United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

SENATE—*Wednesday, May 10, 2000*

The Senate met at 9:30 a.m. and was called to order by the Honorable WAYNE ALLARD, a Senator from the State of Colorado.

PRAYER

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

Almighty God, nothing is impossible for You. You have all power. Nothing happens without Your knowledge and without Your permission. You will what is best for us as individuals and as a nation. You desire to bless us with the wisdom and discernment we need to solve problems. And yet we have learned that You wait for us to ask for Your help. By Your providence You have placed the Senators in positions of great authority, not just because of their human adequacy but because they are willing to be available to You, attentive to You, and accountable to You. They know that if they trust You, You will be on time and in time to help them in crucial discussions and decisions. Give them the courage to put the needs of the Nation first, above political advantage.

You have promised that those who pray with complete trust in You will receive the answers to their prayers.

In the name of Him who is the Way, Truth, and Life, Amen.

PLEDGE OF ALLEGIANCE

The Honorable CONRAD BURNS, a Senator from the State of Montana, 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 10, 2000.

To The Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ALLARD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately proceed to a vote on the motion to proceed to the African trade and CBI enhancement conference report. If the motion to proceed is adopted, cloture will be filed, and debate will begin on the conference report immediately. Many Senators have expressed interest in making statements on this important legislation, and therefore the debate is expected to consume most of today's session.

By previous consent, the vote on cloture on the conference report will occur at 10:30 a.m. on Thursday morning. Following disposition of the African-Carribean Basin legislation, the Senate will begin consideration of appropriations bills as they become available for action.

I thank my colleagues for their attention.

H.R. 434—CONFERENCE REPORT

I extend my congratulations to the Finance Committee for their efforts in the conference on this bill. Chairman ROTH was very much involved in the development of a very good conference report. I recognize the Senator from New York and his very effective staff for their involvement.

We have not had a major piece of trade legislation pass the Congress in 5 years. I think this is a tremendous accomplishment. I think it is going to be good for the American people, for American jobs, for consumers, for sub-Saharan Africa, for the Caribbean and Central American countries, and good for the industries that are connected in this trade area.

So I congratulate all those who were involved in this conference. I am very pleased to see we will take it up and I certainly plan to vote for it.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. MOYNIHAN. Mr. President, on behalf of Senator ROTH, who will be returning next week, I would like to express the gratitude of the Finance Committee and of our staff. We would not be here without you, who convened the meetings over 5 long months ago that brought us to this point. And with a measure of temerity, may I say this is the first trade measure on our floor in 6 years.

I thank you again.

TRADE AND DEVELOPMENT ACT OF 2000—CONFERENCE REPORT

MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. The clerk will report the motion to proceed to the conference report to accompany H.R. 434.

The assistant legislative clerk read as follows:

A motion to proceed to the consideration of the conference report to accompany H.R. 434 to authorize a new trade and investment policy for sub-Saharan Africa.

The Senate proceeded to consider the motion.

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

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

Under the previous order, the question is on agreeing to the motion to proceed to the conference report to accompany H.R. 434.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH), the Senator from Nebraska (Mr. HAGEL),

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

the Senator from South Carolina (Mr. THURMOND), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

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

The result was announced, yeas 90, nays 6, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—90

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

NAYS—6

Bunning	Dorgan	Reed
Byrd	Hollings	Smith (NH)

NOT VOTING—4

Hagel	Roth
Helms	Thurmond

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

CLOTURE MOTION

Mr. GRASSLEY. Mr. President, pursuant to the consent agreement, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Conference Report to accompany H.R. 434, The African Growth and Opportunity Act:

Trent Lott, Jon Kyl, Pat Roberts, Craig Thomas, Bill Frist, Paul Coverdell, James Inhofe, Orrin Hatch, Don Nickles, Larry Craig, Slade Gorton, Mitch McConnell, Peter Fitzgerald, Chuck Grassley, Phil Gramm, and Mike Crapo.

Mr. GRASSLEY. Mr. President, for the information of all Senators, the cloture vote will occur on Thursday at 10:30 a.m. Debate on this important trade legislation is expected to consume the remainder of the day.

ORDER OF BUSINESS

Mr. MOYNIHAN. Mr. President, I believe there are several Members who wish to speak as in morning business, and Senator GRASSLEY and I will be more than happy to accommodate them at this point.

Mr. GRASSLEY. Mr. President, we have agreed to give Senator COLLINS 5 minutes and Senator FEINGOLD 5 minutes at this point. I ask unanimous consent that they be recognized.

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

Ms. COLLINS. Mr. President, I thank my colleague from Iowa and my colleague from New York for their graciousness.

I ask unanimous consent that we be permitted to proceed for not to exceed 15 minutes, and that would be divided such that I would have 7 minutes and the Senator from Wisconsin would be permitted to proceed for not to exceed 8 minutes.

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

The Senator from Maine is recognized.

(The remarks of Ms. COLLINS and Mr. FEINGOLD pertaining to the introduction of S. 2528 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WELLSTONE. Mr. President, I was going to speak for about 15 minutes, but if my colleague had expected to speak as one of the managers, I don't want to precede him.

Mr. GRASSLEY. Mr. President, I want to speak for a few minutes opening up debate on the African trade bill. Senator MOYNIHAN will want to make opening comments. After we have completed our remarks, I will not object.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be allowed to follow Senator GRASSLEY and Senator MOYNIHAN for a period of up to 15 minutes on the bill.

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

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, as a person who supports the African trade bill, I rise in support of this conference committee report on the Trade and Development Act of 2000. This legislation contains the conference agreement on the African Growth and Opportunity Act, the Caribbean Basin Trade Partnership Act, and even some miscellaneous trade measures that were passed as part of the Senate's consideration of this legislation in November last year.

Passage of the African Growth and Opportunity Act conference agreement by the Senate will send to the President the first significant trade legislation to pass both Houses of Congress since 1988, other than legislation implementing trade agreements under very special fast-track procedures.

If I could characterize this conference agreement with one word, it would be the word ''opportunity.'' That word is in the title of the African portion of this bill.

First, this conference agreement provides people in sub-Saharan Africa with the opportunity and promise for a better life. In many cases, these countries are not able to sustain their own people. They lack even the simplest, most basic infrastructure. This prevents the people of Africa from meeting necessary agriculture, education, transportation, and health care needs.

By giving these countries new tools to develop a textile and apparel industry, they will have new opportunities to participate in the global trade flows and the increased prosperity that have largely bypassed the majority of Africa's people.

I stress this bill provides opportunity. Once again, this bill is about opportunity. It is not about a guarantee, and it is not about a panacea, but an opportunity that has, up until now, been missing for the people of sub-Saharan Africa.

This legislation will give these countries the opportunity to build the essential capital that struggling economies need to increase their investment in their own people to help themselves. What we will create with this bill is opportunity for these struggling economies, and do it in a way that will not in any way jeopardize U.S. employment.

Some 30 sub-Saharan countries of Africa have begun dynamic economic reform programs that help make it much easier to pass this bill because we know they are taking the first steps to help themselves. They are liberalizing exchange rates; they are privatizing state-owned enterprises; they are reducing harmful barriers to trade and investment; they are also ending costly trade-distorting subsidies.

All of these things, for those who believe enhanced freedom of international trade is the right direction in which to go, always need a little bit of help from the indigenous economies of the respective countries. We believe the 30 countries of sub-Saharan Africa are doing all the right things. This legislation will create greater opportunities for new partnerships with these African nations based on economic directions they have already begun to take.

The Africa Growth and Opportunity Act is designed to compliment the economic reform policies that African nations have already decided to pursue by offering increased access to U.S. markets for non-import-sensitive goods and textiles while creating enhanced opportunities to deepen our bilateral trade relations.

Speaking of opportunity, we will open up for American goods and services a market for 700 million potential new consumers, more than in Japan

and all the ASEAN nations combined, if we approve this conference agreement.

Both the United States and African nations recognize this legislation for the win-win opportunity it is. The United States benefits and Africa benefits from this legislation. The African Growth and Opportunity Act has been endorsed by every African ambassador in Washington. We don't see unanimous agreement on many things in these cities these days. However, we do here. All of the 48 nations of sub-Saharan Africa are united in support of this legislation.

The conference agreement is also a win-win opportunity for the countries of the Caribbean Basin region and for the United States. This conference report grants duty-free, quota-free benefits to apparel made in the Caribbean Basin Initiative countries from U.S. yarn and U.S. fabric. The Caribbean Basin nations will now have an opportunity to compete with Mexico and other developing countries in Asia in a way that will permit them to more fully participate in the global economy.

Additionally, the conference report provides benefits for apparel made with regional fabric under clearly specified conditions to be fair to the United States. This will encourage additional U.S. export of cotton and yarn and U.S. investment in the region while also helping to create desperately needed jobs for the Caribbean workers. In fact, I cannot think of a time when this legislation was needed more. We have to act now to help rebuild the shattered Caribbean economies and the ruined lives of those whose nations were devastated by Hurricanes Georges and Mitch. This all happened in 1998, but the recovery is not what it should be.

It is hard for us to imagine the destruction these storms inflicted. We were not there. We saw them on television, but, as so many things seen on television, they soon get out of mind. The devastation is still there, although there has been some cleaning up, some enhancement of the economy. But this will help, not by giving them our money, as we have done under the humanitarian programs we have, but helping them to help themselves through enhanced trade opportunities.

In the worst-hit Caribbean countries, virtually all sectors of the economy were affected. Houses by the hundreds were washed away. Roads and bridges disappeared under tons of water. Hotels were wrecked. Beach erosion demolished tourism. Both the administration and the Congress deserve credit for joint efforts to enact an assistance package of close to $1 billion to aid in the reconstruction of the most basic elements of infrastructure—roads, bridges, and sewer systems—for what they did 2 years ago. But even this investment falls far short of what is needed to rehabilitate the economies of these countries.

The Caribbean nations hit by these disasters have seen the basic pillars of their economies—agriculture and tourism—almost completely ruined. I have spoken to many of the ambassadors from the Caribbean nations about this. I just had a meeting this morning with the President of Costa Rica, thanking us for our work on this particular bill, telling us about how their economies are starting to turn around. In my view, based on these discussions, comprehensive reconstruction will not be possible without an effective trade and investment component. The ambassadors tell me—and the regional leaders and the U.S. officials all agree—it will take years for the hardest hit countries to recover. These countries are more than just our friends; they are our neighbors. They are right there in our backyard. We must put in place a program to help them rebuild and to sustain growth during the long road back to economic prosperity. We can do this without threatening jobs in our own country.

The Caribbean Basin is one of the few regions of the world where the United States consistently—I want to emphasize consistently—maintains a trade surplus. In fact, close to 70 cents of every dollar spent in the region is returned in the form of increased exports from the United States. In 1999, the U.S. exports to Caribbean Basin countries exceeded $19 billion, making this group the sixth largest export market of U.S. goods in that year, 1999.

We will see other long-term benefits to the United States if we approve this conference agreement and help our Caribbean neighbors to help themselves. We will contribute to the U.S. national security, in addition to our economy, by helping democratic countries in our own backyard maintain political and economic stability.

In closing, I want to say a word, then, in addition to all the big components of this bill, a word about the significance of our work. This is very general, but this work is an example of U.S. leadership in trade policy. But that U.S. leadership in trade policy has suffered serious setbacks in the last few years. One obvious setback has been the repeated failure of the Congress to renew the President's fast-track trade negotiating authority. Another setback has been the failure of the negotiations on the multilateral agreement on investment in the Organization for Economic Cooperation and Development. And the most serious blow to U.S. leadership in global trade policy was the failure last December of the Seattle ministerial conference meeting of the World Trade Organization.

The entire world is watching, wondering whether the lack of leadership on the part of the United States for the last 7 or 8 years, or maybe the last 5 or 6 years, is a pattern we are going to continue to follow because it is such a different pattern from what the United States has done as a world leader in breaking down barriers to international trade since 1947.

I suppose you could go back to the 1930s, when we learned the lesson of the Smoot-Hawley legislation that brought about the world depression, and the world depression brought about World War II. We very quickly learned that high tariffs are not good for the world economy. It was not good for the American economy because we suffered as much or more than they did elsewhere in the world in that Great Depression as a result of Smoot-Hawley. Under Cordell Hull's leadership as Secretary of State, working for President Franklin Delano Roosevelt, we started reciprocal trade agreements at that particular time. They were the forerunner of gradually reducing some of these very high barriers to trade we had at that time around the world, mostly high tariffs—bringing them down on a reciprocal basis. But all of that eventually resulted in the General Agreement on Tariffs and Trade process that we led the world in establishing in 1949.

There have been eight rounds of GATT. Those eight rounds have been very successful in breaking down barriers to trade, so successful that President Clinton can tell the American people with all honesty, on a factual basis, that one-third of the jobs created during his Presidency are a result of international trade.

So if anybody thinks we are here promoting an African trade bill and Caribbean Basin Initiative bill to somehow benefit the economies of Africa and the Caribbean nations without any concern about the workers of America, the working men and women of America, the taxpaying people of our country, and are they going to have enough jobs, we have history, since 1947, to demonstrate the value of international trade to the economy of the United States and the economic benefit of the United States.

Too often, in international trade, we look to the economic issues only. But I believe commerce does more to promote international peace and humanitarian progress than anything we as political leaders or diplomats can do—as important as political leadership is in the world, and as important as diplomats are. But there are just not enough political leaders or diplomats in the world—if you take all the countries combined—to guarantee any peace. But as you break down barriers among the diverse people of our world—that is, one on one, whether it is business or nonbusiness relationships—that has more to do with the promotion of international peace, prosperity, democratic principles, and free market principles than anything.

So I see this legislation as part of a small process of promoting those issues as well as our concern about Africa, among others.

So the entire world I think is watching what we do today because it is some show of America wanting to retain that leadership in the reduction of trade barriers and enhancing peace and prosperity of which we have been a part since 1947.

It is vitally important to not only approve this conference agreement but to do it in a resounding way. If we do that, we can send a message to the rest of the world that American leadership in trade policy is alive and well. For many in the international community, that leadership, as I said before, is in serious doubt.

It is especially important to approve this conference agreement after the profoundly disappointing failure of the Seattle WTO negotiations. We are only now beginning to pick up the pieces with the start of new agriculture and service trade negotiations in Geneva.

I have been watching these negotiations very closely. They are both difficult and delicate. We are trying to rebuild confidence, both in the World Trade Organization and in U.S. leadership. After Seattle, this is necessary and vitally important. It is not an exaggeration to say that failure to approve this conference agreement, or even a tepid approval, would send a shockwave through these negotiations. It would undermine our negotiators, jeopardize any progress we might make in Geneva, and do great harm to our long-term international trade interests.

By the same token, a strong Senate endorsement of this conference report would say to the entire world that the Senate is engaged, committed, and we want to reestablish the historic leadership role that has characterized U.S. trade policy for the last 50 years.

Finally, I salute the hard work of the majority leader, Senator LOTT, as well as that of my distinguished colleagues, Senator ROTH and Senator MOYNIHAN. Without their vision, their efforts, and their perseverance, we would not be here today.

I urge my colleagues to join me in a resounding show of support for American leadership in world trade negotiations by supporting the Trade and Development Act of 2000.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in complete accord with the resounding statement of the Senator from Iowa. I know he would agree with me when I say we are both here speaking in the intellectual grasp of our chairman, Senator ROTH, who will return to the Senate next week after necessary surgery and who is so much responsible for our being here today.

The Senator from Iowa said the world is watching. The world is watching and has been watching with dismay for 6 years as we seem to have backed away from that tradition which Cordell Hull took up at the depths of the recession, which I will get to, and we have carried on, on a bipartisan basis, right into the nineties and then we seem to have stopped.

This is the first trade bill to come to the Senate floor in 6 years. More, we have defeated measures. We have denied the President the trade negotiating authority for trade agreements. It took the administration too long to ask for it. It responded to the same domestic pressures we saw in Seattle and we saw in front of the World Bank, baffling in some instances, but powerful.

Now we return to our tradition. The Senator from Iowa spoke of sending a resounding message. Can there be a more resounding message than our vote this morning of 90–6 to proceed to the consideration of this measure, following, perhaps, an equally, more astounding and equally resounding measure, a vote in the House of 309–110 to send us this conference report?

Senators will recall that the House had sent over to us the African Growth and Opportunity Act. This was a measure to give some measure of trade stimulation to sub-Saharan African countries in the area of apparel exports. The distinguished chairman, our revered Senator ROTH, saw to it, in a near to unanimous Finance Committee, that the Caribbean Basin Initiative, an initiative begun by President Reagan, that this, too, was included in the bill—it is a combined measure—with a number of other provisions of interest to the Senators.

The importance of the CBI, as we say for purposes of simplification, in this regard is very simple. Having created the North American free trade area, we created an incentive to develop trade ties with Mexico—in essence, Mexican production would enter the United States on a completely free basis, whereas its neighbors in Central America and nearby Caribbean islands were suddenly disadvantaged. We will call it an unanticipated consequence. It had to be dealt with. We do not completely deal with it here, but we acknowledge that it is an urgent matter, and we begin it.

Nearly all the Senate provisions—the bill passed the Senate 76–19—were retained, thanks to extraordinary exertions by our respective staffs who we will thank fulsomely in time.

We must particularly acknowledge that this 5 months of negotiation, and often going into 5 in the morning, would never have come to any conclusion absent the active participation of our majority leader who convened the meetings in his own office and listened to a lot of incomprehensible discord over tariffs.

I speak as a veteran, if I may, and ask the indulgence of the younger and more vital persons. I was one of the three persons who negotiated the Long-Term Cotton Textile Agreement of 1962 for President Kennedy, that having become a condition of passing the Trade Expansion Act of 1962 by the textile industry and the garment industry, which we successfully did, but it was not an easy effort with the French at the height of Gaullist recidivism. That 5-year Cotton Textile Agreement, which we negotiated nearly 40 years ago, is now in its eighth reincarnation and will continue well into the now new century. Still, we got it. And we got as well the series of trade rounds in the GATT about which Senator GRASSLEY has spoken. Finally, the Uruguay Round Agreements Act, which authorized our participation in the World Trade Organization, was enacted in 1994.

I make the point that in establishing the WTO, we were only getting back to where we were in the immediate aftermath of World War II when, at Bretton Woods in New Hampshire, the British-American-Chinese-French negotiators thought of how to establish a world which would not have the profound instability of the 1930s, and they envisioned three institutions: One, the International Bank for Reconstruction and Development, which we call the World Bank, headquartered here; the International Monetary Fund, to deal with monetary fluctuations, which we established here; and an international trade organization, which was to be headquartered in Havana—I acknowledge that that died in the Senate Finance Committee.

So we established, on an ad hoc basis, the General Agreement on Tariffs and Trade. Eric Wyndham White, a British Treasury official, with three or four assistants, managed these negotiations in Geneva which would take place periodically. In time, we got back to the World Trade Organization.

This moved so well. But suddenly we find ourselves anxious about proceeding in a policy direction that has been so profoundly successful for two-thirds of a century—66 years, since Congress enacted the Reciprocal Trade Agreements program.

We recognize the extraordinary results of the Smoot-Hawley tariff. It is a point not often noted that there has not been a tariff bill on the Senate floor since 1930. We tried that and it did not work. I think it is fair to say that the dynamics of horse-trading—I will do this for your product; you do this for mine—are not suited to a world in which trade is so important today.

Indeed, also the 19th century tariff legislation was hugely acrimonious and at times divisive. I think the division between North and South had something to do with the tariffs imposed in the early part of the 19th century.

As the Senator from Iowa has said, if you would make a short list of five events that led to the Second World War, and the horror associated with that war, the Smoot-Hawley tariff of 1930 would be one of them.

Tariffs were increased to unprecedented levels in the United States—by 60 percent. Incidentally, they are still the legal, official tariffs. It is only through trade agreements that we have negotiated reciprocal reductions.

As predicted, imports dropped by two-thirds, in value terms. And all the simple-minded persons who said, if we do not let any foreign products come in, then our producers will prosper, what they did not know is that exports would drop by two-thirds, and the depression settled in.

The stock market crash of 1929 would have worked itself out. It was a matter of a crisis on paper. Factories did not close. Factories began to close when there was no market for their products, much of which had been going overseas.

The result was ruinous overseas. The British abandoned free trade, which had made them the principal economic power of the 19th century. They had to fight it a very long time, and much later than we think, when they abolished the so-called corn laws, which kept the price of wheat high enough to maintain the economic viability of the large land area of the state and not let that Iowa wheat get into Liverpool. The minute they did, they became an industrial power, and their farms did not disappear either.

As a matter of fact, Britain is self-sufficient in agriculture today. But it was free trade that gave them the advantage in the world. And they kept it right up until the Smoot-Hawley tariff, after which they adopted commonwealth preferences.

The Japanese began the Greater East Asian Co-Prosperity Sphere. And, sir, in 1933, with unemployment at 33 percent, Adolph Hitler was elected Chancellor of Germany. That is what you get when you do things like this.

The Reciprocal Trade Agreements Act of 1934—Cordell Hull's innovation of President Roosevelt's initiative—got us back on track. For more than half a century, from one administration to another, without exception, there we have stayed. It had looked like we were going to stray. But here we are, moving again in the context—I daresay, the shadow—of the decision on China coming within the next 2 or 3 weeks.

With the African trade bill—the African Growth and Opportunity Act—for the first time, the United States is, with this legislation, putting in place a trade policy with respect to sub-Saharan Africa, a policy that is long overdue.

The economic challenges facing that region may be even greater than they were at the height of the cold war. There has been a decline of institutions on a massive scale.

Consider the differing paths of South Korea and Ghana. In 1958, the year after Ghana achieved independence, its per capita gross national product was $203; South Korea's was lower. South Korean per capita GNP at that time was $171.

Forty years later, in 1998, South Korea's per capita income has soared to $10,550—even after the financial crisis of Asia a few years back—while Ghana's has stood at a modest, an impoverished, $390.

According to the most recent World Bank data, the average per capita GNP for sub-Saharan Africa was $513 in 1998, or $316 if South Africa is excluded. These countries simply do not pose competitive threats to us. They are, if anything, a source of concern for economic aid, peacekeeping forces, and the like.

The legislation we have before us, which we will pass overwhelmingly after we hear some arguments that are all too familiar, is intended to assist sub-Saharan Africa to develop one of the basic building block industries of economic development, which is textile and apparel production.

It offers duty-free, quota-free treatment to certain categories of apparel—principally those that are made with American fabric that is itself made, indeed, with American yarn.

There is some allowance for so-called regional fabric; that is, fabric made in sub-Saharan Africa. But the benefits are subject to a very tight cap, beginning at 1.5 percent of total U.S. imports and growing over the life of the bill to only 3.5 percent of total imports.

For a transition period of 4 years, the less developed of the sub-Saharan African countries may use third country fabric as they ramp up their own production capacity.

But we should put this in some perspective. In 1999, domestic production of apparel and certain fabricated textile products such as home furnishings—but not fabrics and yarns—in the United States topped $81 billion.

