACAW's philosophy and focus has helped create the support that is essential for building a strong community. With an understanding that the individual is the building block for the success of every community, NACAW has provided excellent support and guidance for Cuban-American women, and for the community as a whole.

In pursuit of its goals, NACAW has developed a comprehensive agenda:

to work with other women's organizations to develop a strong national platform in response to common concerns;

to serve as a forum for Cuban-American women and other minority women to ensure their participation and representation in national organizations;

to increase awareness of education and career opportunities for Cuban-American women and other minority women;

to promote participation of Cuban-American women in Hispanic community service activities;

and to accurately portray the characteristics, values, and concerns of Cuban-American women.

Since its founding, NACAW has sponsored a variety of important programs:

NACAW's Educational opportunities Center disseminates information about post-secondary programs, scholarships, and financial aid sources.

NACAW sponsors an annual awards ceremony that honors outstanding Cuban-American leaders, as well as leaders outside of the community, who have contributed to the advancement of Hispanics.

In order to maintain the tradition of ''Dia de los Reyes Magos'' (''Feast of the Epiphany''), NACAW has sponsored a number of toy-collection campaigns for disadvantaged children.

I ask my colleagues to join me in honoring the National Association of Cuban-American Women for their contributions to the Cuban-American community and to the lives of minority women.

PERSONAL STATEMENT

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MASCARA. Mr. Speaker, on October 30, 2000 I was unavoidably absent and missed rollcall votes Nos. 580–583. For the record, I would have voted ''aye'' on the rollcall Nos. 580, 581, and 583.

For the record, I would have voted ''no'' on rollcall vote No. 582, the Rule on S. 2485.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. McINTYRE. Mr. Speaker, on October 28 through October 30, 2000, I was in North Carolina and was unavoidably absent for rollcall votes 570 through 581. Had I been present I would have voted ''yes'' on rollcall votes 570 through 578, ''no'' on rollcall vote 579, and ''yes'' on rollcall votes 580 and 581.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this chamber on Tuesday, October 24, 2000 when rollcall vote No. 543 was cast and on Wednesday, October 25, 2000 when rollcall vote No. 551 was cast. I want the record to show that had I been present in this chamber at the time these votes were cast, I would have voted ''no'' on each of these rollcall votes.

REAL CULPRIT IN AIR INDIA BOMBING IS INDIAN GOVERNMENT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. TOWNS. Mr. Speaker, we are all pleased that the Canadian government has maintained an active investigation of the Air India bombing in 1985 that killed 329 people. Terrorism is always unacceptable, and all decent people condemn it.

Thus, I read with interest this past weekend that Canada had arrested two Sikhs, Ripudaman Singh Malik and Ajaib Singh Bagri, for this bombing. Unfortunately, I believe that these two individuals are being scapegoated. The book Soft Target, written by journalists Brian McAndrew of the Toronto Star and Zuhair Kashmeri of the Tornoto Globe and Mail, shows that the Indian government itself carried out this atrocity.

According to McAndrew and Kashmeri, the Indian Consul General in Toronto, Mr. Surinder Malik, pulled his wife and daughter off the flight shortly before it took off. A friend of the Consul General who was a car dealer in Toronto also cancelled his reservation. An Indian government official named Siddhartha Singh was also scheduled on the doomed flight and cancelled. Surinder Malik called the Canadian authorities about the crime before it was reported publicly that it had occurred to try to point them to a Sikh he claimed was on the passenger list. The pilot of the flight was a Sikh.

It looks like the Royal Canadian Mounted Police, who made the two arrests this weekend, were not open to the evidence that the Indian government was responsible, even though Canada's other investigate agency, the Canadian State Investigative Service, tried to warn them. Soft Target quotes a CSIS agent as saying. ''If you really want to clear the incident quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they knew it that they are involved.''

Clearly, the objective was to damage the Sikh freedom movement and raise the spectre of ''Sikh terrorism'' to justify another of India's campaigns of violence against the Sikhs.

Mr. Speaker, this is unfortunately not the only case of Indian state terrorim. The repression of Christians, which has taken the form of burning churches, murdering priets, raping nuns, burning a missionary and his two young sons to death, and other atrocities, is well known. In November 1994, the Indian newspaper The Hitavada reported that the late Governor of Punjab, Surendra Nath, was paid over $1.5 billion by the Indian government to foment state terrorism in Punjab and Kashmir.

In March, during President Clinton's visit to India, the government murdered 35 Sikhs in the village of Chithi Singhpora, Kashmir. Two independent investigations and an Amnesty International report have confirmed the government's responsibility.