That same year, U.S. imports of apparel from sub-Saharan Africa were valued at $584 million—that is to say, 0.7 percent of domestic production and just 1.1 percent of total apparel imports.

Should imports from sub-Saharan Africa grow to 3.5 percent of the total U.S. imports—the maximum quantity allowed for regional fabric under the bill—they will barely register in a market this size.

The African trade legislation in this package will not reverse years of neglect and decline, but it may provide a decent start.

Just a final word on the enhanced Caribbean Basin Initiative, the Caribbean Basin Trade Partnership Act. As I mentioned, it was begun in 1983 under President Reagan, and which the Senate Finance Committee added to this bill, and the House accepted it. The House was very open in this matter. I remarked earlier how the North American free trade area has eroded the market positions of Central America and the Caribbean islands.

Senator ROTH and I met last fall, in September of 1999, with the Presidents and Vice Presidents and Foreign Ministers of a number of the Caribbean and Central American states—the Dominican Republic, Honduras, Trinidad and Tobago, and Costa Rica. They made a simple request. They said: Look, we are here before you as democratically elected or appointed members of stable democratic governments. We are not here asking for aid. But the unanticipated effects of NAFTA have put us at a great disadvantage. All we want to do is trade with you. And that is what our provisions would allow. This is trade both ways, and again, in American textiles.

The provisions in the bill will help our producers structure their production in this hemisphere so that they will be in a position to compete with Asian producers when—as I mentioned earlier, after more than 40 years—textile and apparel quotas will be eliminated by January of 2005, as agreed in the Uruguay Round Agreement on Textiles and Clothing.

If we don't have a trade infrastructure going with Central America and the Caribbean, we will all be overwhelmed by Asian production; and we can do it simply by passing this legislation—or we think we can do it, and we have not been wrong in our understanding of these matters.

I have a brief note about the problem of fine wool fabrics. After months of negotiation, and with great good faith on the part of all interested Senators and industry representatives, we have finally reached agreement on a measure that will begin to address this problem—again, the unanticipated consequence of free trade with Canada and the fact that we have exorbitant tariffs still in place.

Senators DURBIN, SCHUMER, GRAMM, HAGEL, MIKULSKI, SPECTER, NICKLES, FITZGERALD, SANTORUM, and THOMPSON joined me in sponsoring a very modest measure, and we are very happy with the outcome of the effort to provide some relief for our suitmakers.

The conference agreement begins to address this problem. It will also begin a data collection process that will give us a better database on this industry in the near future. It is not a perfect solution, and it does not permanently fix the problem, but it is a start. So I strongly support the conference agreement. I signed the papers. We had a long 5-month negotiation. These are exhausting efforts. They tend to exhaust our staffs more than we because we go home at midnight and they stay until daybreak. But we have done it.

Just to repeat what my friend from Iowa has said, this is important—if modest—legislation. A good debate, a strong vote on this conference report will surely set a positive tone for permanent normal trade relations with China. That debate will engage us in the very near future. We have a wonderful beginning. This morning, we voted 90–6 to take up this conference agreement, and I hope that reverberates into the other Chamber. I can speak for the Finance Committee. The China permanent normal trade relations—just normal trade relations—will pass the Senate Finance Committee and will pass the Senate floor, but we need to send a signal to the other Chamber that we are ready. We hope they are willing. Sixty-six years of American trade policy is in the balance. So let's begin this debate and conclude it on the same resounding support that we commenced this morning.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senator from California follow me. She has a very lengthy statement.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I may take 5 minutes as in morning business.

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

CAPITOL HILL POLICE FACE A FORCE REDUCTION

Mr. WELLSTONE. Mr. President, the Hill just came out today, and the headline is ''Capitol Police face loss of 400 in 2001 budget cut.''

> The U.S. Capitol Police force would be reduced by more than 400 officers under a bill approved Tuesday by the House Appropriations Committee.

And then later on there is a quote from John Lucas, chairman of the U.S. Capitol Police Labor Committee. He says:

> This budget cut comes on the heels of promises to improve Capitol security for members, staff, visitors and the officers who protect this wonderful institution.
>
> ''Where is the passion of yesterday's promises? What happened to the commitments to the officers who protect you and to their survivors?'' he continued, in an attempt to invoke the concern expressed by Congress shortly after the 1998 shootings.

That was, of course, Officer Chestnut and Agent Gibson. Today, at 3:30, there will be an appointment of a new police chief. What a way for the new police chief to be sworn in.

I spoke to our Sergeant at Arms, Mr. Ziglar, about this. Senator BENNETT, Senator FEINSTEIN, with key positions, care deeply about this issue. I find this to be, in the years I have been in the Senate, one of the most unconscionable decisions that has ever been made.

I just for the life of me don't get it, albeit I have my own emotion on this question, and I have spoken on the floor many times.

In July, almost 2 years ago, we lost two police officers. We said we were going to do everything we could to make sure it would never happen again, albeit it could never be 100-percent certain. One of the things we certainly were going to make sure of was that there were two officers at every one of these posts, because if one deranged person shows up—especially if 20 or 30 people are coming through the door. Senator GRASSLEY is my neighbor over at the Hart Building. This happens at the Hart Building sometimes in the middle of the day. This is just simply unacceptable.

I am telling you that there is an unbelievable amount of bitterness right now in the police force over what is happening with this vote. They have been making the requests. They have been begging. They have been pleading. I think very soon we will start to at least get to the point where we have two police officers at these posts because people are coming in and then one deranged person might show up sometime. That is all you need. Then, God knows what will happen.

In order to get there, there are one or two things that have to happen: More money has to go into overtime; the slack could be taken up that way; or more officers have to be hired.

Now we have a headline that they are going to cut 400.

This could be one of these sorts of inside games where the House says to the Senate: Look, we need to do this to show—whatever. I don't know what they are trying to show, frankly. Then you will put it back in. You save us on the Senate side.

I will tell you something. Maybe it is my background in community organizing, but my hope is that they get to decide for themselves. This is a union. My hope is that the Capitol Hill Police Union will hold a press conference. I hope they are there in numbers. I hope they make it crystal clear to people who voted for these cuts that they are not going to let you play around with their lives: We are not going to let you profess such concern for us and our families and then put us in a position where we not only cannot protect the public but we cannot really protect ourselves, which is absolutely outrageous.

I do no damage to the truth when I say this on the floor of the Senate. As a matter of fact, I initially made the mistake, I say to the Senator from California, of listing some of the door posts. I was then told by the police to not do that because they worry that you then create a security risk. So I don't do that anymore. But I can tell you that I observe it all the time. This House vote is just so damaging to people's morale. It is not right. It is going to create a dangerous situation. It is already not a good situation. But we are going to see a lot of people leave this police force. We are. They are going to join D.C. police, or go wherever; they are going to leave.

Hopefully, in the Senate we can be there and inject some sanity into this appropriations process.

But I will tell you one thing. I think this union and these police officers should take on this vote. They have been patient. They have been patient.

I think this is just absolutely unconscionable.

Two years ago, we went through hell. There was such emotion. We made this commitment. What a short memory. What a short memory.

TRADE AND DEVELOPMENT ACT OF 2000—CONFERENCE REPORT—Continued

Mr. WELLSTONE. Mr. President, I now turn my attention to this bill. I thank both the Senator from Iowa and the Senator from New York, two exceptional Senators.

I am going to divide my remarks into two parts. We have some other Senators, Senators FEINGOLD and FEINSTEIN, who are going to talk at great length about what happened in the conference committee. I am going to speak to that briefly. I shall not take a lot of time. But I say to both Senators that I will be pleased to come back later on this afternoon, if you need me, because I think we need to put a focus on what happened.

I am in some disagreement with both my colleagues for, I hope, substantive reasons, which I will go into in a moment on the overall bill. It is not because of either one of the Senators on the floor managing this bill. But we had an amendment—Feinstein-Feingold, Feingold-Feinstein; I don't know the order. It doesn't matter; they are together—regarding the HIV/AIDS drugs in Africa. We will go into the specifics of the purpose of this amendment in a moment. But the purpose was to figure out a way that these countries could afford the combination of drugs that could help treat this illness so people wouldn't die.

I strongly support the amendment my colleagues introduced. The amendment was accepted by the bill's managers, Senators ROTH and MOYNIHAN. It was simple. It basically prohibited the U.S. Government—history is not very inspiring, frankly—or any agent of the U.S. Government from pressuring African countries to revoke or change laws aimed at increasing access to HIV/AIDS drugs so long as the laws in question passed by these countries adhered to existing international law and international standards.

In other words, this amendment said to the executive branch—colleagues, I am being bipartisan in my condemnation, if you will—stop twisting arms, White House and others, of African countries that are basically using legal means to improve access of their citizens to HIV/AIDS pharmaceuticals. I thank Senator FEINSTEIN and Senator FEINGOLD for this amendment.

One would think this effort to make anti-AIDS drugs more cheaply available to citizens in African countries—so long as these countries didn't violate any WTO rules—would be acceptable to every Senator and every Representative and every human being.

I think for a while the administration and others leaned on some of these governments to not use ''parallel'' importing in addition to local manufacturers, which is sort of interesting because some have legislation dealing with this subject. In other words, they would basically go to other countries and try to import FDA-approved drugs back from other countries at much less cost.

The ''why'' of this is because 13 million African lives have been lost since the onset of this crisis. Today, there are some 23 million African people infected with the AIDS virus—men, women, and children.

This was a modest amendment. This was the right thing to do. I don't blame my colleagues. It is their institutional position.

The Senator from Iowa and the Senator from New York speak with pride about this legislation. I am going to dissent from some of the legislation dealing with some other issues. But I don't think there is much to be proud of in terms of what happened in this conference. They fought. But let's look at the result after this amendment is taken out. Honest to goodness, I say to Senator FEINSTEIN and Senator FEINGOLD, I have absolutely no idea—well, I do actually have some ideas as to why there is opposition. But I want to speak for the people of Minnesota.

I guarantee both Senators FEINGOLD and FEINSTEIN that 99.99 percent of the people in my State of Minnesota are behind their amendment. I guarantee them that if anybody attempts to do this in the light of day, 99.99 percent of the people in this country support this amendment. It is the right thing to do. Our values tell us we should do this. If these governments aren't violating any trade policy and they can make these drugs more available to their populace—the people there don't have a lot of money; they can't afford this cocktail of drugs—then people can have some accessibility and we can save lives given the magnitude of this crisis. What is happening is devastating. People in Minnesota say: God bless you for doing this.

How do these conferees—whoever they are—justify pressuring these countries with, in some cases, a life expectancy that has dropped by 15 years? What arrogance to tell these governments they cannot use all the legal means at their disposal to make sure the people in their countries, men and women and children, have access to these drugs. Otherwise, more people suffer and more people die. This is another example of why people in this country become so furious about some of what happens here.

I love being a Senator. I love public service. But sometimes it is just too much. It really is. This amendment was accepted. If we had a vote on this amendment, I think it would be 100 to 0. However, it is taken out in conference. I guarantee people in the country are for this.

Why don't we turn our attention to the pharmaceutical industry, the pharmaceutical companies? I can guarantee they were not worried about losing customers in Africa because the people cannot afford their prices. They were worried about any kind of effort—regarding these drugs that could save people's lives—at making them more affordable might cut into their profits. That is what they are worried about.

This is a Fortune 500 report, of April 17, 2000. The annual Fortune 500 report on American business is out. Guess what. The pharmaceutical industry ranks first in profits. In the words of Fortune magazine—and I absolutely love this quote; I wish I made it up myself, but I can't plagiarize:

> Whether you gauge profitability by median return or revenues, assets or equity, pharmaceuticals had a Viagra kind of year.

When the average Fortune 500 industry in the United States returned 5-percent profits as a percentage of revenue, the pharmaceutical industry returned 18.6 percent—the automobile industry, a pretty big industry, 3.5 percent; chemicals, 5.1 percent; airlines, 5.7 percent; telecommunications, 11.7 percent; pharmaceuticals, 18.6-percent profits.

I can anticipate the reaction of some: There goes that Senator from Minnesota, out there railing about profits.

The idea that this industry can make such excessive profit off the sickness, misery, illness, and, in the case of Africa with this amendment, death of people, is obscene. I say to this industry: You may have had Viagra profits, but you are making your profits off the sickness, misery, illness, and death of people. And it is obscene. You got your greedy paws into this conference committee. You were able to use all of the money you contribute to the Congress and all of the political power you have and you were able to get this amendment out, take it out. The result of that is many people—millions of people—will die.

For a while, the administration was involved in this. I am not proud of that. They were pushing hard, putting pressure on these governments. This amendment says you can't use any government money for any of this kind of lobbying, to try to prevent a government, which legally is trying to do what it can do to make sure these drugs are more affordable.

That is what this amendment said. It got taken out of conference committee. Can anyone imagine that happening? The Fortune 500 report stated: ''Viagra kind of year.''

I am honored to support my two colleagues. Statistics show 23 million people in Africa are infected with the AIDS virus. By the way, I do not believe that it is pandering or appealing to some special interest for me to be speaking about a disease that infects more than 15,000 young people every day. I am not appealing to any special interest. I am representing values of Minnesotans. I am representing the values of the American people—which, obviously, were not the values of some people in this conference committee which took this amendment out.

I oppose this bill for that reason alone. I have some other reasons for speaking in opposition to this bill. I think what has happened is absolutely egregious. I would like to say to the pharmaceutical companies: Your days of being able to do this are over. I am not sure that is the case, but people in the country are getting sick of you. They are really getting tired of these companies. They are similar to a cartel. They charge excessive prices, they gouge Americans, they do everything they can to make sure other countries with large numbers of poor people, that the governments cannot do what they are legally entitled to do to get the drugs to people and to make them affordable. It is absolutely unbelievable.

The economic question and the political question is, Does this Congress belong to people in the country or does it belong to people in the pharmaceutical industry? The answer on the basis of what happened to this amendment is it belongs to the pharmaceutical industry. In other words, the pharmaceutical industry has great representation here in Washington. It is the rest of the people who do not. This is a real reform issue. This is about people who are dying in Africa. It is also, when we get into this debate about pharmaceutical coverage for people in our country, people who all too often in our country can die—not anywhere near the same magnitude. I think of senior citizens in my State who spend $300, $400, $500, $600 a month for drugs they cannot afford. And this industry makes not a profit—great, make profits, but do not make obscene profits off of the sickness, misery, and death of people.

We are going to be out here today speaking about this over and over and over again. I do not think the pharmaceutical companies will like it. I would not. I doubt whether any Senator is

going to come out here to defend them. I do not even know whether anybody in the conference committee would speak out. Let's have dueling press conferences today. Let's have different press conferences. The people who took out this amendment ought to speak publicly about why they did it.

Part B: This legislation, I know, is called the African Growth and Opportunity Act—I heard both my colleagues speak—and enhanced Caribbean Basin Initiative. But I will say this one more time. Every attempt that we made with this legislation to make sure these benefits would trickle down to the people was defeated. I think the message of this trade bill to African and Caribbean countries is a double message. Here is what it boils down to. For people in the United States, this is the message: If you should dare to try to organize, join a union, and bargain collectively to get a better wage, to get more civilized working conditions, to try to get health care coverage for your children, we are gone. We are on our way to these other countries because we can pay, as Wal-Mart is paying, 14 cents an hour in China. We can pay 14 cents an hour; we are gone.

In this trade bill to African and Caribbean countries, the message is, if you should dare to have even child labor standards, much less basic human rights standards, much less the right of people to organize and join a union to fight for themselves, then you do not get our investment. That is what this trade bill says.

So this is not a question of the first trade bill since NAFTA or are we internationalists or are we not? We had a bill—Congressman JESSE JACKSON, JR. on the House side, Senator FEINGOLD on the Senate side—that expanded Africa's access to U.S. markets, but it also included labor rights and genuine debt relief. That is really important. We had jubilee. We had people here in Washington. When you look at sub-Saharan Africa, about a quarter of its export earnings are lost to its never-ending foreign debt service. If you really want to talk about what we need to help these countries, there you have it.

We had an alternative bill. I do not think it was ever voted on in the House.

This is not about whether or not you are an internationalist or isolationist. My father was born in Ukraine. He lived in Russia. He fled persecution in 1914. He never was able to see his family again. His family was, in all likelihood, murdered by Stalin. I grew up as an internationalist. I have said on the floor of the Senate—I get to say it once; I will not go on and on about this—it is a story that means something to me. He was almost 50 when I was born, and he was old country and he was an embarrassment because he did not fit in with my friends' parents. He just wasn't cool. But when I got to be high school age, I realized what a treasure he was. He spoke ten languages fluently and I miss him dearly. He was a very wise person—profound.

So Sunday through Thursday night at 10 o'clock, we would meet in the kitchen and we would have hot tea and sponge cake and he would talk about the world. I am ''not an internationalist.'' I am not going to let anybody put that label on me.

The question is what kind of trade, under what kind of terms? Who decides who benefits and who is asked to sacrifice? Those are the questions that are before us.

Every time I go to some of these trade meetings and I hear the ministers from some of the developing countries say: Those of you, Senator WELLSTONE, who are opposed to these trade bills, you are in opposition to the poor—I always look for the poor there. I never see the poor there. I see trade ministers; I see the elites; but I don't see the poor.

But then, luckily, since I get a chance to work with the human rights community, I get to either meet with or hear about the poor and the citizens in these countries, ordinary people who are trying to get better wages, who are trying not to work with chemicals that are going to kill them, who are trying to do something about child labor conditions, who are trying to do something about the poisoning of their environment, who want to have jobs with dignity and who get thrown in jail for trying to change their lives for the better. They tell me that all this discussion about the poor and how great this is for the poor in these countries is a bit disingenuous, as they see it.

My colleagues can have a different point of view, and do—many, most, the vast majority.

My last point is this: I don't think I am going to do justice to this. But I saw an interesting piece in American Prospect that Bob Reich wrote, our former Secretary of Labor, that many of us might actually consider as a middle ground. Basically his argument went as such.

He said, assume for a moment, PAUL, even if you don't want to—he didn't use my name, but I felt like he was speaking to me—even if you don't want to agree, just assume for the moment the position of those who make the argument, ''Like it or not, this really will lead to economic growth for these countries, and this is a better chance for people than they have right now.'' Then consider your own position, which I have tried to lay out today.

He was saying, why not have some kind of framework that says when you have such bills, they pass, and the proponents say they will lead to economic growth and more opportunities, then what you would do would be to have a commitment, a priori, beforehand, commensurate with that growth and more opportunities and the country is doing better, minimum wage is going up and labor standards then put into effect.

I think it is an interesting idea. Maybe that will be a middle ground eventually where some of us can come together. But right now there is no middle ground to this. I will say it one more time. I know this bill is called an opportunity act and all the rest, but I think that is the message to this legislation—not the bill that Representative JACKSON and Senator FEINGOLD introduced—to people in this country. You can't blame ordinary citizens. The polls show pretty conclusively that people with incomes under $60,000 or thereabouts are more than a little bit suspicious of these agreements. They do not think they are going to be in their best interests. They think they are going to be great for the big multinational companies but not them. You cannot lay blame on them for thinking that way because the message of this bill is, again, if you try to organize, try to join a union, try to fight for higher wages, these countries will go to Africa, Mexico, wherever, where they do not have to go by any of this. Goodbye.

Then the message to the people in these countries in this legislation is: Governments, people in these countries, don't you dare join a union. Don't you dare fight for your family. Don't you dare try to get better wages. Don't you dare try to abolish these abominable, exploitative child-labor conditions. Don't you do any of that because if you do, you will not get our investment. That is the message of this legislation.

I have spoken about the amendment that was deleted. I believe what happened in the conference committee is atrocious, and I have laid out the basis of my opposition to this legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). Under the previous order, the Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Minnesota for his spirited comments and also for his support of having two Capitol Police officers at each entry. I want him to know, as the ranking member on the Legislative Branch Appropriations Subcommittee, I am fully supportive of that request. I believe the chairman, Senator BENNETT, is as well.

Because he approached me with a big smile and I very much like it when the Senator from Texas smiles rather than frowns, I ask unanimous consent to amend my unanimous consent agreement to permit him to speak for 4 minutes and that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mr. GRAMM. Mr. President, first, I thank our wonderful colleague from

California for doing such a sweet thing. She is going to speak for some time. I know it would help educate me to stay and hear it, but like so many other people, I am too busy and I want to say a few things.

First of all, I congratulate the President for proposing the Africa Growth and Opportunity Act. The President recognized wisely that even if we took all the aid provided by every country in the world and gave it to sub-Saharan Africa, obviously we could have a short-term impact on them, but the long-term impact would be small when compared to the impact we can have through trade.

This bill is an opportunity for us to open up our markets for goods from some of the poorest countries in the world. I know there are some who say that even though this will mean clothing will be cheaper for American consumers, for working and low-income Americans, somehow there is a sacrifice involved. I fail to see it. I see everybody benefiting from trade. Desperately poor people in Africa will have an opportunity to produce products that can be sold in America, and we can raise their living standards and our own through the miracle of world trade.

This is not a perfect bill. I wish it were less protectionist. One provision in the bill requires that in order for textiles from sub-Saharan Africa to come into the country, they have to be made out of American yarn and American thread. That provision is going to reduce their competitiveness, but I appreciate the fact that the conference put in an exception for the 41 countries that have per capita incomes of below $1,500 a year.

So the bill is not perfect, but it is a movement in the right direction, and I strongly support it.

It is important for us to promote world trade. I know our colleague who spoke before me believes that trade only helps rich people and big companies, but I believe trade helps working people. It creates jobs. It creates opportunity. It expands freedom. That is why I am so strongly in support of this bill.

I thank the Finance Committee for working out a compromise that will mean more trade, that will mean more products. I have to say I do not understand how, with a straight face, the textile industry was so adamantly opposed to this bill. If we unleashed all of the energies of sub-Saharan Africa and all of their productive capacity and had them produce textiles to sell in America, they would still have no substantial impact on our market.

I do not understand why we continue to let special interests in America direct our Government to limit our ability to buy goods that would raise the living standards of working Americans. It is outrageous and unfair, and it is important that we stand up against these protectionist forces. Who gives the American textile industry the right to say that, as a free person, I cannot buy a better shirt or a cheaper shirt produced somewhere else in the world? How is America diminished by it? I say it is not. My freedom is diminished by such forces.

We have a mixture of protectionism and trade in this bill. But, overall, it is a movement in the right direction, and I am in favor of it. When the Multifiber Agreement is implemented, we will open up trade in textiles. As late as 5 years ago, the average American family paid $700 more a year for clothing because of textile protection in America than they would with free trade. This is a small step in the right direction. I rejoice in it, and I support it.

I thank the Senator from California for yielding.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I notice that the distinguished Senator from Alabama is on the floor. So I ask unanimous consent to yield to him, and then to have the floor returned to me when he concludes.

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

VISIT TO THE SENATE BY A MEMBER OF THE HOUSE OF DEPUTIES OF THE FEDERAL REPUBLIC OF MEXICO

Mr. SESSIONS. Mr. President, it is my pleasure to present to the Senate today Alfredo Phillips, who is a member of the Congress of the Nation of Mexico. I have gotten to know him in 3 years now at the interparliamentary conference between the United States and Mexico. We have had 39 years of interparliamentary conferences between our two nations. He has an extraordinary history in banking.

He was Director of the North American Development Bank, which is part of the NAFTA agreement. He has been Executive Director of the International Money Fund for 4 years. He is General Coordinator of International Affairs of the PRI. That is his title now. He was Mexico's Ambassador to Canada, Ambassador to Japan, and chairs the Foreign Relations Commission for the Congress of Mexico.

He got his degree in humanities from the University of Mexico and his degree in economics from the University of London. He studied at George Washington University. His wife Maureen is a wonderful lady who my wife Mary and I have had the pleasure to meet. His son Alfredo is in an economics section of the Mexican Embassy here in the United States.

Mr. President, it is my pleasure to introduce Mr. Alfredo Phillips to this body. He is known to many of our Senators and Congressmen.

RECESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes, before Senator FEINSTEIN takes the floor again, in order for the Senate to greet our guest.

There being no objection, at 11:57 a.m., the Senate recessed until 12:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURNS).

TRADE AND DEVELOPMENT ACT OF 2000—CONFERENCE REPORT—Continued

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when Senator FEINSTEIN has finished speaking, Senator FEINGOLD be able to consume his time for debate on this bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise today to address the conference report on the African Growth and Opportunity Act and to express my deep disappointment that the conference decided to strip out of the report the amendment which has been spoken about on this floor which addresses HIV/AIDS in sub-Saharan Africa. This is an amendment I offered with the Senator from Wisconsin, Mr. FEINGOLD.

This amendment was accepted by the Senate, and it was intended to provide African countries experiencing an HIV/AIDS crisis with the ability to institute measures consistent with the World Trade Organization intellectual property rules that are designed to ensure the distribution of pharmaceuticals and medical technology to afflicted populations.

We offered this amendment because we believed the act inadvertently threatened to undermine the fight against HIV/AIDS in Africa. Our amendment was a simple, commonsense approach consistent with international law to fix this oversight. I believe the action of the conference in stripping this amendment was unconscionable. I found it especially disappointing because my office and staff had been working with the chairman of the Finance Committee, Mr. ROTH, to develop compromise language that met our concerns and would be acceptable to the conference.

Chairman ROTH negotiated in good faith, and he and the other Senate conferees—Mr. MOYNIHAN, Mr. BIDEN, and Mr. BAUCUS—wanted to do the right thing. Unfortunately, as I understand it, because of the way in which the House and Senate Republican leadership dealt with this conference, the majority leader and the Speaker, as I have been told, decided my amendment was to be eliminated and presented a take-it-or-leave-it offer to the conferees. The conference was never really

even given a chance to address this issue.

Perhaps they did not understand the full impact of what is happening in Africa, and in these remarks I hope to make both the extent and the nature of the AIDS crisis better known. I say this as someone who supports the legislation. I voted in favor of it. I believe the underlying principles of this legislation—opening up new possibilities for economic engagement and trade between the United States and the countries of sub-Saharan Africa—are good ones. I know the countries of this region want to receive the benefits of the bill which will assist their economic development and promote democracy in the region.

I said in earlier remarks the problem is that the way things are going, there will not be an Africa left for this bill to help. I think people underestimate the impact of that statement. What I hope to do in these remarks is talk about the scope of the problem, give specific country reports, talk about the economic, social, and political impact of HIV/AIDS in sub-Saharan Africa, the need for affordable access to pharmaceuticals, what compulsory licensing and parallel importing is, and why the Feinstein-Feingold amendment is necessary.

I want to talk about drug companies' revenues from these drugs and what else is to be done.

But before I do so, I acknowledge the fact that this morning the White House has signed an Executive order to carry out the provisions of the Feinstein-Feingold amendment.

At this point, I will read into the RECORD the following letter, dated May 10:

I am pleased to inform you that today I will sign an Executive Order that is intended to help make HIV/AIDS-related drugs and medical technologies more accessible and affordable in beneficiary sub-Saharan African countries. The Executive Order, which is based in large part on your work in connection with the proposed Trade and Development Act of 2000, formalizes U.S. government policy in this area. It also directs other steps to be taken to address the spread of HIV and AIDS in Africa, one of the worse health crises the world faces.

As you know, the worldwide HIV/AIDS epidemic has taken a terrible toll in terms of human suffering. Nowhere has the suffering been as great as in Africa, where over 5,500 people per day are dying from AIDS. Approximately 34 million people in sub-Saharan Africa have been infected, and, of those infected, approximately 11.5 million have died. These deaths represent more than 80 percent of the total HIV/AIDS-related deaths worldwide.

To help those countries most affected by HIV/AIDS fight this terrible disease, the Executive Order directs the U.S. Government to refrain from seeking, through negotiation or otherwise, the revocation or revision of any law or policy imposed by a beneficiary sub-Saharan government that promotes access to HIV/AIDS pharmaceuticals and medical technologies. This order will give sub-Saharan governments the flexibility to bring life saving drugs and medical technologies to affected populations. At the same time, the order ensures that fundamental intellectual property rights of U.S. businesses and inventors are protected by requiring sub-Saharan governments to provide adequate and effective intellectual property protection consistent with World Trade Organization rules. In this way, the order strikes a proper balance between the need to enable sub-Saharan governments to increase access to HIV/AIDS pharmaceuticals and medical technologies and the need to ensure that intellectual property is protected.

I know that you preferred that this policy be included in the Conference Report on the Trade and Development Act of 2000, as did I. However, through this Executive Order, the policy this Administration has pursued with your support will be implemented by the U.S. Government. The Executive Order will encourage beneficiary sub-Saharan African countries to build a better infrastructure to fight diseases like HIV/AIDS as they build better lives for their people. At the same time, the Trade and Development Act of 2000 will strengthen African economies, enhance African democracy, and expand U.S.-African trade. Together, these steps will enable the United States to forge closer ties with our African allies, broaden export opportunities for our workers and businesses, and promote our values around the world.

Thank you for your leadership on this critically important issue.

Sincerely,

BILL CLINTON.

Mr. President, I ask unanimous consent that following my remarks, the Executive order itself be printed in the RECORD.

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

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, I thank the President for this Executive order. It is the right thing to do and it is a major help. I very much hope that the African countries will make use of this Executive order and acquire the necessary pharmaceuticals that we here in this country know can extend the lives and well-being of people.

Almost 1 year ago, on May 11, the World Health Organization declared that HIV/AIDS is now the world's most deadly infectious disease. As of December of last year, the AIDS Epidemic Update, published by the Joint United Nations Program on HIV/AIDS, U.N. AIDS, and the World Health Organization, notes the following:

As the 20th century draws to a close, some 33.6 million men and women worldwide face a future dominated by a fatal disease, unknown just a few decades ago. According to new estimates from the Joint U.N. Program on HIV/AIDS and the World Health Organization, 32.4 million adults and 1.2 million children will be living with HIV by the end of 1999.

Sub-Saharan Africa bears the brunt of the HIV/AIDS with close to 70 percent of the global total of HIV positive people. Most will die in the next 10 years, joining the 13.7 million Africans who have already died, and leaving behind shattered families and crippled prospects for development.

Indeed, the hardest hit African companies face infection rates in excess of 22 percent—that is 22 million people—an overall rate of infection among adults in sub-Saharan Africa eight times the rate of infection worldwide. In some countries of southern Africa, 20 to 30 percent of the population of the country itself are infected.

You can see from this chart the spread of AIDS in sub-Saharan Africa. You see the major countries affected that I am speaking about—Namibia, Botswana, Zimbabwe, Zambia—leading with 16 to 32 percent of adults infected with HIV. The next tranche of 8 percent to 16 percent is in the orange and it drops down from there. In South Africa, you have almost 13 percent of the population infected; that is, 2.8 million people. In Zimbabwe, it is 25.8 percent; that is, 1.4 million people. In Uganda, it is 9.5 percent; that is, 870,000. In the Central African Republic, it is almost 11 percent; that is 170,000. In Zambia, it is 19 percent; that is 730,000. In Kenya, it is 11.6 percent or 1.6 million people.

The destruction caused by HIV/AIDS in sub-Saharan Africa, by far, surpasses the devastation caused by famine, war, and even genocide in Rwanda. According to the United Nations, over 10 times as many people were killed by AIDS in sub-Saharan Africa last year as by war. This chart shows the estimated adult and child deaths from HIV/AIDS during 1998—2 million people in sub-Saharan Africa, out of a global total of 2.5 million. You see why this is pandemic today, actually exceeding the bubonic plague in Europe centuries ago.

The devastation caused by AIDS has dramatically reduced life expectancy in sub-Saharan Africa from the highs witnessed in the early to mideighties, before the devastating effect of AIDS began to be felt. This chart shows that in Botswana, which is this line, life expectancy has fallen from the age of 61 to age 50. In Zimbabwe, it fell from 59 to 47. In Zambia, it fell from age 50 to 38 years. In Malawi, it fell from age 45 to 40 years. In Uganda, it fell from 48 to 38 years.

If the present trends continue, life expectancy—already shortened by a decade or more in many sub-Saharan African countries—is projected to fall more dramatically still. In Zimbabwe, for example, life expectancy is expected to decline by 26 years by 2010, from the age of 59 to the age of 33. That is more than half the life expectancy in little more than two decades. I never thought I would ever see that kind of devastation in one country.

AIDS is also affecting infant and child mortality rates, reversing the declines that have been occurring in many countries during the 1970s and 1980s. According to the U.N., AIDS, by 2010, the child mortality rates of children under 5 will increase by 200 percent in Botswana, by 100 percent in Kenya, Malawi and Tanzania, and Zambia by 100 percent, and by 300 percent in Zimbabwe.

This becomes critical, if you understand that four pills can prevent the transmission of HIV/AIDS from a mother to a child—four pills.

Look at these expected child mortality rates.

Over 30 percent of all children born to HIV-infected mothers in sub-Saharan Africa will themselves be HIV infected. More than 500,000—half a million—babies were infected this past year by their mothers, most of them in sub-Saharan Africa.

As these statistics in the U.N. AIDS Report that I cited attest, sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world.

Mr. President, it is not just adults who are being killed by AIDS in sub-Saharan Africa. Out of 510,000 children killed by AIDS throughout the entire world, 470,000 were African children. That is 92 percent of the world's total.

What does that say for the future? Almost a half million children are killed in one continent alone. For anyone who has ever been a mother or a father, a grandmother or a grandfather, this number is mind numbing.

Beyond the carnage of the deaths, this disease has the potential to destabilize already fragile political and economic systems in sub-Saharan Africa.

The United Nations reports that 23.3 million adults and children are infected with the virus, up from 22 million a couple of years ago. Africa has only 10 percent of the world's population, but it has 70 percent of the worldwide total of infected people.

That is what this chart shows. And it is shocking.

Worldwide, there were 5.6 million new AIDS infections in 1999—3.8 million of them in Africa. That is two-thirds of the new infections of AIDS taking place in Africa. Every day, 11,000 more people are infected with HIV—1 in every 8 seconds—and 10,000 of the 11,000 new HIV infections that take place around the world occur in this area.

Teachers, doctors, and nurses are today dying faster than they can be replaced. What does that say about the human development and the economic upward mobility of that country if the teachers, the doctors, and the nurses die faster than they can be replaced? In addition to the death toll striking down adults and children alike, as the ''Report on the Presidential Mission on Children Orphaned by AIDS in Sub-Saharan Africa'' notes:

> Tragically, the worst is yet to come. During the next decade more than 40 million children will be orphaned by AIDS—40 million children orphaned by AIDS, and this ''slow-burn disaster'' is not expected to peak until 2030. According to UNICEF, the HIV-AIDS pandemic in sub-Saharan Africa is having and will continue to have more impact on child survival and maternal mortality than all other emergencies combined. Without a doubt, AIDS has placed an entire generation of Africa's children in jeopardy.

Of the 13 million children orphaned by AIDS so far, 10 million of them are in sub-Saharan Africa.

In Zimbabwe, there are currently 600,000 AIDS orphans, and the projection is that there will be more than 1 million by 2005. That is a 40-percent increase in orphans in one country alone in the next 5 years. Think about it for a minute. It is staggering.

There are rumors that some of the leaders of these countries don't want to deal with the drugs that can prevent passage from the mother to the child because they don't want to deal with the number of orphans that are going to be present in that country. I find this also shocking. You have more than 1 million orphans in 5 years growing up in poverty, without parents and with little or no social structure.

What does this say about the success of an African Trade Act, if you think about it? No teachers, no doctors, no nurses, and millions of orphans without parents, what does that say about economic and human development of a country?

In South Africa, there are already close to 250,000 AIDS orphans. The number is expected to skyrocket to 2½ million by 2010. This is South Africa. This is from 1990 to 2010. Here we are at 2000, and this is what is anticipated to be the number of orphans by 2010. The number is 2.5 million in one country alone. How can this bill provide them with the resources to lead better lives in the future? What good will this bill do if this happens?

All told, over 34 million people in Africa have been infected by HIV since the pandemic began. That is the population of the State of California. And an estimated 13.7 million Africans have lost their lives to AIDS—more than the entire population of Los Angeles and New York City combined. By 2005, if policies do not change, the daily death toll will reach 13,000—double what it is today—with nearly 4 million AIDS deaths in sub-Saharan Africa alone.

A recent CNN Interactive story, ''AIDS in Africa: Dying by the Numbers,'' put the extent of the crisis in this way:

> . . . The bubonic plague is reckoned to have killed about 30 million people in medieval Europe. The U.S. Census Bureau projects that AIDS deaths and the loss of future populations from the deaths of women of childbearing age means that by 2010, sub-Saharan Africa will have 71 million fewer people than it would otherwise.

In all of these countries in sub-Saharan Africa, there will be 71 million fewer people because of AIDS in the next 10 years. Just think about that for a minute.

I would also like to spend some time addressing the situation in several different countries in the region—some hard hit, some less so—so that my colleagues have a better sense of the chaos and disruption this disease is causing in individual countries and society.

The statistics that I cite below are drawn from UNA's World Health Organization epidemiological fact sheets on AIDS and includes data up to 1997. By all accounts, in almost every country in the region, the situation has grown much worse in the past 3 years. There could be little doubt about the pandemic.

Let's begin with Botswana. In Botswana, over 25 percent of the population between 15 and 49 is infected with HIV. That is 25 percent of the population. In Botswana's major urban areas, 40 percent of pregnant women are infected with HIV. From 1994 to 1997, the rate at which children have been orphaned in Botswana quadrupled. Almost 50 percent of Botswana's children under 15 are AIDS orphans. AIDS is responsible for over half of the deaths of all children under the age of five.

Let's look at Ethiopia. Ethiopia has a relatively low infection rate for sub-Saharan Africa, just 9.3 percent, with 5.6 million out of a population of 60 million infected. Over 35 percent of women in Ethiopia age 20 to 24 have HIV. That is a rate 3 times higher than men. In 1985, less than 1 percent of prostitutes in Addis Ababa were HIV positive. By 1990, that proportion had reached 54 percent. This is the point of spreading of the disease. Very little is being done about it.

Kenya currently has a relatively low rate of HIV infection. It is 11 percent. HIV prevalence is much higher in the major urban areas and is over 25 percent in Nairobi, where almost 90 percent of prostitutes are HIV positive. This is the wonderful city of Nairobi, where 90 percent of the prostitutes are spreading this disease heterosexually through the countryside. There are currently at least 350,000 AIDS orphans in Kenya, with the number expected to reach 1 million by 2005. By 2005, Kenya will have one million orphans, thanks to AIDS. That is a 200 percent increase. The cumulative number of deaths due to AIDS has risen from 16,000 in 1989 to 200,000 in 1995 and is expected to pass the one million mark this year. One million dead and one million orphans.

Kenya is a beautiful country. It is shocking what is happening. I hope some of the pharmaceutical companies that lobbied against this amendment are listening. Mr. President, 75 percent of AIDS cases in Kenya occur among adults age 20 to 45, the economically most productive time of the population. The prevalence of HIV in pregnant women in urban areas has risen from 2 percent in 1985 to 16 percent in 1997.

Let's go to Malawi. It is estimated around 1 in 7 of the population, age 15 to 49, is HIV positive. That is 15 percent of the population, or 670,000 people. More than 80,000 people died of AIDS in 1 year alone, 1997, and Malawi has an accumulative death toll of over

450,000 people. I hope the pharmaceutical companies are listening.

Over 25 percent of women attending prenatal clinics in the urban centers test positive for HIV. Girls 15 to 24 years in age are six times more likely to be positive than boys the same age. Other infectious diseases are also on the upswing. Tuberculosis has tripled since the late 1980s, largely due to AIDS. By the end of 1997, over 6 percent of Malawi's children under 15 were orphans.

Let's look at Nigeria, Africa's most populace country, with 118 million people. More than 2.2 million people, around 5 percent, are HIV positive. Although Nigeria appears to have a relatively low incidence at present, trend lines are not comforting. The prevalence in pregnant women in urban areas went from below 1 percent in 1991 to almost 7 percent in 1994. Likewise, the prevalence of HIV in prostitutes has more than doubled during this same period in urban areas, and increases from 3.9 percent to 23 percent in rural areas. Nearly 50 percent of the prostitutes in Lagos, the largest city, are HIV positive, spreading the disease. There were 350,000 AIDS orphans in Nigeria as of 1997.

Let's look at South Africa. About 3 million people in South Africa are infected with HIV, 13 percent of a population of 43 million. Estimates are by 2010, 25 percent of South Africa's population will be HIV positive. By 1997, 180,000 children were orphaned. That figure will skyrocket to 2 million by 2010. There will be two million orphans in South Africa because of AIDS by 2010. Mr. President, 20 percent of pregnant women are infected. There are close to 400,000 deaths due to AIDS in South Africa since the beginning of the epidemic.

Let's go to Zambia, with an infection rate close to 20 percent. It is one of the hardest hit countries in sub-Saharan Africa. As of 1997, over 770,000 adults and children in Zambia were AIDS affected. There are more than 630,000 estimated AIDS cases. There have been 600,000 cumulative deaths since the beginning of the epidemic. After Uganda, Zambia has the highest proportion of children orphaned by AIDS in the world. By the end of 1997, 360,000 children, almost 10 percent of the children under 15, were orphaned because of AIDS. Four simple pills could prevent the transmission of AIDS from a pregnant woman to a child. Mr. President, 28 percent of adults in the urban area and 15 percent in rural areas are infected with HIV.

To give a sense of how the crisis is eroding social stability in Zambia, last year alone, 1,300 teachers in Zambia died from AIDS. Only 700 new teachers were available to take their place. How do you teach children to be able to get a job in the new marketplace that this bill hopes to bring about if the teachers are dying of AIDS, if the children are orphaned? Zimbabwe has one of the worst AIDS epidemics in the world. Currently, 26 percent of all adults age 15 to 49 are infected with HIV, more than 1.5 million out of a total population of 5.5 million.

The United Nations Population Division has projected that over the next five years half of all child deaths in the country will be due to AIDS.

As in Zambia, by the end of 1997 there were over 360,000 AIDS orphans in Zimbabwe and, as I mentioned earlier, projections are for Zimbabwe to be faced with over 1 million AIDS orphans in the next five years.

The HIV/AIDS crisis is driving families in sub-Saharan Africa worn-down by widespread poverty to the brink of disaster, and eroding the ability of the regions governments to provide services while at the same time increasing the demand for them. This is especially true in health care, where AIDS-related illnesses sometimes account for almost half the hospital beds and in-patient days.

The transition to democracy in the region may also be imperiled, and economic growth may grind to a halt as a result of the AIDS crisis destabilizing social structures.

These numbers, and the impact this disease is having on individual counties in sub-Saharan Africa, is staggering, but it is difficult to capture the depth of the devastation and suffering in the region with statistics and charts. To try to give a better sense of the impact of HIV/AIDS, let me read the first few paragraphs from a story published in the Village Voice last year, part of a Pulitzer Prize winning series of articles by journalist Mark Schoofs.

Let me warn you: the following is not for the faint of heart or faint of stomach.

They didn't call Arthur Chinaka out of the classroom. The principal and Arthur's uncle Simon waited until the day's exams were done before breaking the news: Arthur's father, his body wracked with pneumonia, had finally died of AIDS. They were worried that Arthur would panic, but at 17 years old, he didn't. He still had two days of tests, so while his father lay in the morgue, Arthur finished his exams. That happened in 1990. Then in 1992, Arthur's uncle Edward died of AIDS. In 1994, his uncle Richard died of AIDS. In 1996, his uncle Alex died of AIDS. All of them are buried on the homestead where they grew up and where their parents and Arthur still live, a collection of thatch-roofed huts in the mountains near Mutare, by Zimbabwe's border with Mozambique. But HIV hasn't finished with this family. In April, a fourth uncle lay coughing in his hut, and the virus had blinded Arthur's aunt Eunice, leaving her so thin and weak she couldn't walk without help. By September both were dead.

The most horrifying part of this story is that it is not unique. In Uganda, a business executive named Tonny, who asked that his last name not be used, lost two brothers and a sister to AIDS, while his wife lost her brother to the virus. In the rural hills of South Africa's KwaZulu Natal province, Bonisile Ngema lost her son and daughter-in-law, so she tries to support her granddaughter and her own aged mother by selling potatoes. Her dead son was the breadwinner for the whole extended family, and now she feels like an orphan.

In the morgue of Zimbabwe's Parirenyatwa Hospital, head mortician Paul Tabvemhiri opens the door to the large cold room that holds cadavers. But it's impossible to walk in because so many bodies lie on the floor, wrapped in blankets from their deathbeds or dressed in the clothes they died in. Along the walls, corpses are packed two to a shelf. In a second cold-storage area, the shelves are narrower, so Tabvemhiri faces a grisly choice: He can stack the bodies on top of one another, which squishes the face and makes it hard for relatives to identify the body, or he can leave the cadavers out in the hall, unrefrigerated. He refuses to deform bodies, and so a pair of corpses lie outside on gurneys behind a curtain. The odor of decomposition is faint but clear.

Have they always had to leave bodies in the hall? ''No, no, no,'' says Tabvemhiri, who has worked in the morgue since 1976. ''Only in the last five or six years,'' which is when AIDS deaths here took off. Morgue records show that the number of cadavers has almost tripled since the start of Zimbabwe's epidemic, and there's been a change in who is dying: ''The young ones,'' says Tabvemhiri, ''are coming in bulk.''

The wide crescent of East and Southern Africa that sweeps down from Mount Kenya and around the Cape of Good Hope is the hardest-hit AIDS region in the world. Here, the virus is cutting down more and more of Africa's most energetic and productive people, adults aged 15 to 49. The slave trade also targeted people in their prime, killing or sending into bondage perhaps 25 million people. But that happened over four centuries. Only 17 years have passed since AIDS was first found in Africa, on the shores of Lake Victoria, yet according to the Joint United Nations Programme on HIV/AIDS (UNAIDS), the virus has already killed more than 11 million sub-Saharan Africans. More than 22 million others are infected [and nobody cares].