Between 1993 and 1994, 50,000 Sikhs were made to disappear by Indian forces. More than 250,000 Sikhs have been murdered since 1984. Over 200,000 Christians have been killed since 1947 and over 70,000 Kashmiri Muslims have been killed since 1988, as well as tens of thousands of Dalit ''untouchables,'' Assamese, Manipuris, Tamils, and others. As you know, Mr. Speaker, 21 of us wrote a letter in June calling for India to be declared a terrorist state. These are some reasons why we said that.

Mr. Speaker, India should be declared a terrorist nation and subjected to the penalties that status brings. We should cut off our aid to India until it respects human rights. And Mr. Speaker, the only way that Sikhs, Christians, Muslims, and other minorities will ever escape Indian tyranny is through the democractic right of self-determination. We should go on record in support of an internationally-supervised plebiscite in Punjab, Khalistan, in Nagalim, in Kashmir, and wherever people in South Asia are seeking their freedom from this terrorist government, to resolve their status the democratic way, by the vote. Democratic states don't practice repression and genocide, they decide issues by voting. Is India a democracy or not?

The Council of Khalistan has issued a press release on these arrests. I would like to insert it into the RECORD for the information of the American people.

CANADIAN GOVERNMENT ARRESTS INNOCENT SIKHS

EVIDENCE SHOWS INDIAN GOVERNMENT PLANNED, EXECUTED BOMBING OF AIR INDIA FLIGHT 182—PUNISH THE REAL CULPRITS, NOT THE SCAPEGOATS

WASHINGTON, D.C., October 31, 2000—Despite strong evidence that the Indian government carried out the bombing of Air India Flight 182 in 1985, killing 329 people, the Royal Canadian Mounted Police (RCMP) arrested two Sikhs, Ripudaman Singh Malik and Ajaib Singh Bhagri, in the bombing. Flight 182 was piloted by a Sikh.

''The RCMP has never even considered the evidence that this bombing was an Indian government operation,'' said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government pro tempore of Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. He noted that the book Soft Target, written by two Canadian journalists, proves that the Indian government carried out the bombing. This finding is confirmed by Canadian Member of Parliament David Kilgour in his book Betrayed: The Spy That Canada Forgot. According to Kilgour, a Canadian-Polish double agent was recruited by terrorists working with the Indian government to help carry out a second bombing. The agent declined and reported what had happened.

According to Soft Target, the Candian State Investigative Service (CSIS) was so convinced of the Indian government's involvement that at a meeting of the task force on the Air India bombing, one CSIS agent said, ''If you really want to clear the incident quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver, load up everybody and take them down for questioning. We know it and they know it that they are involved.''

According to Soft Target, Surinder Malik, the Indian Consul General in Toronto, pulled his wife and daughter off the flight suddenly, claiming that his daughter had to do some examinations for school. A Toronto car dealer who was a friend of the Consul General also canceled his reservation on Flight 182. Siddhartha Singh, head of North American affairs for external relations in New Delhi, who was visiting Indian officials in Canada, also suddenly cancelled his reservation. The book reports that Consul General Malik called the police about the bombing to alert them to an ''L. Singh'' who was allegedly on the passenger manifest even before the incident became public knowledge. Malik was one of several Indian diplomats Canada later asked to have removed from the country after CSIS unearthed evidence of an Indian spy network. CSIS agents believe that Vice Consul Davinder Singh Ahluwalia laid the groundwork for the bombing. He was transferred in 1985.

''India has practiced this kind of terrorism both inside and outside Punjab, Khalistan, for a long time,'' Dr. Aulakh said. He noted that in March, during President Clinton's visit to India, the Indian government murdered 35 Sikhs in the village of Chithi Singhpora, Kashmir. Two independent investigations and an Amnesty International report have confirmed the government's responsibility. In November 1994, the Indian newspaper Hitavada reported that the Indian government paid the late Governor of Punjab, Surendra Nath, about $1.5 billion to organize and support covert state terrorism in Punjab, Khalistan and in Kashmir. The Indian Supreme Court described the situation in Punjab as ''worse than a genocide.''

About 50,000 Sikhs languish in Indian prisons as political prisoners without charge or trial. Between 1993 and 1994, 50,000 Sikhs were made to disappear by Indian forces. More than 250,000 Sikhs have been murdered since 1984. Over 200,000 Christians have been killed since 1947 and over 70,000 Kashmiri Muslims have been killed since 1988, as well as tens of thousands of Dalit ''untouchables,'' Assamese, Manipuris, Tamils, and others. ''Democracies don't commit genocide,'' Dr. Aulakh said.

On June 21 Members of the U.S. Congress wrote to President Clinton urging him to declare India a terrorist state because of the repression against Christians, such as burning churches, murdering priests, raping nuns, and other atrocities. ''We must not let the Indian government's terrorist apparatus repress the minorities and derail our just struggle for independence by labeling them terrorists,'' Dr. Aulakh said. ''The time has come for the Sikh Nation to begin a Shantmai Morcha to liberate Khalistan.''