Only 10 percent of the world's population lives south of the Sahara, but the region is home to two-thirds of the world's HIV-positive people, and it has suffered more than 80 percent of all AIDS deaths.

Last year, the combined wars in Africa killed 200,000 people. AIDS killed 10 times that number. Indeed, more people succumbed to HIV last year than to any other cause of death on this continent, including malaria. And the carnage has only begun.

In addition to the devastating health impact, HIV/AIDS in Sub-Saharan Africa is also threatening to undermine economic, social, and political stability in the region—the very issues which the African Growth and Opportunity Act is intended to address.

In Zimbabwe and Botswana, for example, where roughly one of every four people have AIDS, the disease has cut sharply into population growth with profound consequences. According to Karen Stanecki, chief of health studies for the U.S. Census Bureau:

The zero growth is coming because people are dying in their young adult years, not after leading full lives and then dying.

People are dying in the years when they're supposed to be most productive.

As World Bank President James Wolfensohn said at the United Nations this past January:

> Many of us used to think of AIDS as a health issue. We were wrong. AIDS can no longer be confined to the health or social sector portfolios. AIDS is turning back the clock on development.

As the HIV epidemic deepens in Africa, it is leaving an economically devastated continent in its wake.

At the most simple level, already impoverished families that must care for a member who is ill with HIV/AIDS find that what little they had to pay for a child's education or invest for the future is now gone.

The United Nations Joint Program on HIV/AIDS found that urban families in the Cote d'Ivoire, known as the Ivory Coast in this country, with a member sick from AIDS cut spending on their children's education in half and reduced food consumption by about 40 percent as they struggled to cover health care costs.

Moreover, as the epidemic has worsened, so have estimates of its effect on African economies, even without taking into account broader human welfare issues.

Indeed, because of the impact of HIV/AIDS, David Bloom, a professor of economics and demography at the Harvard School of Public Health, warns that ''The whole economy [in Africa] could unravel.''

In ''Confronting AIDS,'' the World Bank factored in labor supply issues and the amount to which health care would be financed out of savings to come up with a ''rough estimate'' of a 0.5 percent annual reduction in per capita GDP growth. I believe this estimate to be on the low side.

One-half of 1 percent may not seem like much. Indeed, for countries with relatively high growth rates such as Uganda, that kind of reduction will not seem to be immediately crippling, but a lower growth rate has a cumulative effect.

A country whose growth rate is 2 percent a year will increase its GNP per capita by 81 percent in one generation, or about 30 years. Each generation will live much better than the last.

However, if AIDS reduces growth to just 1.5 percent per year, the same country will increase its GNP per capita by only about 50 percent in the same period.

This chart shows the change in per capita GDP caused by AIDS in Kenya. The yellow is a no AIDS scenario, and one can see the enormous rise in GDP. The red is the AIDS scenario, even with the African Growth and Opportunity Act, and one can see how it is consequentially lower.

Thus, in Kenya, for example, UNAIDS estimates that while per capita GDP was estimated to increase from 5,600 Kenyan shillings in 1990 to over 6,000 Kenyan shillings by 2005 without AIDS, with the impact of AIDS per capita GDP will remain stagnant over the same period of time.

Likewise, in South Africa UNAIDS estimates that because of the impact of HIV/AIDS the Human Development Index—which measures the level of human development through a formula based on life expectancy at birth, adult literacy, school enrollment, and real per capita GDP has dropped by over 15 percent from 1995 to the present. That is a 15-percent drop due to AIDS in 5 years. Without HIV/AIDS South Africa's HDI was projected to remain more or less the same.

Finally, the combined effects of HIV/AIDS on health, economic life, the social fabric, and political institutions, has created a genuine threat to future stability and security in sub-Saharan Africa.

That is why, at the initiative of Ambassador Holbrooke and Vice President GORE, the 15-member United Nations Security Council decided to address AIDS earlier this year.

As Secretary General Kofi Annan told the Security Council:

> In already unstable societies, this cocktail of disasters is a sure recipe for more conflict. And conflict, in turn, provides fertile ground for further infections.

And, as Dr. Peter Piot, Executive Director of the Joint United Nations Programme on HIV/AIDS, said:

> Visibly, the epidemic is eroding the social fabric of many communities. In its demographic, social and economic impact, the epidemic has become more devastating than war, in a continent where war and conflict appear to be endemic.

As U.S. Ambassador to the United Nations Richard Holbrooke said, if we do not work with Africa now to address the problems associated with the HIV/AIDS crisis, ''we will have to deal with them later when they will get more dangerous and more expensive.''

It is in recognition of the destabilizing effects of HIV/AIDS in Africa that the Clinton-Gore administration has taken the step of designating AIDS a threat to U.S. national security interests, as reported the other week in the Washington Post. I believe the administration is to be congratulated for its recognition of the profound effects that this disease is having, and for this effort.

There are many explanations for why this pandemic is sweeping across sub-Saharan Africa: Certainly the region's poverty, which has deprived Africans of access to health information, health education, and health care. Conflict, which has led to increases in refugee flows, and increases in prostitution have also played a role. Cultural and behavior patterns, which has led to sub-Saharan Africa being the only region in which women are infected with HIV at a higher rate than men, may also play a role.

Clearly, in addressing the challenges presented by this disease there needs to be considerable emphasis addressing the health care infrastructure of sub-Saharan Africa and on additional resources for education. I intend to address both these points later.

I also believe that if the international community is to be successful in meeting this challenge, we must make every effort to get appropriate medicine into the hands of those in need.

In the United States and much of the industrialized world, even as sub-Saharan Africa has been ravaged by the impact of HIV/AIDS, we have succeeded, in large part, in turning HIV/AIDS into a chronic disease; not curing it—that must still remain a top priority—but managing it. We have done so, in large parts, by developing effective pharmaceuticals and getting them to those in need.

Indeed, for too many years there were no effective drugs.

I remember, as Mayor of San Francisco, I was the first mayor to implement a program to deal with AIDS in the United States, and remember trying to manage this disease in its early days, when cause, let alone treatment, was unclear; when drugs were simply not available; when HIV/AIDS was devastating our community, and many, many promising young people—many of them my friends—were struck down in the prime of their lives; and when we simply did not know how big the crisis would get, or if our health care system could handle it.

So in some small way, I think I understand what policymakers in many sub-Saharan African countries are now going through.

Now, thanks to recent medical research, we do have effective medicine. For example, some recent pilot projects have had success in reducing mother-to-child transmission by administering the anti-HIV drug AZT, or a less expensive medicine, Nevirapine, NVP, during birth and early childhood.

In fact, new studies indicate NVP can reduce the risk of mother-to-child transmission by as much as 80 percent. Just think of the statistics on orphans and HIV-infected children that could be stopped with four of these pills. NVP is given just once to the mother during labor and once to the child within three days of birth. Three or four pills can mean that a child is prevented from being born with AIDS.

For just $4 a tablet—a little more than the cost of a large latte at Starbuck's, not a lot here but a great deal in Africa—this inexpensive drug regime has created an unprecedented opportunity for international cooperation in the fight against AIDS. Currently, however, less than 1 percent of

HIV infected pregnant women have access to interventions to reduce mother-to-child transmission.

In addition to such drugs as NVP, drug ''cocktails'' administered in a treatment regimen known as HAART—highly active antiretroviral therapy—antiretroviral drugs can allow people living with AIDS to lead a normal life. And use of the drugs can lead to long-term survival rather than early death. Such treatment has proven highly effective in developed countries, including our own.

Although some pharmaceutical companies may try to tell you otherwise, most antiretrovirals drugs are relatively inexpensive to produce. AIDS Treatment News recently reported that:

AZT in bulk can be purchased for 42 cents for 300 mg from the worldwide suppliers; this price reflects profits not only to the manufacturer but also to the middleman bulk buyer. The same drug retails at my local pharmacy for $5.82 per pill. This ridiculous price bears no real relation to the cost of production.

Unfortunately—and inexplicably in my view—access for Africans to AIDS medications or ''antiretrovirals'' is perhaps the most contentious issue surrounding the response to the African epidemic.

According to an article, ''Poor Nations Ravaged by AIDS Need the Right Resources'' that appeared in the December 1, 1999 issue of the Journal of the American Medical Association:

For as many years as antiretroviral therapies have been available, AIDS activists have accused pharmaceutical companies of price gouging and challenged them to reduce prices and cut their profit margins on drugs for people with HIV infection and AIDS. In a pilot drug access initiative launched in 1997 in Uganda, Côte d'Ivoire, Chile, and Vietnam, UNAIDS succeeded in negotiating discounts on drugs manufactured by Abbott Laboratories, Bristol-Myers Squibb Co, Glaxo Wellcome Inc, Merck & Co Inc, and Roche Laboratories.

In Uganda, the cost of dual antiretroviral drug therapy has been cut from $600 to $250 per month; triple combination therapy that used to cost $1000 per month is now between $500 and $600 (J Int Assoc Physicians AIDS Care. 1999;5:48–60). Dorothy Ochola, MD, coordinator of the drug access initiative in Uganda, said the US Centers for Disease Control and Prevention has offered free laboratory monitoring of patients for 2 years.

While the program has helped hundreds of HIV-infected people in Uganda gain access to therapy, it is far from a cure-all. Along with government subsidies for drugs, the initiative offers less expensive drugs for palliative care and opportunistic infections, but patients must pay out of pocket for antiretroviral drugs. With a population of 21 million and the number of HIV-positive persons estimated at 930,000, Uganda's approximately 825 patients receiving antiretroviral drugs through the program are a drop in the bucket.

Unfortunately, it is true that even at reduced rates in all too many cases the cost of combination therapy is beyond the means of most people living with AIDS and governments in sub-Saharan Africa.

Combination therapy in South Africa was estimated at $334 per month or $4,000 per year, and UNAIDS reports that Brazil treated 75,000 people with antiretrovirals in 1999 at a cost of $300 million—or, again, $4,000 per person.

I strongly believe that we have a strong moral obligation to try to save lives when the medications for doing so exist, and it is critical that the United States play a leadership role in the international community to increase access to life-saving drugs.

For example, the United States should not oppose African governments and donor agencies from achieving reductions in the cost of antiretrovirals through negotiated agreements with drug manufacturers.

The British pharmaceutical firm Glaxo Wellcome, a major producer of antiretrovirals, has already stated that it is committed to ''differential pricing,'' which would lower the cost of AIDS drugs in Africa. And I say, hooray; one company. These efforts are to be commended, and it is my sincere hope that companies willing to adopt ''differential pricing'' will help African countries get the drugs they need at prices they can afford.

Now I will speak about compulsory licensing and parallel importing for a moment.

This is the issue raised by my amendment and now the President's Executive order. The United States must not oppose ''parallel importing'' and ''compulsory licensing'' by African governments to lower the price of patented medications so that HIV/AIDS drugs are more affordable, and more people in Africa will have access to them.

Through parallel importing, patented pharmaceuticals can be purchased from the cheapest source, rather than from the manufacturer. Under compulsory licensing an African government could order a local firm to produce a drug and pay a negotiated royalty to the patent holder.

Both parallel imports and compulsory licensing are permitted under the World Trade Organization agreement for countries facing health emergencies—and there can be little doubt that Africa is facing a health emergency of monumental proportions.

My amendment, cosponsored by my colleague from Wisconsin, would have simply codified current administration policy—as the administration has now opted to do itself via Executive order—which states that the U.S. Government will not oppose efforts by governments of the countries of sub-Saharan Africa to supply HIV/AIDS drugs to their citizens through compulsory licensing or parallel importing.

This amendment did not create new policy or a new approach on intellectual property rights under the World Trade Organization agreement on Trade Related Aspects of Intellectual Property Rights, know as TRIPS, nor does it require IP rights to be rolled back or weakened.

There are few in this body as committed to the notion of strict protection of U.S. intellectual property rights as I am.

Just a few years ago, for example, when the United States and China were involved in a dispute over IPR protection for movies, music, and computer software, I worked with the administration to convince China that it was important to respect the rights of the patent holder and live up to its commitments to respect intellectual property rights. And, I am pleased to note, China's record since that time on IP issues has improved.

The compulsory licensing process under my amendment was fully consistent with the WTO's approach to balancing the protection of intellectual property with a moral obligation to meet public health emergencies such as the HIV/AIDS pandemic in Africa.

According to an opinion I solicited from the Congressional Research Service on this question, the amendment I offered:

. . . would appear to be consistent with the TRIPS agreement since on its face it only prohibits U.S. government authorities, such as the U.S. Trade Representative (U.S.T.R.) From seeking a revocation of law or policy which offers adequate intellectual property rights protection consistent with the TRIPS agreement. . . . The TRIPS agreement permits compulsory licensing under certain conditions. . . .

In other words, despite what some pharmaceutical companies have been saying behind closed doors about this amendment over the past few weeks, this amendment did not weaken intellectual property rights protection one iota. It left the bar exactly where it is right now.

Let me be clear about this: My amendment—and now the President's Executive Order—does not create new policy or a new approach on IP rights under TRIPS, nor does it require IP rights to be rolled back or weakened. All it asked is that in approaching HIV/AIDS in Africa, U.S. policy on ''compulsory licensing'' and ''parallel importing'' remain consistent with what is accepted under international trade law.

By doing so, this approach will allow the countries of sub-Saharan Africa to determine the availability of HIV/AIDS pharmaceuticals in their countries, and provide their people with affordable HIV/AIDS drugs.

It was, or so I thought, a simple, common-sense approach to dealing with one facet of one of the most pressing and important national security and international health issues that we face in the coming decades: The HIV/AIDS pandemic currently sweeping across sub-Saharan Africa.

Let me provide one example of why the approach adopted by my amendment, and now the President's Executive Order, is necessary.

On March 14 of this year, Doctor's Without Borders—the medical relief group that won the Nobel Prize last year—sent a letter to Pfizer calling on Pfizer to lower the price of fluconazole, a drug needed to treat cryptococcal meningitus, the most common systemic fungal infection in HIV-positive people, in developing countries.

As the Doctors Without Borders letter notes, in Thailand fluconazole is available for just $1.20 for a daily dose. Yet in Kenya and South Africa, the daily dose costs $17.84, almost 15 times higher. That is unconscionable and is greed in the ultimate.

What accounts for the difference in price?

In Thailand a generic version is available. In Kenya and South Africa the only supplier is Pfizer.

As Bernard Pecoul, director of the Doctors Without Borders Access to Essential Medicines Campaign has noted, ''People are dying because the price of the drug that can save them is too high.''

As the March 14 Doctors Without Borders letter notes, ''While we appreciate that patents can be an important motor of research and development funding, there must be a balance to ensure that people in developing countries have access to life-saving medicines.'' I could not agree more.

Under pressure from Doctors Without Borders, Pfizer has since agreed to provide free fluconazole to South Africa. This situation never should have existed to begin with.

Without ''compulsory licencing'' and ''parallel importing,'' which would allow access to cheaper generic drugs, more people in sub-Saharan Africa will suffer and die.

So why, given that it represented a common sense approach to a devastating problem fully consistent with international trade law did my amendment meet such stiff opposition in conference?

After long and hard consideration, I have concluded that there can be only one possible answer to that question: Profits and corporate greed.

Simply put, the pharmaceutical companies which manufacture HIV/AIDS drugs would prefer to be able to sell drugs for $18 a dose rather than $1 per dose, with the additional $17 going straight to fattening the bottom line.

If there was a legitimate policy debate to be had, why did the opponents of including this provision in the bill not wage their fight out in the open?

The answer is because they had no arguments which would stand up to the light of day—so they restricted their activities to attacking this amendment behind closed doors, out of the public view. And they succeeded, in conference, with literally no one in the room except for a few members, in getting this amendment killed.

The pharmaceutical companies who were opposed to this amendment—opposed because they want to squeeze every last drop of profit from the suffering of the millions of HIV/AIDS victims in sub-Saharan Africa—were successful, behind closed doors, in killing my amendment.

The revenue created from the sale of HIV/AIDS-related drugs is staggering.

Crixivan, used to treat HIV infections, produced $675 million in revenue for Merck, in 1998; Zithromax, used to prevent Mycobacterium avium complex in people with advanced HIV infections, produced over $1.04 billion in revenue for Pfizer, in 1998; Fluconazole, used to treat cryptococcal meningitis, produced $916 million in revenue for Pfizer, in 1998; Epivir, used in combination with AZT as a treatment option for HIV infection in adults and pediatric patients that are at least three months old, produced $595 million in revenue for Glaxo Wellcome, in 1998; Combivir, used as a treatment option for HIV infection in adults and adolescent patients that are at least twelve years old, produced $442 million in revenue for Glaxo Wellcome, in 1998; AZT, used for the treatment of adults with AIDS, produced $248 million in revenue for Glaxo Wellcome, in 1998; Taxol, used to treat AIDS-related Kaposi's sarcoma, produced over $1.2 billion in revenue for Bristol-Meyers Squibb, in 1998; Zerit, used for the treatment of adults with advanced HIV infections, produced $551 million in revenue for Bristol-Meyers Squibb, in 1998; Videx, used for the treatment of adult and pediatric patients with advanced HIV that are intolerant to or deteriorating on AZT, produced $162 million in revenue for Bristol-Meyers Squibb, in 1998; Invirase, used for advanced HIV infections, produced $397 million in revenue for Hoffman-La Roche, in 1998; Hivid, used in combination with AZT for patients with advanced HIV, produced $65 million in revenue for Hoffman-La Roche, in 1998; Famvir, used for the treatment of recurrent mucocutaneous herpes simplex infections in HIV-infected patients, produced $172 million in revenue for SmithKline Beecham, in 1998; Gamimune N, used to prevent bacterial infections in HIV-infected pediatric patients, produced $235 million for Bayer, in 1998; Biaxin, used to treat disseminated mycobacterial infections due to Mycobacterium avium-intracellular complex (MAC), produced $1.25 billion in revenue for Abbott Laboratories, in 1998; Novir, used in combination with nucleoside analogues for the treatment of HIV-infections, produced $250 million for Abbott Laboratories, in 1998; Epogen, used to treat anemia related to AZT therapy, produced $1.38 billion in revenue for Amgen, in 1998; Sustiva, used to treat HIV–1 infections in combination with other antiretrovirals, produced $75 million in revenue for DuPont Pharmaceuticals in 1998.

Viramune, used to treat HIV-infected adults experiencing clinical or immunologic deterioration, produced $154 million in revenue for Boehringer Ingelheim, in 1998; Serostim, used for the treatment of AIDS-wasting and cachexia, produced $88 million in revenue for the Ares-Serono Group in 1998; Viracept, used to treat HIV infection when antiretroviral therapy is needed in adults and pediatric patients that are at least two years old, produced $530 million for Agouron Pharmaceuticals, in 1998; and Abelcet, used to treat aspergillosis, a fungal infection, produced $73 million for The Liposome Company, in 1998.

All of the above-mentioned drugs were among the 500 best selling drugs in the world, in 1998.

Driven in no small part by the profits on HIV/AIDS drugs, the pharmaceutical sector has proven to be one of the most profitable corporate sectors in the world. In 1999 pharmaceutical companies had a 18.6 percent return on revenues, which is 17 percent higher than the number two sector on the list, and a 16.5 percent return on assets, which is 7 percent higher than the number two sector on the list.

For shame, for opposing this amendment.

Merck, the producer of Crixivan, had an 18 percent return on revenues and a 17 percent return on assets.

Bristol-Meyers Squibb, the producer of Taxol, Zerit, and Videx, had a 21 percent return on revenues and a 24 percent return on assets.

Pfizer, the producer of Zithromax and Fluconazole, had a 20 percent return on revenues and a 15 percent return on assets.

Abbott Laboratories, the producer of Biaxin and Norvir, had a 19 percent return on revenues and a 17 percent return on assets.

Amgen, the producer of Epogen, had a 33 percent return on revenues and a 27 percent return on assets.

Ironically, the pharmaceutical companies would profit more from the approach embodied in my amendment than they do right now. Presently, most sub-Saharan African countries are not buying these drugs since they can not afford the price tag, so the pharmaceutical companies are not earning any money at all on these HIV/AIDS drugs in these countries. But if sub-Saharan African countries produced HIV/AIDS drugs through ''compulsory licensing,'' or purchased them by ''parallel importing,'' the pharmaceutical companies holding the patents on these drugs would receive royalties.

I have a very hard time understanding how lobbyists behind closed doors prevail on this body, in the middle of a world health crisis, to prevent

the use of cheaper drugs when the figures I have documented are decimating these countries in a major public health emergency. I don't know how they sleep at night. I really do not. I don't know how they can look at a country with 1 million or 2 million AIDS-produced orphans and sleep at night. I really do not understand it.

Let me touch for a moment on what else is to be done.

By itself, the approach of the Feinstein-Feingold Amendment, and the President's Executive order, will not solve the problem of HIV/AIDS in Africa. It only addresses one area—an important area, but only one—of a large and complex problem.

As Dr. David Satcher, the Surgeon General of the United States, wrote in ''The Global HIV/AIDS Epidemic'' in JAMA, the Journal of the American Medical Association, in April 1998:

More than a decade of experience has taught us how to control HIV/AIDS—we know what works. Many developed countries have successfully checked the spread of the epidemic. While development of therapy and a vaccine continue, prevention must be emphasized. The basic elements of prevention include education, behavior change, voluntary testing and counseling prevention of perinatal transmission, and political commitment. Each country must find the mix of methods appropriate to its particular conditions.

Education about HIV/AIDS is necessary but alone does not change the behavior of populations. Promotion of voluntary testing and counseling must complement education. Testing and counseling break the deadly silence around HIV/AIDS and empower individuals to make informed decisions and change behaviors. Breaking the silence also will begin to diffuse the stigma surrounding the disease. We have seen success with behavioral change in Uganda and Thailand, the only two less-developed countries with extensive capacity for voluntary testing and counseling.

It is known that perinatal transmission of HIV can be reduced by more than 50% by using antiretroviral therapy; however problems with access to these drugs limit their use in some countries. Transmission of HIV through breast-feeding and poor survival of orphans make the avoidance of disease via treatment for perinatal transmission more complex. We continue to work with international organizations, other governments, and pharmaceutical companies to lower costs and expand access to antiretroviral drugs. Current treatment for perinatal transmission, as well as use of antiretrovirals in general, in less-developed countries is also limited by the fact that very few people have been tested for HIV infection.

Treatment of other sexually transmitted diseases (STDs) is important to control the spread of HIV. One of the reasons HIV has spread so rapidly in Africa is that so many STDs go untreated. Untreated STDs break down natural barriers that prevent transmission. Access to even basic treatment for STDs remains a problem for many less-developed countries.

Perhaps most important in the global battle against HIV/AIDS is political commitment. Leaders at the national, provincial, and local levels of government must speak out about HIV/AIDS and encourage businesses and nongovernmental organizations to commit to work against the disease. I was encouraged by U.S. Vice President Al Gore and Deputy President Thabo Mbeki of South Africa, who put the HIV/AIDS threat at the top of the international agenda at the recent meeting of the United States-South Africa Joint Commission. They set an important example for leaders in developed and less-developed countries.

American medicine and public health have an important role to play in the global battle against HIV/AIDS by supporting international organizations such as the Joint United Nations Program on HIV/AIDS, the World Health Organization, and the World Bank.

HIV/AIDS can be likened to the plague that decimated the population of Europe in the 14th century. While the modern epidemic affects people of all age groups, those of working age are at highest risk, posing potentially dire economic, social, and political consequences for the global community. Unfortunately, the world continues to devote greater attention and resources to traditional national security issues such as wars, postponing notice of an epidemic that, if left to spread unchecked, will kill more people than any of the terrible conflagrations that have so marked this century.

Because of the complexity of dealing with this issue, the Clinton-Gore Administration has asked Congress to commit $150 million toward vaccine research and AIDS treatment and prevention programs in Africa.

The Administration's initiative dedicates $100 million for the prevention and treatment of HIV and AIDS in Africa, Asia and other regions, doubling current U.S. funding of AIDS prevention efforts. An additional $50 million will go to the Vaccine Fund of the Global Alliance for Vaccines and Immunizations for research, and the purchase and distribution of vaccines for other infectious diseases in developing nations.

The Administration's initiative, announced by the Vice President this past January, also includes plans for a public-private partnership with U.S. business leaders active in Africa, with a goal of developing workplace education programs designed to end the stigma and ''break down the barriers against discussing AIDS.''

The Vice President has also proposed specific funding for the U.S. military to work with armed forces in Africa to combat AIDS, an especially important initiative given the high rates of infection among soldiers.

I believe that it is crucial that we provide support for these efforts at least at the level the Administration has called for.

In fact, I am a cosponsor of a bill introduced by my colleague from California, Senator BOXER, which calls for USAID to make HIV/AIDS a priority in foreign assistance funding and authorizes $2 billion over five years, with at least 50 percent targeted at sub-Saharan Africa, for a comprehensive coordinated effort to combat HIV/AIDS, including testing, education, treatment, and the provision of medicines to prevent mother-to-child transmissions.

I should note here that I was also disappointed that the Conference choose not to include an Administration initiative to provide a tax credit for the President's Millennium Vaccine Initiative tax credit proposal. This proposal would create a tax credit to encourage the development of vaccines for malaria, tuberculosis, HIV/AIDS, or any infectious disease that causes over 1 million deaths annually worldwide.

Such a tax credit would encourage the development of a vaccine for HIV/AIDS. As Dr. Seth Berkley, president of the International AIDS Vaccine Initiative has put it: ''We need new prevention technologies, and the most critical one is a vaccine. . . . Ultimately, only a vaccine can stop the epidemic.''

These actions and policies must be part of a larger development effort if we are to help these sub-Saharan African countries control the HIV/AIDS pandemic.

Debt relief must also be part of a this larger development effort. It is unconscionable that many of these countries are spending more than a quarter of their precious export earnings on debt service payments to bilateral and multilateral creditors. The World Bank is correct when it declares that debt burdens at these levels are unsustainable.

The citizens of most of these countries are extremely poor, and they are burdened with unsustainable debts built up during the Cold War. These debts were accrued during the 1970s and 1980s by unaccountable governments.

Debt service diverts scarce resources away from spending on health care, health education, and poverty reduction initiatives in these countries. Debt servicing absorbs up to 40 percent of national revenue among a majority of countries in sub-Saharan Africa.

We must lead the international community in efforts to write-off unsustainable debts so these countries can spend more money health education, infrastructure and services, as well as other development needs.

Let me conclude and thank the Senate for its forbearance. I am sorry for my display of emotion. I have watched people die of AIDS. I know what it is like. I can't imagine what it must be like in Africa where citizens maybe don't have a home, where they have an enormous cultural taboo attached to it, where there is no food, there is no medicine, and to know that a few pills can prevent the transmission of AIDS to a child for a nominal sum of money, and to know, literally, that in the coming years this could save 5 to 10 million people.

Just to think of what went on behind closed doors by lobbyists for pharmaceutical companies is unconscionable. The TRIPS agreement, the World

Trade Organization, at a time of national health emergency, permits compulsory licensing and parallel importing. For these pharmaceutical companies that have made the kind of money they have made—and I know they will say they spent millions and millions on research and development; I have a member of my family who was director of research for one of the companies that worked on an antiretroviral—the bottom line is every one of these annual reports shows a substantial increase in profit.

Yet in little-known countries in sub-Saharan Africa, people are literally dying by the millions. Today we are considering a trade initiative bill which aims at giving them a better way of life. What is the better way of life if you can't live? What is the better way of life if you are dying of AIDS? What is a better way of life if you were 1 of 5 million orphans born in sub-Saharan Africa? What is a better life if you were born one of these HIV-infected orphans?

I find the act of pharmaceutical companies in opposing this amendment unconscionable.

I thank the Chair for its forbearance, and I thank the Senate. I also thank the administration for doing a major act of conscience in the production of an Executive order which will allow the purchase of these drugs at the lowest possible rates.

EXHIBIT 1

EXECUTIVE ORDER

ACCESS TO HIV/AIDS PHARMACEUTICALS AND MEDICAL TECHNOLOGIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 141 and chapter 1 of title III of the Trade Act of 1974, as amended (19 U.S.C. 2171, 2411–2420), section 307 of the Public Health Service Act (42 U.S.C. 2421), and section 104 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151b), and in accordance with executive branch policy on health-related intellectual property matters to promote access to essential medicines, it is hereby ordered as follows:

Section 1. Policy. (a) In administering sections 301–310 of the Trade Act of 1974, the United States shall not seek, through negotiation or otherwise, the revocation or revision of any intellectual property law or policy of a beneficiary sub-Saharan African country, as determined by the President, that regulates HIV/AIDS pharmaceuticals or medical technologies if the law or policy of the country:

(1) promotes access to HIV/AIDS pharmaceuticals or medical technologies for affected populations in that country; and

(2) provides adequate and effective intellectual property protection consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

(b) The United States shall encourage all beneficiary sub-Saharan African countries to implement policies designed to address the underlying causes of the HIV/AIDS crisis by, among other things, making efforts to encourage practices that will prevent further transmission and infection and to stimulate development of the infrastructure necessary to deliver adequate health services, and by encouraging policies that provide an incentive for public and private research on, and development of, vaccines and other medical innovations that will combat the HIV/AIDS epidemic in Africa.

Sec. 2. Rationale: (a) This order finds that:

(1) since the onset of the worldwide HIV/AIDS epidemic, approximately 34 million people living in sub-Saharan Africa have been infected with the disease;

(2) of those infected, approximately 11.5 million have died;

(3) the deaths represent 83 percent of the total HIV/AIDS related deaths worldwide; and

(4) access to effective therapeutics for HIV/AIDS is determined by issues of price, health system infrastructure for delivery, and sustainable financing.

(b) In light of these findings, this order recognizes that:

(1) it is in the interest of the United States to take all reasonable steps to prevent further spread of infectious disease, particularly HIV/AIDS;

(2) there is critical need for effective incentives to develop new pharmaceuticals, vaccines, and therapies to combat the HIV/AIDS crisis, including effective global intellectual property standards designed to foster pharmaceutical and medical innovation;

(3) the overriding priority for responding to the crisis of HIV/AIDS in sub-Saharan Africa should be to improve public education and to encourage practices that will prevent further transmission and infection, and to stimulate development of the infrastructure necessary to deliver adequate health care services;

(4) the United States should work with individual countries in sub-Saharan Africa to assist them in development of effective public education campaigns aimed at the prevention of HIV/AIDS transmission and infection, and to improve their health care infrastructure to promote improved access to quality health care for their citizens in general, and particularly with respect to the HIV/AIDS epidemic;

(5) an effective United States response to the crisis in sub-Saharan Africa must focus in the short term on preventive programs designed to reduce the frequency of new infections and remove the stigma of the disease, and should place a priority on basic health services that can be used to treat opportunistic infections, sexually transmitted infections, and complications associated with HIV/AIDS so as to prolong the duration and improve the quality of life of those with the disease;

(6) an effective United States response to the crisis must also focus on the development of HIV/AIDS vaccines to prevent the spread of the disease;

(7) the innovative capacity of the United States in the commercial and public pharmaceutical research sectors is unmatched in the world, and the participation of both these sectors will be a critical element in any successful program to respond to the HIV/AIDS crisis in sub-Saharan Africa;

(8) the TRIPS Agreement recognizes the importance of promoting effective and adequate protection of the intellectual property rights and the right of countries to adopt measures necessary to protect public health;

(9) individual countries should have the ability to take measures to address the HIV/AIDS epidemic, provided that such measures are consistent with their international obligations; and

(10) successful initiatives will require effective partnerships and cooperation among governments, international organizations, nongovernmental organizations, and the private sector, and greater consideration should be given to financial, legal, and other incentives that will promote improved prevention and treatment actions.

Sec. 3. Scope. (a) This order prohibits the United States Government from taking action pursuant to section 301(b) of the Trade Act of 1974 with respect to any law or policy in beneficiary sub-Saharan African countries that promotes access to HIV/AIDS pharmaceuticals or medical technologies and that provides adequate and effective intellectual property protection consistent with the TRIPS Agreement. However, this order does not prohibit United States Government officials from evaluating, determining, or expressing concern about whether such a law or policy promotes access to HIV/AIDS pharmaceuticals or medical technologies or provides adequate and effective intellectual property protection consistent with the TRIPS Agreement. In addition, this order does not prohibit United States Government officials from consulting with or otherwise discussing with sub-Saharan African governments whether such law or policy meets the conditions set forth in section 1(a) of this order. Moreover, this order does not prohibit the United States Government from invoking the dispute settlement procedures of the World Trade Organization to examine whether any such law or policy is consistent with the Uruguay Round Agreements, referred to in section 101(d) of the Uruguay Round Agreements Act.

(b) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the Senator from Wisconsin is recognized.

Mr. FEINGOLD. I ask unanimous consent, at the conclusion of my remarks, a Republican Senator be recognized to speak, if one seeks recognition, and that Senator HOLLINGS be the next speaker recognized to speak thereafter.

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

Mr. FEINGOLD. Mr. President, let me first say the senior Senator from California certainly should not apologize for her emotion. If there ever was an issue that deserves such a powerful display of passion and emotion, it is this issue of the AIDS crisis in Africa and the outrageous nerve of these pharmaceutical companies of removing this modest provision that the Senate unanimously placed in the bill in the conference report. It is an abysmal moment.

I thank the Senator for her leadership, her passion, and for her willingness to continue this fight that we all will continue as long as it takes.

Before we go any further with this conference report, I come to the floor

to follow on the comments of the Senator from California to make something clear to my colleagues. I think we can do better than this. We have lost our way with this new Africa policy. We have to chart a new course if we are to seek a better world for Africa and for America.

I say this as a Senator, an American, and as a human being who has been to Africa, seen its promise, and been appalled by its suffering. I come here to express my disappointment about the African Growth and Opportunity Act and my deep dismay about how and why the Feinstein-Feingold amendment on the HIV/AIDS crisis was kept out of the conference report.

Very simply, I am talking today about the future of U.S.-Africa policy. We have a role to play in Africa's future and we have to decide what that role is going to be. Some in this body think AGOA is the right example of what our role in Africa's future should be. The African Growth and Opportunities Act supporters believe this legislation is somehow a landmark, that it represents a real opportunity for growth on the continent, a new way of thinking about Africa. They want us to believe, as they believe, that to reject it would be to reject all engagement with the continent and, indeed, to reject all of the enterprise and energy of the people of Africa.

But they are wrong. This bill is deeply flawed. For 7 years I have served on the Foreign Relations Subcommittee on Africa and I have committed myself to supporting democratization, peace, and development in the many countries of that continent. I support engagement with Africa as strongly as any Member of this body. I am deeply concerned about the dearth of economic ties between the people of the United States and those of the African Continent. The current level of trade between us is depressingly small. Africa represents only 1 percent of our imports, 1 percent of our exports, and only 1 percent of our foreign direct investment.

So if the question is, Should something be done to stimulate our trade with Africa, the answer is ''absolutely.'' But I urge this body, let's not pretend we are now somehow debating a comprehensive trade package for Africa, for this bill is not in any sense comprehensive. Let's not fail to address the need to build an environment, an actual environment that will foster and sustain mutually beneficial economic relationships. If we fail to assemble the components of that environment in this trade package, it cannot be called comprehensive, and I would certainly say it should not even be passed.

There really are only two defensible views of this bill. It either does virtually nothing at all, or it does actual harm. This legislation does very little for Africa. The trade benefits we are talking about are not terribly significant, primarily making African states eligible for temporary preferential access to the U.S. markets for textiles and apparel. Many of Africa's primary exports are not addressed at all by this legislation. This legislation does little to address the African context for economic growth and that context is a challenging one. It is a context of boundless potential amid a web of obstacles.

Economic growth in sub-Sarahan Africa faces the obstacle of a staggering $230 billion in bilateral and multilateral debt. Africa's debt service requirements now take over 20 percent of the region's export earnings. How can Africa, to which the Presiding Officer has certainly devoted a lot of his attention, become a strong economic partner when its states must divert funds away from schools, away from health care, and away from infrastructure in order to service this crushing debt burden? How can we talk about economic engagement and simply pay lip service to these painfully obvious realities?

I am sorry to say in several ways I think this legislation actually would do harm. By addressing seriously only one industry, the textile industry, it fails to support the kind of diversification that any economy, including African economies, need to regain strength and stability. I fear AGOA also fails to adequately tackle the serious problem of transshipment.

Transshiment is a practice whereby, for example, producers in China and other third party countries establish sham production facilities in countries which may export to the United States under more favorable conditions. Then these producers ship goods, made in their factories at home and meant for the U.S. market, to the third country. In this case it would be an African country. They pack it or assemble it in some minor way and send it off to the United States of America with a new label ''Made In Africa,'' thereby enjoying all the trade benefits that label would bring.

As I told my colleagues on a number of occasions, and as I think they know, transshipment is really a very serious problem. Approximately $2 billion worth of illegally transshipped textiles enter the United States every year. The U.S. Customs Service has determined that for every $1 billion of illegally transshipped products that enter the United States, 40,000 jobs in the textile and apparel sector are lost.

In this regard, just to give you a sense of the thinking that goes on behind this kind of scam, I would like to share some of the words from the People's Republic of China. This is a quote taken directly from the official web site of the Chinese Ministry of Trade and Economic Cooperation. This is the quote:

> There are many opportunities for Chinese business people in Africa. . . . Setting up assembly plants with Chinese equipment, technology and personnel could not only greatly increase sales in African countries, but also circumvent the quotas imposed on commodities of Chinese origin imposed by European and American countries.

There it is, right on their web page. It is not hard to see that those who would engage in transshipment are not too worried about the protections we currently have in place to guard against it. This same visa system that has failed us in the past is the basis, again, for the allegedly effective AGOA protections. In fact, the African Growth and Opportunity Act does not require that Africans themselves be employed at firms that are receiving the trade benefits. This is progress? If nothing else, I think it raises a red flag for my colleagues, when they consider the African Growth and Opportunity Act. This should be a crystal clear signal: Nothing in this Act ensures that whatever opportunities this legislation may create—there is no guarantee these will be opportunities for Africans, for citizens of African countries.

AGOA does not mention environmental standards at all, but any plan for sustainable economic development must include some notion of environmental protection. I think this is especially true of a continent like Africa where, in some countries, 85 percent of the people live directly off the land. We are all affected when logging and mining deplete African rain forests and increase global warming.

We all lose when species unique to Africa are lost to hasty profit-making schemes, hatched without regard to sustainability or long-term environmental effects. Environmental quality also has serious implications for peace and stability in the region. As we have seen in the Niger Delta, environmental degradation can lead to civil unrest. Responsible trade policies must adequately address human rights and environmental issues, not just because it is the right thing to do but because also in the long run it will create a better business climate for Africans and Americans alike.

In addition, the African Growth and Opportunity Act fails to address the critical role that development assistance ought to play in promoting African growth and opportunity. That failure has raised an alarm here at home and internationally. The perception is that the United States has deluded itself into believing that a small package of trade benefits, benefits which may not actually benefit Africans themselves, can replace a responsible and well-monitored program of development assistance. I am afraid that this inevitably will cast doubt on the U.S. commitment to development in Africa.

I care about each of the objections I just raised to this bill. But let me tell

you, just as the senior Senator from California indicated, more than anything else what makes me doubt the U.S. commitment to development in Africa is that this conference report turns a blind eye to the AIDS crisis by excluding the modest Feinstein-Feingold amendment. As the ranking member of the subcommittee on Africa, I have always felt very strongly about the issue of AIDS in Africa. I tried to raise it last year and this year in the context of the Africa trade debate. I raised it on many occasions in meetings with African heads of state.

I applaud the U.N. Security Council's decision to address the crisis earlier this year, and I do support the administration's call to increase the resources directed at this AIDS crisis. But what I cannot support, what I cannot applaud, and what I cannot even understand is how this body can pass up an opportunity to take just one small step toward addressing the AIDS crisis in Africa. I am referring to the Feinstein-Feingold amendment. It was very modest. It simply prohibited Federal money from being used to lobby a government to change TRIPS-compliant laws, allowing access to HIV drugs. Our amendment was taken out in the conference committee. So now this bill, which makes a weak attempt to address Africa trade as it is, does nothing—an African Growth and Opportunity Act does nothing to actually address the HIV/AIDS crisis that affects every aspect of the African economy, not to mention every African life.

We have before us a conference report which does nothing to fight the AIDS crisis that is ravaging Africa, threatening to destroy its economies and decimate its communities. Why? How can it be that we will debate a bill of this nature and ignore the single most important issue facing sub-Sarahan Africa today? Why is it that one modest provision included by this Senate, the Feinstein-Feingold amendment regarding HIV/AIDS drug in Africa, was removed from this bill?

When the Senate was debating that legislation last year, Senator FEINSTEIN and I offered our amendment, which was readily accepted by the bill's managers, Senators ROTH and MOYNIHAN, to address a critically important issue—an issue relating to Africa's devastating AIDS crisis; an issue that has cast a dark shadow on United States-African relations in the past.

Our amendment was simple. It prohibited the U.S. Government or any agent of the U.S. Government from pressuring African countries to revoke or change laws aimed at increasing access to HIV/AIDS drugs, so long as the laws in question adhere to existing international regulations governing trade. Quite simply, our amendment told the executive branch to stop twisting the arms of African countries that are using legal means to improve access to HIV/AIDS pharmaceuticals for their people.

The Agreement on Trade Related Aspects of Intellectual Property Rights, or TRIPS, allows for compulsory licensing in cases of national emergency. Approximately 13 million African lives have been lost since the onset of the crisis. According to the Rockefeller Foundation's recent report, ''on statistics alone, young people from the most affected countries in Africa are more likely than not to perish of AIDS.'' Consider that I say to my colleagues: more likely to perish than not. If these do not constitute emergency conditions, then I do not know what does.

This was a very modest amendment, but the final version of the amendment discussed by the conferees was even more modest. It was a true compromise. It was not as strong as I would have liked it to be, and I worked hard to keep it strong, but even the compromise pushed our policy closer to the right thing. I again thank the Senator from California, Mrs. FEINSTEIN, the Senator from New York, Mr. MOYNIHAN, and the Senator from Delaware, Mr. ROTH, and their staffs for working so hard to keep this amendment in at the conference level.

But despite these efforts, despite the concessions that Senator FEINSTEIN and I made, despite the fact that this is the right thing to do, the Feinstein-Feingold amendment was stripped in conference. The opposition to our amendment is baffling. How do the conferees who killed this provision justify pressuring these countries, where in some cases AIDS has reduced life expectancies by more than 15 years, not to use all legal means at their disposal to provide effective medicines for their citizens? Without broader access to these drugs in Africa, more people will suffer, more people will die—that is a simple fact.

I cannot imagine that ordinary Americans are urging their representatives to oppose the Feinstein-Feingold amendment. I cannot imagine that anyone would try to prevail upon my colleagues to oppose this measure—except perhaps for pharmaceutical companies. The pharmaceutical industry does not fear losing customers in Africa, because they know that Africans simply cannot afford their prices. But they do fear that taking this modest step in this time of crisis could somehow, in some ill-defined scenario in the future, cut into their most important consideration: their bottom line.

That brings me to the calling of the bankroll.

From time to time on this floor when we debate the issues, I review some facts and figures that most of my colleagues are unwilling to discuss.

I have dubbed it the ''calling of the bankroll''—a chance for my colleagues and the public to consider not just the issues, but the money that drives the issues in our democracy today.

I can tell you, the pharmaceutical industry is certainly no exception when it comes to playing the political money game—in fact, huge donations to the parties are the rule in the pharmaceutical industry.

I would like to discuss a few of the companies that fought against the Feinstein-Feingold amendment, not in terms of policy, although I have certainly done that and will continue to, but in terms of political donations.

All the figures I am about to cite are for the first 15 months of the current election cycle—all of 1999 and the first 3 months of this year.

I will start with Pfizer, which is one of several pharmaceutical giants that rank among the top soft money donors in 1999, and with good reason. Pfizer and its executives gave more than $511,000 in soft money during the period, including a $100,000 contribution earlier this year. Pfizer was also a top PAC money donor in its industry during the period, with more than $242,000 to Federal candidates during the period.

Then there's Bristol Myers Squibb, another top soft money donor, which, with its executives, gave nearly $529,000 in soft money to the parties, including two $100,000 contributions during the period. Bristol Myers Squibb also gave more than $146,000 in PAC money during the period.

Merck and Company gave more than $51,000 in soft money and nearly $168,000 in PAC money during the period.

And finally, Glaxo Wellcome and its executives gave more than $272,000 in soft money to the parties and gave more PAC money than any other pharmaceutical company during the period—more than $291,000.

Those are the donations of some of the pharmaceutical companies that fought so hard against the Feinstein-Feingold amendment. They are donations that signal influence, power, and political clout—political clout that most Americans could never hope for, and no African living with HIV could ever dream of. In the fight over the Feinstein-Feingold amendment, the pharmaceutical companies clearly got their way, while millions of Africans suffering from HIV and AIDS were left without even one glimmer of hope from this body or this bill.

The people of Africa desperately need hope in the midst of the AIDS crisis. I am going to share some numbers, along the lines of other speakers, that put the staggering AIDS crisis in Africa in stark relief.

The disease is already the fourth biggest cause of death in the world. In at least five African countries, more than one adult in five has HIV.

Economic growth in Africa faces the obstacle of a devastating HIV/AIDS epidemic. In the course of 1998, AIDS was responsible for an estimated 2 million African deaths. That is 5,500

deaths a day. At least 12 million Africans have been killed by AIDS since the onset of the crisis. Africa accounts for over half of the world's cases of HIV. The realities of a continent gripped by this disease are truly horrifying—lines outside cemeteries as families wait to bury the dead, and morgues that operate around the clock, 7 days a week. I am told in Harare, Zimbabwe there are 24-hour morgues.

For Africa's children, it may be most horrifying of all. Eighty-seven percent of the world's HIV-positive children live in Africa. According to World Bank President James Wolfensohn, the disease has left 10 million African orphans in its wake. Their lives are that continent's future. Their chronic illness and their deaths each day erode a little more of Africa's promise. It is difficult to see how the United States can enjoy mutually beneficial trade relations with Africa unless we commit ourselves to addressing the HIV/AIDS crisis on a scale beyond anything we have done before.

In Botswana, Namibia, Zambia and Zimbabwe, 25 percent of the people between the ages of 15 and 19 are HIV positive.

One report by ING Barings, an investment bank, said that almost 19 percent of all skilled workers in South Africa will have HIV by 2015. To make matters worse, food production in southern Africa has been impacted by the crisis. For example, maize production in Zimbabwe declined 61 percent last year due to illness and death from AIDS.

By 2010, sub-Saharan Africa will have 71 million fewer people than it would have had if there had been no AIDS epidemic.

My recent trip to ten African countries only renewed my resolve to address this matter with the urgency and seriousness it deserves.

When we were in Namibia, I saw a group of HIV-positive citizens pull up to a meeting in a van with curtained windows, and they hurried to the safety of the meeting room as soon as they arrived. They were fearful. They were afraid that their identity would be revealed, and that the stigma still attached to the disease would cause them to lose their jobs and maybe even to be disowned by their own families. It was shocking—in a country gripped by the epidemic, people are still afraid to acknowledge the crisis.

In Zambia I visited an orphanage of sorts, where 500 children, many of them orphaned when AIDS killed their parents, gathered by day.

This isn't even an orphanage where you get to stay at night. It is just a place where a bunch of kids who don't have any parents hang out during the day before they go out to the streets at night to sleep. At night, there is only room for 50 of them—the rest must make their own arrangements, and many end up sleeping on the streets, sometimes prostituting themselves—thereby risking exposure to HIV in their own struggle to survive. By the end of this year, an astonishing 10.4 million African children under 15 will have lost their mothers or both parents to AIDS—90 percent of the global total of AIDS orphans.

In Zimbabwe, some estimates indicate that life expectancy has precipitously dropped from 65 to 39 years. Let me repeat that: life expectancy in Zimbabwe dropped from 65 to 39. Walking past the Parliament building one day, I asked how old one had to be to become a legislator there in Zimbabwe. What was the answer? The answer was 40. Life expectancy is 39, but you have to be 40 to be elected to the legislature. That exchange helped me to grasp how far-reaching the consequences of this disease really are—no society is structured in a way that prepares it to deal with an unchecked epidemic like AIDS. In southern Africa, life expectancy at birth is dropping at a frightening rate. According to one recent U.N. report, expected life spans in the region will drop from 59 years in the early 1990s to just 45 by the year 2010.

In July 1999, the National Institutes of Health released a report on the effectiveness of a drug called nevirapine—NVP—in preventing mother-to-child transmission of HIV. Studies indicate that this drug can reduce the risk of mother-to-child transmission by more than 50 percent.

NVP is given just once to the mother during labor and once to the baby within 3 days after birth. It cost $4 per tablet. This relatively simple and inexpensive drug regimen has created an unprecedented opportunity for international cooperation in the fight against the vertical transmission of HIV.

And Uganda is making real headway with regard to prevention. There was a time in Uganda when, of the women coming to the reproductive health clinics, 35 to 40 percent of them tested positive for HIV. But since 1992, the Ugandan Government's very frank and high-profile public education efforts have helped to reduce the incidence of HIV infection by more than 15 percent. Uganda has shown that something can be done. Uganda has demonstrated that prevention can work.

But despite these positive signs, there are many fronts on which there has been very little progress. Virtually no one has access to drugs to treat the disease. Prevention is unquestionably the most important element of the equation, but treatment cannot be ignored. Poverty should not be a death sentence—not when the infectious disease that is destroying African society can be treated.

The AIDS crisis in Africa is exactly what the TRIPS agreement was meant to address. This is a crisis, an emergency on an incomprehensibly vast scale. This is the rare and urgent situation that calls for something beyond a dogmatic approach to intellectual property rights.

If allowing for a TRIPS-compliant response seems expensive, just think how expensive it will be, in the long run, not to do so. Even beyond the human tragedy, there are vast economic costs to this epidemic. AIDS affects the most productive segment of society. It is turning the future leaders of the region into a generation of orphans.

It is simply unconscionable for the U.S. Government to fight the legal efforts of African states to save their people from this plague. I cannot imagine why any of my colleagues would support such action. Those dissatisfied with the TRIPS agreement should focus their efforts on changing it—not on twisting the arms of countries in crisis who seek only to protect their people from sickness and death in a manner that complies fully with international law.

Again, how could the irresponsible and callous decision to strip the Feinstein-Feingold amendment from the conference have been made? I have some idea, as I said before. Some may have bowed to the pressure of the pharmaceutical industry. And some members just don't get it.

But this body has to ''get it.'' We don't have time to posture while HIV infects more than 15,000 young people each day, and the most productive segment of a society is wiped out by disease. We cannot waste precious legislative opportunities as millions of orphans grow up on Africa's streets, without any guidance or education. After witnessing the shocking violence that resulted, in large part, from the masterful manipulation of disenfranchised youth in West Africa over the last decade, I think we all have to take this threat seriously, and acknowledge that the threat is fueled each day by the withering scourge of AIDS that today is galloping through so much of Africa and other parts of the developing world.

Mr. President, until recently this Senate has been moving in the right direction on these issues. I have been pleased to work with many of my colleagues in a bipartisan effort—I do want to mention in particular the Presiding Officer, the Senator from Tennessee for his efforts in this regard—we have worked together to raise the profile of the epidemic and to work toward a comprehensive package aimed at addressing this crisis. It disturbs me a great deal to think that Members of this body have somehow failed to hear us, or perhaps refused to listen.

As long as we fail to grasp the magnitude of the epidemic and its consequences, AIDS will continue to take its terrible toll on families and communities, on economies, and on stability around the world. And as long as

we pass legislation like AGOA, we fail to seriously address virtually every crucial aspect of our trade relationship with sub-Saharan Africa.

Everytime we make this kind of weak attempt to improve our trade relationship with Africa, we admit that we are willing to dismiss African countries' problems, and that we are comfortable ignoring the continent's boundless promise.

I care deeply about Africa and about U.S. policy towards Africa, and my colleagues know that. But I am here today not just because of my own concerns, but because of others—because I know how deeply they care about Africa, and I have heard them voice their very serious concerns about AGOA.

African-American leaders ranging from Cornel West to Randall Robinson have opposed the African Growth and Opportunity Act.

Last year, a group of African-American Ministers representing communities from Massachusetts and Mississippi, California and New Jersey, Virginia and Illinois came to Capitol Hill to express their opposition to the African Growth and Opportunity Act. I would like to submit the statement of Reverend Alexander Hurt of the Hurt Inner-City Ministries for the RECORD.

Here is what he said.

> I have never fully felt like an American until the day that I watched my President land in the land of my fathers. It was like introducing two old friends to each other. That the AGOA is in any way associated with that trip is saddest part of this debate. There are millions of African-Americans who, like me, connect the President's trip of Africa with a start of a new kind of relationship between not only Africa and America, but Africa and the West. AGOA closes that possibility. For it represents not a new future, but a return to the past.
>
> America in a period of abundance that is unknown in human history, can not be moved to reach out to Africa to help starving nations. In the end we must decide if we will have a foreign policy that reaches out with a hand toward nations as equals, or with a hammer and pound them into subjection. Few things have changed with America's position toward Africa. What was once done with the canon and the gun is now being done with medicine and debt.

I have heard African voices raise the alarm about AGOA as well as American ones. The Congress of South African Trade Unions, COSATU, has issued a statement opposing the African Growth and Opportunity Act.

A statement issued by 35 African NGOs—including Angola's Journalists for the Environment and Development, Kenya's African Academy of Sciences, South Africa's International People's Health Council and Zambia's Foundation for Economic Progress—strongly opposed AGOA.

Women's groups have spoken out as well. WiLDAF—Women in Law Development in Africa, a coalition of African women and women's advocacy groups, opposes the African Growth and Opportunity Act, as does Women's EDGE, a coalition of international development organizations and domestic women's groups.

The Africa-America Institute organized focus group discussions in eight African countries and the U.S. to foster discussion of proposed U.S.-Africa trade legislation. They found that AGOA will not contribute to African development unless the U.S. and other donor countries also increase investments in African human resource development and take measures to relieve Africa's debt burden.

I know that others have voiced support for AGOA, and I don't question their motives. Some of those supporters believe that this is the only game in town, and that a deeply flawed Africa trade bill is better than no bill at all. They are wrong. This bill should not become law.

Originally, I tried to make this bill better. I proposed alternative legislation, the HOPE for Africa Act. It was based largely on the efforts of my colleague from the House, Congressman JESSE JACKSON, Jr., who has been an important leader on this issue.

The provisions of the HOPE bill pointed the way toward a more comprehensive and a more responsible U.S.-Africa trade policy.

Mr. President, I wanted to amend AGOA to make goods listed under the Lomé Convention eligible for duty-free access to the U.S., provided those goods are not determined to be import-sensitive by the President. These provisions would mean more trade opportunities for more African people.

My proposals clearly spelled out the labor rights that our trade partners must enforce in order to receive benefits. They also contained a monitoring procedure that involves the International Federation of Trade Unions, so that violations would not be glossed over at the expense of African workers.

I proposed stronger human rights language, and incentives for foreign companies operating in Africa to bring their environmental practices there up to the standards that they adhere to at home.

I proposed tough transshipment protections that give American entities a stake in the legality of the products they import. I wanted to be sure that Africans and Americans really would benefit from our U.S.-Africa trade policy.

In that same vein, I proposed that trade benefits be contingent upon the level of African content in products and the employment of African workers.

I proposed that the U.S. re-assert its commitment to responsible, well-monitored development assistance for Africa.

Mr. President, I would have been irresponsible not to propose changes to AGOA to address the factors crippling Africa's economic potential today—debt, HIV/AIDS, and corruption.

I urged this Senate to include anti-corruption provisions, to address debt relief, to prioritize HIV/AIDS prevention and treatment, and to address the issue of Africa's intellectual property laws, to ensure that U.S. taxpayer dollars are not spent to undermine the legal efforts of some African countries to gain and retain access to low-cost pharmaceuticals.

Mr. President, if all of this sounds ambitious, it was. Any plan to seriously engage economically with Africa must be ambitious. We must be willing to do what is necessary to knock down the obstacles to a healthy, thriving and just commercial relationship between the countries of Africa and the U.S. The bill before us falls far short of the minimum meaningful effort. The rhetoric that surrounds the African Growth and Opportunity Act is certainly ambitious. It is the content that is insufficient.

We must demand more of a U.S.-Africa trade bill than AGOA has to offer. Ambitious plans can lead to rich rewards for both America and Africa. Every time we turn our backs on a strong economic partnership with African nations, we pass up an opportunity to bring stability, democracy, and prosperity to the continent.

We can do better than this, Mr. President. We must do better. We have veered dangerously off course with this legislation and with this conference report. It is time to reconsider this bill and the direction of U.S.-Africa policy because, very simply, our current course promises failure of U.S. policy toward Africa and decades more of despair and lost opportunity for Africa's people.

Mr. President, I yield the floor.

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

Mr. BUNNING. Mr. President, I rise in opposition to the conference report to H.R. 434, the Africa/CBI bill.

This is a bad proposal, and it should not become law. In fact, the only good thing that I can say about it is that it's not as bad as it could have been. Still, it should not pass.

In recent years, we have lost over 5,000 textile jobs in southern Kentucky. Nationwide, we have lost over 100,000 textile jobs since NAFTA. They're gone. They're not coming back.

Now there aren't many left, and I am not going to support any legislation that I believe is going to ship the rest of these jobs overseas.

But, that's just what this bill would do. It would suspend quotas and duties on clothing made from many African-made fabrics. It calls for duty-free imports of T-shirts and fabric from the Caribbean.

In short, it's going to make it cheaper and more enticing for the textile

companies to locate overseas, where labor costs are lower, and to take jobs with them.

The bill also extends duty-free treatment to other ''import sensitive'' items like certain types of watches, electronic articles, steel products, footwear, handbags, luggage, and glass products.

I respect the good intentions of those who support this bill in wanting to help poor countries in Africa and the Caribbean. But I don't think we should do that at the expense of American workers and their jobs.

Furthermore, this bill simply looks like a one-way street to me. It makes it easier for African and Caribbean nations to import products to the United States, but as far as I can tell it doesn't do much for the United States.

Of course, our economy is a lot bigger and stronger than all of their's put together, but that doesn't mean we just give away part of the store for free.

Mr. President, I believe strongly in free trade. I have long supported fast-track legislation to give the President broad authority to negotiate trade agreements. And I voted for the GATT legislation the last time it came before Congress.

But I also believe in fair trade, and this bill isn't fair.

As I said earlier, this bill is bad but it is not as bad as it could have been. When Congress first started working on this bill over 5 years ago, it was intended to provide NAFTA-like treatment to imports from Caribbean nations. Fortunately, this bill doesn't go that far.

But, it still follows the same flawed concepts that are behind NAFTA and have driven at least 7,000 Kentucky jobs south to Mexico.

Supporters of this bill say that economic growth and investment in African and Caribbean nations will benefit us in terms of increased exports and increased domestic employment because of those exports.

Of course we want healthy economies in this area to help strengthen the growth and stability of democracy. But it doesn't make sense to sacrifice a United States industry to do it.

As I pointed out on the Senate floor last year, the Caribbean Basin apparel and textile business is already booming. Last year, apparel and textile exports from the Caribbean and Central America to the United States grew 9 percent, double that of the United States economy.

Passing this bill simply rewards the U.S. companies that have already moved offshore, and entices others to do the same. In the process, we stand to lose another 1.2 million jobs in the apparel and textile industry.

We keep talking about creating a level playing field when it comes to fair trade. But this bill pulls the field right out from under U.S. industries which have already had an uphill fight just to stay alive.

This is a flawed bill and I'm going to vote against it. I just don't see where it's in our interest to make it easier for other countries to compete with American industries, and to entice U.S. companies to relocate abroad.

This bill is not fair to the American worker.

I urge my colleagues to oppose it and any amendments that even try to make it better.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, as one would say on the bill affecting textiles, in the famous words of President Reagan, ''Here we go again.''

This is about more than textiles and textile jobs. It involves the economic strength of the Nation. It involves its political strength. The middle class is disappearing fast. We talk about the digital divide. I want to comment on the disappearance of the middle class itself.

Let me go right to textiles.

I was a witness some 40 years ago relative to the textile industry. In that particular time period, 10 percent of America's consumption in textiles was going to be represented in imports. That was a threat not only to industry itself but to the Nation.

Specifically, I testified before the International Trade Commission. At the time, President Eisenhower was in office. We went by to see General Persons, his Chief of Staff. He said: Don't worry, you will win the case. But in June we got an adverse decision.

At that time, with that adverse decision, I went to our friend, Senator John F. Kennedy, a candidate for the Presidency of the United States, and discussed at length the particular problem. We agreed on an exchange of letters, so to speak, with me outlining the problem, and in turn Senator Kennedy outlining what he thought would be a solution.

We all know then, that Kennedy was elected President. Early in 1961, we had a conference at the White House. He said: In line with what I outlined to you in the campaign, I want it to come under the national security provisions of our trade laws.

So, hark, ye, all who talk and lament that we haven't passed a trade bill in 6 years. It is a good thing we did not pass one, because what we really need to do is get competitive and stop treating foreign trade as foreign aid. This is not a Finance Committee. This is a Foreign Relations Committee. It is a giving away the manufacturing backbone of the United States of America.

Under that national security provision to protect the textile and apparel industry, you had to have a hearing and a determination that the particular commodity, or article, or product was important to our national security.

I will never forget it. We set up the hearing with Secretary Ball—he was the undersecretary for Dean Rusk at State—Secretary Goldberg of Labor, Secretary Freeman of Agriculture, Secretary Hodges of Commerce. A few people remember that Senator Kennedy had a bipartisan Cabinet with a Republican Secretary of the Treasury, Mr. Dillon, and a Republican Secretary of Defense, Mr. McNamara.

We had those five. We brought the witnesses. They made the finding that, next to steel, textiles were second most important to our national security. I remember the particular ''wag'' at that time, that, look, you couldn't send them to war in a Japanese uniform. So we had to be able to make the clothing and the uniforms.

As a result, President Kennedy on May 13, 1961, promulgated his Seven-Point Program relative to the importation of textiles.

Mind you me: We feared at the time that 10 percent of America's consumption in textile products was being imported or just about to be imported.

As I look at the Chamber now, two-thirds of the clothing I am looking at is imported—not 10 percent. With this particular conference report, there isn't any question that certain parts of the textile industry will immediately disappear, and the rest of it in a 4- or 5-year period will be on the ropes.

You say: Why, oh, why, Senator from South Carolina, are you objecting? Because the American Textile Manufacturers Institute is in favor of the conference report

That selfish crowd. I call them selfish in a studied way. I authored five textile bills that have gotten through this Senate. I had four of those textile bills go through the House and the Senate, and four of them were vetoed. I know from whence this particular Senator got the votes for these bills. Yes. It was the apparel group in America, the ones who make the clothing.

The little ditty is: We produce for America. We have the fine middle-class jobs, and we are working around the clock. And, yes, we are the most productive textile workers in the world.

The industry itself has invested some $2 million a year over the past 15 years, keeping up with modernization, with the best of machinery, the best of approaches in employment.

I have made many a sneak through and they don't want to let a Democrat in the plant. But I would sneak in on one floor and duck down into the plant on the bottom floor. It is totally automated in the weave room with the looms, spinning away. They used to have 115 employees, and now have only 15. They have cut back on the employees and put in the most modern machinery. The worker, the machinery,

and the industry is the most productive. It is not a question of productivity. We don't have to get globalization and competition so we can make them productive. The politicians run around on the floor of the Senate and some of them have never worked for a living. They don't know what productivity is.

We have quite an opposition. Let me say a word about that. When we first started out, we only had, say, the Japanese Government, with their representatives coming in to talk. But soon after, Chase Manhattan and Citicorp made a majority of their money outside of the United States.

So, in addition to Koreans and Japanese, now we have the international banks. Along with the international banks came the international groups funding campus studies with contributions and they began to get the expert studies off the campuses with the consultants. So we had the banks, the universities, the consultants, and the foreign operation. Then, of course, we had the retailers. They wanted to sell a cheap product. So we had the National Retail Federation. They are the biggest supporters of the print media in America, the newspapers. They make their money off of retail advertising. So we have these editorialists, who never bit into customs or the trade practices, writing about free trade, free trade, free trade.

So we have the retailers. Then go to the book ''Agents of Affluence,'' published about 10 years ago. At that time, Japan was paying $113 million for over 100 representatives in Washington, DC, to look out for their industry, their game of market share.

This bill is all backed up. The white tent is out. We saw it in NAFTA. Only they are afraid to bring the tent down. They are meeting in the White House itself. They are all getting together and running around with the former Presidents, the former Secretaries of State. The former chairman of the Finance Committee, the distinguished ranking member, Senator MOYNIHAN of New York said: When a freshman at City College of New York, I heard that corporations ran America. He was telling corporate America to get out and get the vote.

We had that crowd and we have my ATMI, which is my point. They don't know from ''sic 'em'' about competition. They know extremely well how we got the votes from Evelyn Dubrow and the apparel workers of America. That's how we passed those bills. The cloth manufacturers have divorced themselves from the apparel manufacturers and said: Fend for yourself. We've got a better offer and we are going to start free trade. It doesn't make any difference so long as we can get fabric forward. If we can get the cloth, we can sell it to them in Africa, in the Caribbean or in Mexico. We will let any trade bill go so long as we can sell. But fend for yourself. You are out of business.

Let me tell you how many jobs we have now that are bound to be gone because the States will be inundated. Alabama has presently 26,500 apparel jobs. Goodbye, Alabama. I want to see those Senators come here now.

California, 146,900 textile, middle-class American jobs, earning $8 and sometimes $10 or more an hour. Middle class—I want to emphasize that. Henry Ford said he wanted to make sure the person manufacturing his product was capable of buying it. So he put in the wage scale which allowed that and he started developing a strong middle class.

Florida, let's see the Florida Senators come here and say: Free trade, free trade. Forget about the 19,700 apparel jobs. They are gone. Why?

Because of us, because of us as Senators and Members of Congress, setting the standard of living for industrial America. We say before you can open up that ABC Manufacturing Company, that what you need do, first, is have a minimum wage, then Social Security, then Medicare, then Medicaid, then plant closing notice, then parental leave, then clean air, then clean water, then safe working machinery, then a safe working place—or we sent OSHA after you. Republicans and Democrats all agree, before you open the front door, you better have all of that in the plant or you are in violation of Federal law. You are out of step with the standard of American living.

But if you can take off and get your T-shirts made in Bangladesh, you have none of those requirements, and pay one cent an hour. In Burma, it is 4 cents an hour. In China, it is 23 cents an hour. In the country of Colombia, it is 70 to 80 cents an hour. In the Dominican Republic, it is 60 cents an hour. In El Salvador, it is 59 cents an hour. In Guatemala, it is 37 to 50 cents an hour. In Haiti, it is 30 cents an hour. In Honduras, 43 cents an hour. In India, 20 to 30 cents an hour. In Indonesia, 10 cents an hour. Malaysia, $1 an hour. Mexico, 50 to 54 cents an hour. Nicaragua, 23 cents an hour. Pakistan, 20 to 26 cents an hour. Peru, 90 cents an hour. The Philippines, 58 to 76 cents an hour. Romania, 24 cents an hour. Sri Lanka, 40 cents an hour. Thailand, 78 cents an hour.

As you well know, 30 percent in manufacturing is your labor cost, and you can save as much as 20 percent by transferring your production offshore to a low-wage country. That is, maintain your executive office, maintain your sales force, but with a company of $500 million in sales, transfer the production to Mexico or a low-wage country offshore and you can make $100 million before taxes. Or you can continue to work your own people and go broke. That is the trade policy of this wonderful Finance Committee that runs all over the floor, bleating and wailing and wondering: Oh, what are we doing for Africa? Isn't this a grand thing we have for the Caribbean and everything else, with no regard to the reality.

They taught us early on, at the beginning of the war in artillery, no matter how well the gun is aimed, if the recoil is going to kill the guncrew, you do not fire. The aim is good.

I would like to put in a Marshall Plan for Mexico. It is a fine business. Let's help the Caribbean, let's help Africa, let's help anybody. There is hunger in the world so let's find it and help with it. But this crowd, wow, they are not going to pay for anything—nothing. They are not going to have any regard from whence they came and the strength of America itself.

Two-thirds of the garments already coming in are imported. In Georgia, there are 26,100 apparel workers; Kentucky, 18,900; Maine, 2,600; Massachusetts, 10,400; Mississippi—the distinguished majority leader said it is a wonderful thing. I want him to go back and tell these 16,600 apparel workers it is the last call for breakfast.

In my beginning days, they used to have that early morning program, the ''Breakfast Club,'' in Chicago, the Stevens Hotel, with Don McNeil. They would get to the very end and they would say: ''It is the last call for breakfast.'' I can hear the music now. This is the last call for Texas, certainly the last call for the apparel workers, because they are gone. Goodbye Mississippi, 16,600 will be applying for unemployment compensation or going—where? I will tell you where they are going. I think we had a list from the Department of Commerce of these great jobs. I will tell you where they are.

You say: Wait a minute, Senator. How about that employment rate? We have such low unemployment.

Here is where they are going: cashiers, janitors, cleaners, retail salespeople, waiters and waitresses, registered nurses, systems analysts, home health aides, security guards, nursing aides, anything they can get that they can possibly do—for less pay, obviously. In fact, the retail workers, they found out you can hire them as independent contractors and you don't even have to pay for their health care. They have every gimmick in the book to squeeze that middle class here in the United States and bring them down to nothing.

So it goes, for New York, the Senators from New York, I want to inform them, advisedly, there are 74,700. There is no one I respect more, of course, than the senior Senator from New York and the senior House Member, my friend, CHARLIE RANGEL. But if I had CHARLIE here I would say: CHARLIE, 74,700: Going, going—gone. This vote is

fixed. That is why we have this exercise here.

They talk about the most deliberative body. They do not call a thing until it is greased; the jury is fixed. Then, after you have gotten the vote of the jury, then you let them talk because it is all over.

North Carolina, 38,300; Pennsylvania, 34,900; South Carolina, 18,500; Tennessee, 23,500; Virginia, 12,900—those are the apparel jobs that are going, going, gone once we get this conference report voted on by tomorrow, I take it. It will go to the President. They will all stand around with big smiles in the Oval Office: Look what we have done. We understand humankind. We want to help sub-Sahara. We want to help the Caribbean.

Let me get right to the point with respect to the apparel versus the cloth manufacturers. As you well know, the manufacture of the fabric itself is capital intensive, so that is why they have not caught up with them yet. But now they are beginning to build those facilities down in Mexico. So, as I said a minute ago, it will be about 5 years and then they will have their own fabric manufacturers down there shipping into the American market. Otherwise, all that fine Japanese machinery that we have in American plants, all of a sudden the price is going to go up. They know how to compete. Our trade policy is anything but reciprocal.

Cordell Hull said ''reciprocal free trade.'' My friend, the distinguished Senator from New York, gets with Smoot-Hawley and Cordell Hull and how we started the reciprocal trade agreements in the 1930s, and we have been for freedom.

Not so at all. No. The very Congress that passed the reciprocal free trade, historically they put in subsidies for agriculture in Montana—yes. Subsidies for agriculture in Montana, and protective quotas. Do not give me free trade for agriculture, you will not get my vote. No, sir, I am not for free trade for agriculture because our protections, our subsidies have made America's agriculture the showcase of the world. We feed ourselves and 15 other countries.

But wait until the China bill. I can't wait for that one to come. They are trying to sell the farmers a bill of goods. There are 3,338,000—go look at the record at the Department of Agriculture. There are 3,338,000 farmers in America. In China, they have 700 to 800 million farmers. They talk about the percentage of arable land. Do not be getting along with that percentage of arable land and everything else. We already have a deficit in the balance of trade in cotton with China. In wheat and cereals and corn and other feedgrains, we had a plus balance 4 years ago, with the country of China, of 440 million. It is down last year to 39 million. You watch them, in 2 years they will have a plus balance. They will be shipping us wheat. But you are going to hear these farmers out on the floor bleating—whoa, we have China free trade for America's agriculture.

So with the wrong facts they have to go to the Department of Agriculture and go to the People's Republic of China and see exactly what they are doing. Actually, they have a glut in the People's Republic of China in agriculture. They do not have the transportation. They do not have the distribution. They do have hunger. But mind you me, when they solve that transportation and distribution problem, then they will be feeding the world like we have been bragging. And the farmers will be coming up here again.

Like that Freedom to Farm, we gave them that sort of freedom to farm. They came up and got, I think it was, $7 or $8 billion last year. They are looking for another $6 billion here. You know that is the crowd that looks to me, the textile Senator, saying: Free trade, free trade, free trade, the whole time they are drooling at those subsidies, those protective quotas, you know; looking at me like something is wrong, that I do not understand how to be nice in this world globalization.

So here we go. Since NAFTA alone, we have lost, in the United States, 440,000 textile and apparel jobs—440,000.

I know in South Carolina we have lost 37,000 textile and apparel jobs since NAFTA. This is from the Bureau of Labor Statistics. Remember, we were going to create 200,000 jobs with NAFTA. Oh, we were going to do everything. We were going to solve the drug problem. We were going to solve the immigration problem. We were going to create jobs. And we have gone from a $5 billion-plus balance of trade with Mexico to $23 billion minus, a deficit in the balance of trade. The average Mexican worker has less take-home pay today than prior to NAFTA. It has not helped anybody, but they are talking now about NAFTA for Africa and NAFTA for the Caribbean.

I could get into that at length with respect to the disparity in tariffs, with respect to our own quotas. They are being phased out by 2004.

Let me go to the main thrust of my point this afternoon, and that is the importance of these middle-class jobs to the economy. I will never forget a seminar in Chicago in the early eighties with Akio Morita, the chairman of the board of Sony. He was lecturing about Third World countries, emerging countries. He said the Third World countries had to develop a strong manufacturing sector in order to become a nation state. Then, pointing to me, he said: And, by the way, Senator, the world power that loses its manufacturing capacity will cease to be a world power.

Was Morita making some original observation? Not at all. Alexander Hamilton made the same observation to the British in the early days of 1789. The British corresponded with the fledgling Colonies and said: Now that you won your freedom, you trade with us what you produce best, and we will trade back what we produce best—David Ricardo, the Doctrine of Comparative Advantage.

Mr. Alexander Hamilton wrote a booklet. It is at the Library of Congress, if someone on the Finance Committee wants to read it. In a word, Hamilton told the British: Bug off; we are not going to remain your colony; we are not going to export to you our agriculture, our foodstuffs, our cotton, grain, indigo, our timber and iron ore and import from the mother country the finished product; we are going to develop our own manufacture.

The second bill that ever passed with respect to the National Congress, in which I am privileged to serve, the second bill—the first bill was the Seal of the United States—the second bill, on July 4, 1789, was a tariff bill of 50 percent on 60 different articles. We started this economic giant, the United States of America, with protectionism.

Abraham Lincoln followed it in the building of the transcontinental railroad. They said: Mr. President, we can get the steel from England. He said: Not at all. We will build our own steel plants, and when we are through, we will not only have the railroad, we will have the steel capacity.

Roosevelt, in the darkest days of the Depression, passed import quotas on the subsidies for America's agriculture.

Dwight Eisenhower in 1955 put quotas on oil.

We have practiced, more or less, a protected trade policy—we have many tariffs on many things still—while we have bleated: Free trade, free trade, free trade, and joined the chorus: I like fair trade; I like a level playing field.

Do not give me a level playing field. I want to trade to my advantage and my interests. Business is business, and the game is market share. The Japanese have set the tone, the practice, and the policy in the Pacific rim, and the Europeans are following.

Let's talk China. There is not a deficit in the balance of European countries. The European countries have a plus balance of trade with China. What do we have with this ''free trade, free trade''? We have $68 billion deficit and growing. That is not the most recent figure, but $68 billion is the most authoritative figure I can give right now, and it is getting worse every day. They know how to trade and how to administer. We actually export about the same to Belgium and Singapore than we do to the 1,300,000,000 Chinese in the People's Republic of China.

Talk about exports, exports, exports, and the wonderful agreements—we will have plenty of time to get into those agreements. They want to continue that so we will not have even a touch

of sobriety. Give us one chance at bat to sober America up because America is becoming very anxious and very concerned.

The Nation's strength of security is like a three-legged stool: We have the one leg, the values of the Nation, and that is unquestioned. The people the world around admire the United States of America. We have stood for years on end for individual rights, human rights, and democracy. I can talk on that because I am so proud of this country.

The second leg is the military, which is also unquestioned.

The third leg is the economic leg that has been fractured in the last 50 years and needs refurbishing, strengthening, and rebuilding. I say fractured, I emphasize intentionally fractured.

I heard the distinguished Senator from Iowa say, since 1945, look at the commerce, the commerce, the commerce. We were just like England in 1789. We had the only industry, the only production. In 1945, Europe was devastated and the Pacific rim was devastated. We were looking for customers. We were looking for buyers. We had production. Yes, we said free trade, free trade. Concurrent with that, we instituted the Marshall Plan and sent the money. We instituted along with that plan the machinery and the expertise. We sent it overseas in the contest between capitalism and communism, and it has worked. After 50 years, we can stand proudly and say it has worked. Capitalism has defeated communism. We are all proud of that and the sacrifice that went along with it, because in those days of 1945 we were willing to sacrifice. Today, we are not willing to sacrifice to save America itself—the middle class and the economic strength of our society.

What happens is we have been engaged in this for some time and, as a result, we have treated foreign trade as foreign aid. I think of Akio Morita and losing manufacturing capacity. In 1945, we had 41 percent of the workers in the United States engaged in manufacturing. In the year 2000, we are down to 14 percent.

In the nineties, in the United States, we have lost some 779,000 manufacturing jobs and in South Carolina, my State alone, some 40,500. The industrial strength is fast diminishing.

I look at the different things about textiles, but I look also at the ratios of imports to consumption and what we are going to manufacture for ourselves. Let's see.

As a young Governor, they looked at me at that hearing I told you about, at the very beginning, and said: Governor, what do you expect them to make? Let them make the shoes. Let them make the clothing. And we will make the airplanes and the computers.

My problem today is, they are making the shoes, they are making the clothing, and they are making the airplanes and the computers. And so it is.

Certain industrial thermal-processing equipment, 48.9 percent—almost half of what we consume is imported—67 percent of textile machinery and parts used in the United States we have to get from abroad; 55.3 percent of the machine tools for metal forming and parts; 51.9 percent of semiconductor manufacturing equipment and robotics—we import it.

I remember one good thing President Reagan did was to put in SEMATECH. He saved Intel microprocessing. Everybody is running around here falling over each other after that Silicon Valley money: high tech, high tech. We have somebody here from high tech. Bill Gates walks around convicted of violating the Sherman antitrust law but you would think he is a visiting potentate. All the little staffers and Senators streaming behind him as he goes through the Halls. And then I go to another policy meeting, and they announce we have another microprocessing, high tech, Silicon Valley.

Let's get right to the point. Microsoft has 20,000 employees in Seattle and Boeing of Seattle has approximately 75,000. They are in the manufacturing. General Motors has 250,000. Mind you me, they are not satisfied in high tech. They want to do away with the income tax, the capital gains tax, the estate tax. They want to do away with 200 years of State tort law—Y2K. They want to do away with the immigration laws because—why?—they can import the Indians and the Filipinos in here next to nothing.

Generally speaking, America Online has a service center now in the Philippines. Call them and ask them. My light bill in South Carolina is run through India. But high tech, high tech—they are all in a heat to see. Who is fooling whom. They are after the money. High tech is after the exemptions. They do not want to pay their wage. So there you go.

Right to the point, why do you think that the march in Seattle—I am not talking about the crazies who came up there from Eugene, OR, and broke up the town; I am talking about the march in Seattle in December; the AFL-CIO, the responsible individuals—that march was led by Boeing machinists. Why? Read Bill Greider's book ''One World, Ready or Not'' and you will see that much of that Boeing 777, before it can be sold in downtown Shanghai, has to be made in downtown Shanghai. So they are taking the airplane jobs there.

Or pick up the morning paper and you will see the automobile jobs in China that are being taken from us. All the time I have to hear that nauseating chant: free trade, free trade. Yes, I am for free trade. All the interviewers. GE owns NBC. The president of GE, Jack Welch, told everybody to go down to Mexico: All you suppliers, you aren't going to be a GE supplier because I can get it cheaper. I will show you that article in ''Business Week.''

Let's go right down to boilers and turbines; 44.4 percent of what we consume has to be imported; electrical transformers, 43.2 percent; aircraft engines and gas turbines, 70.3 percent; motorcycles, 48.5 percent; aircraft, 45.7 percent—we used to have 100 percent of that business—office machines, 47.2 percent; microphones, loud speakers, audio amplifiers, and combinations thereof, 77.9 percent; tape recorders, tape players, video cassette recorders, turntables, compact disc players, 100 percent; radio transmission and reception, 57.9 percent of what we consume—used to be made by middle-class America; no longer—television apparatus, including cameras, camcorders, and cable apparatus, 68.5 percent.

I remember when Zenith had their case, and their competitors had been found in violation for dumping. And the International Trade Commission in a unique decision held for Zenith—because they usually cancel out the trade administration—but the trade commission exacted the penalty. And the last stop, of course, was in the White House, in the Oval Office, where the President had the authority to cancel it out.

The Cabinet all around the table, they all voted to enforce the decision of the International Trade Commission. And in walked President Reagan. He said: I just talked to Nakosone and we are not going to do that.

You see, yes, it has been wonderful. It has been fine. It has worked. We have peace in the world—whatever—and we have a booming economy. But in a booming economy, you have to look at the consummate, the concurrent effect here.

Electrical capacitors and resistors, 69.5 percent; automatic data processing machines, 51.6 percent.

I read this because colleagues in the Senate say: There he goes again on textiles. I have given up on textiles. I resign. I quit. When the ATMI tackles me from behind, and they leave out the people who have been getting the votes—the polls all taken—poor old Jay Mazur, poor Evy Dubrow, and the rest of them—and unit, and the others who have been working together—Seth Bodner, the knitwear folks, the apparel folks—I just have to say it is gone. This bill is passed.

But while it passes, we have to have a stop, look, and listen at the crossing and realize that 62.2 percent of clocks and timing devices that we use in America are now imported; watches, 100 percent—apparently we do not manufacture them anymore—drawing and mathematical calculating and measuring instruments, 71.4 percent; luggage, handbags, and flat goods, 79.7 percent; musical instruments and accessories, 57.2 percent; umbrellas, whips,

riding crops, and canes, 81.1 percent; silverware, 59.9 percent. We can go to precious jewelry, which is 55.8 percent imported.

They have different clothing and all—sweaters, 76.4 percent; robes, nightwear, and underwear, 68.8 percent—right on down the list.

I ask unanimous consent to have printed in the RECORD this compilation of the import penetration of these articles.

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

Ratios of imports to consumption

[In percent]

Certain industrial thermal-processing equipment and certain furnaces	48.9
Textile machinery and parts	67.0
Metal rolling mills and parts thereof	46.6
Machine tools for cutting metal and parts	48.1
Machine tools for metal forming and parts thereof	55.3
Semiconductor manufacturing equipment, robotics	51.9
Boilers, turbines, and related machinery	44.4
Electrical transformers, static converters, inductors	43.2
Molds and molding machinery	44.8
Aircraft engines and gas turbines	70.3
Automobiles, trucks, buses, and bodies and chassis of the foregoing	40.6
Motorcycles, mopeds, and parts	48.5
Aircraft, spacecraft, and related equipment	45.7
Office machines	47.2
Microphones, loudspeakers, audio amplifiers, and combinations thereof	77.9
Tape recorders, tape players, video cassette recorders, turntables, and compact disc players	100
Radio transmission and reception apparatus, and combinations thereof	57.9
Television apparatus, including cameras, camcorders, and cable apparatus	68.5
Electric sound and visual signaling apparatus	49.9
Electrical capacitors and resistors	69.5
Diodes, transistors, integrated circuits, and similar semiconductor solid-state devices	45.2
Electrical and electronic articles, apparatus, and parts not elsewhere provided for	49.1
Automatic data processing machines	51.6
Optical goods, including ophthalmic goods	51.5
Photographic cameras and equipment	63.8
Watches	100
Clocks and timing devices	62.2
Drawing and mathematical calculating and measuring instruments	71.4
Luggage, handbags, and flat goods	79.7
Musical instruments and accessories	57.2
Umbrellas, whips, riding crops, and canes	81.1
Silverware and certain other articles of precious metal	59.9
Precious jewelry and related articles	55.8
Men's and boys' suits and sportcoats	47.5
Men's and boys' coats and jackets	62.5
Men's and boys' trousers	50.4
Women's and girls' trousers	56.4
Shirts and blouses	62.9
Sweaters	76.4
Women's and girls' suits, skirts, and coats	59.0
Robes, nightwear, and underwear	68.8
Body-supporting garments	42.8
Neckwear, handkerchiefs, and scarves	46.7
Gloves, including gloves for sports	76.1
Headwear	54.1
Leather apparel and accessories	67.2
Fur apparel and other fur articles	81.7
Footwear and footwear parts	84.2

Mr. HOLLINGS. It has 84.2 percent on footwear. So 85 percent of the shoes on the floor here in the Senate Chamber are imported.

I ask unanimous consent to have printed in this particular list from the International Trades Commission.

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

1998 Ratios of Imports to Consumption

[In percent]

Certain industrial thermal-processing equipment and certain furnaces	48.9
Textile machinery and parts	67.0
Metal rolling mills and parts thereof	46.6
Machine tools for cutting metal and parts	48.1
Machine tools for metal forming and parts thereof	55.3
Semiconductor manufacturing equipment and robotics	51.9
Boilers, turbines, and related machinery	44.4
Electrical transformers, static converters, and inductors	43.2
Molds and molding machinery	44.8
Aircraft engines and gas turbines	70.3
Automobiles, trucks, buses, and bodies and chassis of the foregoing	40.6
Motorcycles, mopeds, and parts	48.5
Aircraft, spacecraft, and related equipment	45.7
Office machines	47.2
Microphones, loudspeakers, audio amplifiers, and combinations thereof	77.9
Tape recorders, tape players, video cassette recorders, turntables, and compact disc players	100
Radio transmission and reception apparatus, and combinations thereof	57.9
Television apparatus, including cameras, camcorders, and cable apparatus	68.5
Electric sound and visual signaling apparatus	49.9
Electrical capacitors and resistors	69.5
Diodes, transistors, integrated circuits, and similar semiconductor solid-state devices	45.2
Electrical and electronic articles, apparatus, and parts not elsewhere provided for	49.1
Automatic data processing machines	51.6
Optical goods, including ophthalmic goods	51.5
Photographic cameras and equipment	63.8
Watches	100
Clocks and timing devices	62.2
Drawing and mathematical calculating and measuring instruments	71.4
Luggage, handbags, and flat goods	79.7
Musical instruments and accessories	57.2
Umbrellas, whips, riding crops, and canes	81.1
Silverware and certain other articles of precious metal	59.9
Precious jewelry and related articles	55.8
Men's and boys' suits and sportcoats	47.5
Men's and boys' coats and jackets	62.5
Men's and boys' trousers	50.4
Women's and girls' trousers	56.4
Shirts and blouses	62.9
Sweaters	76.4
Women's and girls' suits, skirts, and coats	59.0
Robes, nightwear, and underwear	68.8
Body-supporting garments	42.8
Neckwear, handkerchiefs, and scarves	46.7
Gloves, including gloves for sports	76.1
Headwear	54.1
Leather apparel and accessories	67.2
Fur apparel and other fur articles	81.7
Footwear and footwear parts	84.2

Mr. HOLLINGS. Mr. President, this is one little reading of the U.S. deficits in advanced technology because you know we have gone, they say, from manufacturing to high tech.

They told England at the end of World War II: Don't worry. Instead, of a nation of brawn, you are going to be a nation of brains. Instead of producing products, you will provide services. Service economy, service economy is the chant. And then, instead of creating wealth, you are going to handle it and be a financial center.

England has gone into an economic hand basket. They have a bunch of just scandal sheets—the newspapers and Parliamentarians—debating and shouting at each other. Downtown London is an amusement park.

Are we going that way, too? They have gone out of business there.

Here are some deficits in advanced technology products. Parts of the advanced machinery incorporated, $18.23 billion; hard disc drive units, $9.72 billion; parts of turbojet or turbo propeller engines, $4.28 billion, Turbojet aircraft engines, $3.74 billion deficit, balance of trade; parts for printers, $3.52 billion; new turbo fan planes, nonmilitary, $3.23 billion; cellular radio telephones, $3 billion; video cassette and cartridge recorders, $3.32 billion, deficit; display units, $1.64 billion; optical disc players, $1.64 billion; camcorders, $1.09 billion; digital still-image video cameras, $1.07 billion.

Mr. President, rather than taking further time, I ask unanimous consent to have printed in the RECORD at this point the U.S. Trade in Advanced Technology Products showing the exports and imports and the balance thereof.

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

U.S. TRADE IN ADVANCED TECHNOLOGY PRODUCTS: 1999

Commodity code and description: Advanced technology product	Exports	Imports	Balance
8473301000 PRTS OF ADP MCH, NOT INCRPRTNG CRT, PRT CRCT ASSEM	0	18,227,808,970	(18,227,808,970)

U.S. TRADE IN ADVANCED TECHNOLOGY PRODUCTS: 1999—Continued

Commodity code and description: Advanced technology product		Exports	Imports	Balance
8471704065	HARD DISK DRIVE UNT, NESOI, W/OUT EXTNL POWR SUPLY	2,048,470,249	11,769,756,784	(9,721,286,535)
8473305000	PTS & ACCESSORIES OF MACH OF HEADING OF 8471, NESOI	0	7,743,829,608	(7,743,829,608)
8542138034	MONO IC, DIGITAL, MOS TRANS, DRAM, >15000000 BITS	0	4,980,391,722	(4,980,391,722)
8542138072	MONOLITHIC IC, DIGITAL, SILICON, (MOS), (ASIC), (PLA)	4,047,156,775	8,377,018,602	(4,329,861,827)
8411919080	PARTS OF TURBOJET OR TURBOPROPELLER A/C ENGINES	0	4,277,502,862	(4,277,502,862)
8471300000	PORT DGTL ADP MACH, <10KG, AT LEAST CPU, KYBRD, DSPLY	1,143,297,273	5,321,724,547	(4,178,427,274)
8803300030	OTH PRTS OF ARPLNS/HLCPTRS, NESOI, NT FR DOT OR USCG	0	4,013,300,583	(4,013,300,583)
8411124000	TURBOJET AIRCRAFT ENGINES, THRUST EXCEEDING 25 KN	0	3,736,640,634	(3,736,640,634)
8473303000	OTHER PARTS FOR PRINTERS, NO CATHODE RAY TUBE	0	3,523,211,984	(3,523,211,984)
8802300040	NEW TURBOFAN PLANES, NON-MILITARY, >4536 & ≤15000 KG	646,938,093	3,879,125,608	(3,232,187,515)
2934903000	OTHER HETEROCYCLIC COMPOUNDS USED AS DRUGS	0	3,029,957,678	(3,029,957,678)
8525209070	CELLULAR RADIOTELEPHONES FOR PCRS, 1 KG AND UNDER	0	3,020,465,433	(3,020,465,433)
3004909090	MEDICAMENTS NOT ELSEWHERE SPECIFIED OR INCLUDED	0	2,726,075,442	(2,726,075,442)
8471706000	STORAGE UNITS, NESOI, NOT ASSEMBLED IN CABINETS	511,587,342	3,211,010,776	(2,699,423,434)
8521106000	VIDEO CASSETTE & CARTRIDGE RECORDER/PLAYERS, COLOR	0	2,321,010,825	(2,321,010,825)
8517903800	PC ASSEMBLIES FOR TELEPHONIC APPARATUS, NESOI	0	1,728,565,731	(1,728,565,731)
8471604580	DISPLAY UNITS, NESOI, WITHOUT CRT	0	1,637,784,048	(1,637,784,048)
8519990045	OPTICAL DISC (INCLUDING COMPACT DISC) PLAYERS	0	1,637,445,266	(1,637,445,266)
8542138057	MONO IC, DIG, SIL, MOS, EXC VOL, (EEPROM) >900,000 BITS	0	1,591,589,716	(1,591,589,716)
8542138066	MONO IC, DIG, SIL, MOS (ASIC) & (PLA) MICROPROCES 8 BITS & <	266,700,462	1,505,423,883	(1,238,723,421)
9018908000	INST & APPLIANCES FOR MEDICAL, SURGICAL, ETC, NESOI	0	1,215,184,803	(1,215,184,803)
8525408050	CAMCORDERS (OTHER THAN 8 MM), NESOI	11,389,219	1,098,783,272	(1,087,394,053)
8525404000	DIGITAL STILL IMAGE VIDEO CAMERAS	21,952,736	1,089,597,336	(1,067,644,600)
8521900000	VIDEO RECORDING OR REPRODUCING APPARATUS EXC TAPE	135,001,223	1,087,156,818	(952,155,595)
8542138049	MONO, DIG, SIL, MOS, VOL, (SRAM) >3,000,000 BITS	0	933,400,512	(933,400,512)
8542300065	MONOLITHIC IC, OPERATING FREQUENCY <100 MHZ, ANALOG	1,284,391,376	2,181,812,559	(897,421,183)
8471603000	DISPLAY UNITS, W/O CRT, & DISPLAY DIAGNL ≤30.5 CM	191,417,160	1,012,102,430	(820,685,270)
8525408020	CAMCORDERS, 8MM	1,892,960	819,236,164	(817,343,204)
8803300060	OTHER PARTS, NESOI, OF MILITARY AIRPLANES/HELICOPTRS	0	774,171,267	(774,171,267)
8517903600	PC ASSEMB FOR TELEHONE SWIT, TERM APPA O/T TEL SETS	0	751,187,201	(751,187,201)
8541290095	TRANSISTORS EXC PHOTOSENSITIVE 1W & >, FREQ. <30MHG	0	744,022,549	(744,022,549)
2844200020	URANIUM FLUORIDE ENRICHED IN U235	355,923,713	1,098,482,108	(742,558,395)
8471704035	FLOPPY DISK DRIVE UNT, NESOI, W/OUT EXTRNL POW SPY	58,034,583	772,594,136	(714,559,553)
2933394100	DRUGS CONT AN UNFUSED PYRIDINE RING ETC, NESOI	0	680,296,294	(680,296,294)
8517210000	FACSIMILE MACHINES	0	667,588,870	(667,588,870)
3818000090	OTHER CHEM ELEM DOPED, ELECTRON, DISCS WAFERS ETC	0	619,290,862	(619,290,862)
3002100090	OTHER BLOOD FRACTIONS NESOI	0	616,949,658	(616,949,658)
8542138067	MONO IC, DIG, SIL, MOS (ASIC) & (PLA) MICROPROCES 16 BITS	181,422,015	798,242,504	(616,820,489)
8517903200	PTS OF ART OF 8517.20, 8517.30, 8517.40.50, 8517.81	0	602,626,375	(602,626,375)
8471608000	OPTICAL SCANNERS & MAGNETIC INK RECOGNITION DEVICE	375,128,897	965,817,115	(590,688,218)
8528124000	TV REC, COLOR, NON-HI DEF, PROJ TYP W/CATH-RAY TUBE	0	567,427,021	(567,427,021)
8542300090	MONOLITHIC IC, FREQ., <100 MHG (ANALOG/DIGITAL) NESOI	1,584,815,325	2,141,256,559	(556,441,234)
9010420000	STEP & REPEAT ALIGNER, PROJECTION OF CIRCUIT PATRN	49,534,168	594,935,912	(545,401,744)
8517505000	CARRIER-CURRENT LINE SYSTEM APPARATUS, TELEPHONIC	950,547,882	1,492,682,623	(542,134,741)
8517902400	PTS FR TELPHONE SWITCH, TERMINAL APP INC PC ASSEMB	0	499,197,786	(499,197,786)
8471605100	LSR PRNTR UNITS W/CNTRL & PRT MCHNIMS, >20PGS/MIN	0	482,262,408	(482,262,408)
8525203025	RADIO TRANSCIEVERS, HAND-HELD, FREQ >400 MHZ	0	466,870,671	(466,870,671)
8534000020	PRINTED CIRCUITS OF PLASTIC/GLASS = ≥3 LAYERS, CNDT	586,324,029	980,378,544	(394,054,515)
8542138041	MONO IC, DIG, SIL, MOS, VOL (SRAM) 300,000 <3,000,000 BITS	0	369,673,484	(369,673,484)
8537109050	PANEL BOARDS & DISTRIBUTION BOARDS; ≤1,000 VOLTS	0	367,840,258	(367,840,258)
2933595300	OTHER AROM OR MOD-AROM DRUGS CONT A PYRIMID ETC	0	365,464,433	(365,464,433)
9001100085	OPT FIBER BUNDLE & CABLE EXC OF 8544 NOT PLASTIC	0	349,337,906	(349,337,906)
8471605200	OTH LASER PRINTER UNITS W/CNTRL & PRT MECHANISMS	0	337,358,804	(337,358,804)
8525203080	RADIO TRANSCIEVERS, EXC HANDHELD, 400 MHZ	0	334,664,064	(334,664,064)
8542138051	MONO, IC, DIG, SIL, MOS, EXC VOL (EEPROM) <80,000 BITS	0	331,577,991	(331,577,991)
8473309000	OTH PRTS OF ADP MACH AND UNITS INCORPORATING A CRT	0	331,471,302	(331,471,302)
8411114000	TURBOJET AIRCRAFT ENGINES, THRUST NOT EXCEED 25 KN	0	310,678,629	(310,678,629)
2922191800	OTHER AROMATIC AMINO-ALCOHOLS, ETC USED AS DRUGS, NE	0	309,072,789	(309,072,789)
8525309005	TELEVISION CAMERAS, NESOI, COLOR	0	302,374,597	(302,374,597)
2922502500	OTHER AROMATIC AMINO-ALCOHOL-PHENOL DRUGS	0	295,753,627	(295,753,627)
8517906400	PARTS OF TELEPHONIC APPARATUS, NESOI	0	294,249,762	(294,249,762)
8528121201	TV REC, NON-HI DEF, COL, SNGL PICT TUB N/O 34.29 CM	0	286,928,704	(286,928,704)
8542138060	MONO, IC, DIG, SIL, MOS, EX VOL, (EPROM) >900,000 BITS	0	274,086,910	(274,086,910)

Mr. HOLLINGS. Mr. President, we are worried. We have anxiety. There is fear in the land, Mr. President. The foreign holdings as a percent of the total publicly held debt—as we pay down the public debt, the foreign holdings are still at 40.3 percent, according to the Treasury Department. When you get these deficits, billions and billions—$347 billion in the balance of trade—so many dollars out in foreign holdings, the dollar falls, the interest rates go up, the stock market goes down, and recession sets in. Who is talking about it? Everybody but us in public service. We are running around, ''I've got class size,'' ''I've got a better class size.'' ''No, I've got charter schools.'' ''No, I got a better plan here on health care.'' ''No, your plan is no good.''

They are not talking about paying the bill so that we can keep the country and the economy booming. They are talking about little peripheral things over here—campaign finance and otherwise—not paying the bill and reestablishing confidence in America.

The number of workers, as I have said at the very beginning, quoting Morita, is down to 14 percent in manufacturing. I will read an excerpt from Mr. Eamon Fingleton, Mr. President, entitled ''The Unmaking of Americans.'' I want everyone to listen because we have books by professors at Harvard and out at Berkeley in California and Stephen Cohen and John Zysman who have written ''Manufacturing Matters.'' They are trying to wake up a dormant Finance Committee that seems not to understand anything about trade, who really think this is a good bill. I am embarrassed for them because this is not going to just put out some 74,700 apparel workers up in New York, but at least 18,500 that I have in South Carolina and, ultimately the textile industry—as soon as they can afford the machinery and get it in down in Mexico and these other places. I will never forget 10 years ago when we debated textiles. Macao had millions and millions of dozens of shirts and didn't have a shirt factory. China was transhipping them through Macao. So now China takes this sub-Sahara bill that will make a few people rich, but not the African countries or the African people, just as those shirts didn't make Macao any richer. China will transship right on through sub-Sahara Africa and, in the process, get rid of the American apparel workers and, before long, the textile workers.

Let's quote Mr. Fingleton here as to the importance of manufacturing and you will get a better grasp of this:

> In recent decades, it has become increasingly fashionable for American opinion leaders to belittle the economic importance of manufacturing. If we are to believe such prophets of the New Economy as commentator Michael Rothschild and Megatrends author, John Naisbitt, manufacturing is now a distinctly second-rate activity that should take a backseat to post-industrial businesses like software writing and moviemaking. Their opinions are increasingly endorsed by pundits in everything from the Wall Street Journal to Wired.
>
> It is time this view was challenged. The truth is, it is a highly dangerous myth that is rapidly weakening the United States' ability to lead the world economy. Not only do those who advocate post-industrialism—let's

call them post-industrialists—overestimate the prospects for information-based products and services, they greatly underestimate the prospects for manufacturing.

When the post-industrialists talk about manufacturing, it is clear they are referring mainly to such unsophisticated activities as the snap-together assembly work carried out in the television-set factories of the developing world. By implicitly defining manufacturing in such disparaging terms, they set up a straw man—for there is no question that, in an increasingly integrated world economy, most types of assembly work are so labor intensive that they can no longer be conducted profitably in high-wage nations like the United States. Overlooked by the post-industrialists, however, is the fact that assembly is only the final stage in the production of modern consumer goods. Earlier stages are typically much more sophisticated—the making of advanced components such as laser diodes, liquid crystal displays, lithium-ion batteries and flash memories, for example. Then there is the production of the high-tech materials that go into such components. Semiconductor-grade silicon manufacturing, for instance, is concentrated mainly in such high-wage nations as Japan and Germany.

We have a $74 billion deficit in the balance of trade with Japan, Mr. President. I think it is $28 billion deficit with Germany.

And still more sophisticated than the fabrication of such components and materials is the manufacture of the production machinery used in the process. Perhaps the iconic example of such machinery is the stepper—the highly precise lithographic device that prints circuit lines on silicon chips.

Manufacturing components, materials and production machinery is generally both know-how-intensive and capital intensive. As such it can be conducted effectively only in the world's richest and most advanced economies—and workers engaged in such work are thereby shielded from low-wage competition from developing nations. The United States once dominated this type of production, but these days, as is abundantly clear from the nation's mounting trade deficits with Japan and Germany, it is at best an also-ran. In steppers, for instance, GCA, the once world-beating American player, closed its doors in 1993, leaving the field almost entirely to Japan's Nikon and Canon and Europe's ASM. In high-tech materials, the United States is now similarly dependent on imports. And in crucial new components such as laser diodes and liquid crystal displays, the country was never a contender in the first place.

I remember the gulf war and the flat-panel displays we got from Japan for our defense work.

It is really discouraging to this particular Senator when we mark up the defense appropriations bill. We have in there a Buy-America provision trying to maintain steel ball bearings for Ohio and South Carolina because Timken and others produce them. They do an outstanding job. But we have those who put in an amendment to strike that out—that it is un-American and all.

I don't know where they got this idea about what America is—that we are supposed to meet a referee in bankruptcy, dissolve the assets, and send it around to the Caribbean, to sub-Sahara, and everything else on the premise that it is good policy for us to sometime come to the help of these particular countries. It would be good if it were not destroying us in the making.

Manufacturing's most obvious advantage is that it creates an excellent range of jobs. Whereas post-industrial businesses like software and financial services tend to recruit mainly from the cream of the intellectual crop, manufacturing harnesses the skills of everyone from ordinary factory hands to the most brilliant scientists and the most capable managers. In fact, as the late Bennett Harrison of New York's New School (a longtime TR columnist) pointed out in his book Lean and Mean in 1997, unskilled workers ''barely off the farm'' can readily be trained to operate computer-controlled presses and similarly sophisticated production machinery. In Harrison's terms, today's high-tech production machinery is not ''skill-demanding'' but ''skill-enabling.''

Let's emphasize that. It is ''skill-enabling,'' because the Senator from South Carolina is a witness. We brought in BMW, the automobile manufacturer, from Munich, Germany. It is in Spartanburg. It has 2,000 employees, and it will have this time next year hopefully 1,000 more. They were supposed to get another facility down in Mexico. They learned. They said: Wait a minute. The productivity of these people just off the farm, and otherwise skilled workers, can produce, and they have been producing.

Mr. President, I ask unanimous consent that the article in its entirety be printed in the RECORD.

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

THE UNMAKING OF AMERICANS

(By Eamon Fingleton)

In recent decades it has become increasingly fashionable for American opinion leaders to belittle the economic importance of manufacturing. If we are to believe such prophets of the New Economy as commentator Michael Rothschild and Megatrends author John Naisbitt, manufacturing is now a distinctly second-rate activity that should take a backseat to post-industrial businesses like software writing and moviemaking. Their opinions are increasingly endorsed by pundits in everything from the Wall Street journal to Wired.

It is time this view was challenged, The truth is, it is a highly dangerous myth that is rapidly weakening the United States' ability to lead the world economy. Not only do those who advocate postindustrialism—let's call them postindustrialists—overestimate the prospects for information-based products and services, they greatly underestimated the prospect for manufacturing.

When the post-industrialists talk about manufacturing, it is clear they are referring mainly to such unsophisticated activities as the snap-together assembly work carried out in the television-set factories of the developing world. By implicitly defining manufacturing in such disparaging terms, they set up a straw man-for there is no question that, in an increasingly integrated world economy, most types of assembly work are so laborintensive that they can no longer be conducted profitably in high-wage nations like the United States. Overlook by the post-industrialists, however, is the fact that assembly is only the final stage in the production of modern consumer goods. Earlier stages are typically much more sophisticated—the making of advanced components such as laser diodes, liquid crystal displays, lithium-ion batteries and flash memories, for example. Then there is the production of the high-tech materials that go into such components. Semiconductor-grade silicon manufacturing, for instance, is concentrated mainly in such high-wage nations as Japan and Germany. And still more sophisticated than the fabrication of such components and materials is the manufacture of the production machinery used in the process. Perhaps the iconic example of such machinery is the stepper—the highly precise lithographic device that prints circuit lines on silicon chips.

Manufacturing components, materials and production machinery is generally both know-how-intensive and capital-intensive. As such it can be conducted effectively only in the world's richest and most advanced economies—and workers engaged in such work are thereby shielded from low-wage competition from developing nations. The United States once dominated this type of production, but these days, as is abundantly clear from the nation's mounting trade deficits with Japan and Germany, it is at best an also ran. In steppers, for instance, GCA, the once world-beating American player, closed its doors in 1993, leaving the field almost entirely to Japan's Nikon and Canon and Europe's ASM. In high-tech materials, the United States is now similarly dependent on imports. And in crucial new components such as laser diodes and liquid crystal displays, the country was never a contender in the first place.

Why does all this matter? Because, conventional wisdom to the contrary, advanced manufacturing offers fundamental advantages over post-industrial services in building a rich and powerful economy.

Manufacturing's most obvious advantage is that it creates an excellent range of jobs. Whereas post-industrial businesses like software and financial services tend to recruit mainly from the cream of the intellectual crop, manufacturing harnesses the skills of everyone from ordinary factory hands to the most brilliant scientists and the most capable managers. In fact, as the late Bennett Harrison of New York's New School (a longtime TR columnist) pointed out in his book Lean and Mean in 1997, unskilled workers ''barely off the farm'' can readily be trained to operate computercontrolled presses and similarly sophisticated production machinery. In Harrison's terms, today's high-tech production machinery is not ''skill-demanding'' but ''skill-enabling.''

Manufacturers also score over information businesses in their export prowess. That's because, for one thing, manufacturers usually avoid the piracy problems that so drastically reduce American information businesses' receipts from abroad. Moreover, manufactured goods are generally universal in application and, as such, contrast sharply with information-based products, which are in most cases quite culture-specific. Whereas a typical information product may have to be adapted for different languages and customs in different markets around the world, a typical manufactured product requires little if any adaptation. In many cases, information businesses don't find it worthwhile to adapt their products for foreign markets, and even where they do, they tend to have the adaption done

abroad, thus generating costs that cut deeply into the net revenues remitted to the United States.

A third key advantage of advanced manufacturing—the most important of all—is that it delivers higher incomes. Not only does the large amount of capital required for the enterprise offer workers protection against competition from cheap labor, it can also powerfully boost worker productivity. A good example is the contribution that expensive robots make in enabling Japanese auto workers to achieve the world's highest productivity levels. Higher productivity in turn is, of course, the royal road to higher wages.

Indeed, nearly two decades after the United States began its fateful drift into full-scale post-industrialism, international economic comparisons consistently show that Americans have lagged in income growth in the interim. The result is that, as measured at recent market exchange rates, the United States has now been overtaken in absolute wage levels by at least four manufacturing-oriented nations—Denmark, Sweden, Germany and, perhaps most surprisingly of all, Japan, the supposed ''basket case'' economy of the 1990s.

And if capital intensity is not enough to boost and protect wages, advanced manufacturing's requirement for proprietary production know-how given many industry incumbents a critical advantage. Take a product like a notebook computer's flat-screen liquid crystal display. LCDs are basically an adaptation of semiconductor technology, and are manufactured using similar equipment. Thus in theory many computer companies around the world could enter this fast-growing business. But in practice few have done so, with the result that the world market is utterly dominated by a handful of Japanese manufacturers—Tokyo-based Sharp alone enjoys a world market share of close to 50 percent. Why such market concentration? The key is yield, the percentage of flaw-free products in each production batch. Given that even a microscopic speck of dust can render the tiny transistors that control each dot on a screen dysfunctional, the quality-control challenge is enormous. A new entrant to the industry would probably be lucky to get a 10 percent yield of good Screens, whereas established Japanese firms are believed to achieve yields of 90 percent or more.

All in all, America's failure in the past two decades to take full advantage of manufacturing's numerous rewards is alarmingly apparent in the nation's deteriorating trade figures. The U.S. trade deficit in 1999 is likely to exceed $250 billion—an all-time record and an increase of about 50 percent on the startling $168.6 billion incurred in 1998. It would be an exaggeration to say that the nation's manufacturing decline is the sole cause of the worsening trade trend, but it is clearly one of the most important contributing factors.

And what is really worrying about these deficits is that they are to a large extent incurred with nations like Japan and Germany, where wages run 20 percent to 40 percent higher than American levels. Other things being equal, when a lower-wage country imports a product from a higher-wage one, we can reasonably assume that the manufacturing technology concerned is one in which the importing country is lacking. Much of what American corporations import from higher-wage nations consists of components ''outsourced'' from foreign rivals. The U.S. firms got used to the practice in the 1970s and early 1980s when Japanese and German wages were still low by U.S. standards, and outsourcing components could be justified on the theory that it freed American workers to specialize in higher-level work. These days, however, American corporations that outsource to Japan or Germany are effectively admitting they lag in the technology race.

So what should the United States do to regain dominance in manufacturing? First, consider one of the key reasons for the country's loss of its leadership position: other nations' industrial policies, which almost always contain a strong element of explicit or implicit protection for home industries. The classic example is United States-Japan competition in electronics. While U.S. electronics manufacturers such as RCA and Zenith were largely barred from selling in the Japanese market, their Japanese competitors were welcomed with open arms in the American market—the inevitable result was that the Americans found it increasingly unprofitable to invest for the long term.

Though the party line these days is that such protectionism has largely been eliminated in key foreign markets, the reality is that other nations maintain industrial policies that put U.S. manufacturers at a disadvantage. For American decisionmakers this creates an acute dilemma and a particularly distressing one for today's 50-something power holders, who in their youth espoused the soaring hope that the world could be taught to sing in perfect harmony. If they cling to the idealistic One-Worldism of the Flower Power era, they will continue to advocate free trade—and in the process will condemn the American manufacturing sector to, at best, permanent underdog status. The alternative is to slam the brakes on globalism and go back to the sort of modest but sufficient tariff levels that prevailed in the Eisenhower years. Such a move would certainly raise screams from devotees of that ultimate pseudo-science laissez-faire economics. But in the absence of convincing alternatives (and in particular of a real commitment to free trade on the part of America's competitors), it must have a place on the agenda.

Mr. HOLLINGS. Mr. President, we need to remember we are not only going to lose 74,700 apparel jobs in New York but in apparel manufacturing throughout the United States.

I want to go to the morning paper because they had a big conclave over at the White House. It says, ''Political Heavyweights Pull for Agreement with China.'' They have Vice President GORE and former President Carter. But they also have the former Secretary of State, Henry Kissinger.

Quoting from this morning's Los Angeles Times:

> Clinton asked rhetorically, ''Why are we having this debate?'' His answer: Because people are anxiety ridden about the forces of globalization, or they are frustrated over the human rights record of China, or they don't like all the procedures of the WTO. President Clinton's answer to ''Why are we having this debate?''—''Because people are anxiety ridden about the forces of globalization.''

The legacy of President Franklin Delano Roosevelt—I will have to talk about a proud Democrat. I hope the distinguished Ranking Member doesn't mind me doing that. I think in time I might get him to join. I watched his votes, and he is very sensitive to the needs of little people. The great legacy of Franklin Delano Roosevelt is: ''All we have to fear is fear itself.''

I can hear him now. We had a little headset in 1933. That is before daddy went broke. He had a flourishing business. Amongst other things, he printed and delivered paper bags. But he printed the names of the German grocery stores all around Charleston: Hoffmeyer, Meyers, Hochwanger, Heiselmeier, Fahler, Reumeyers—I can see them all now. They called my father and said: Bubba, no use sending those bags to people who are not paying the grocery bill, and we can't pay you for the bags. He said: Well, got your name on them. I can't use them otherwise. Just do what you can. I am sending them around.

But we had at that time in 1933 a headset. I can hear President Roosevelt.

I had the pleasure of seeing him as a youngster in 1936 when he came through Charleston and boarded the ship. He came by train from Washington to Charleston, boarded the cruiser, and went on down to Buenos Aires, Argentina. I was looking up at President Roosevelt.

Later, of course, when I was a senior cadet at the Citadel, ready to go off into the invasion of North Africa, I could hear him in 1941 about the ''four freedoms.'' He said the four freedoms are the freedom of religion, the freedom of speech, the freedom from want, and the freedom, Mr. President, from fear. That was the legacy. That was the legacy of the greatest President of our time.

Now what is our legacy? I can tell you. You do not have to get politician HOLLINGS or get the business leadership.

What is the business leadership?

''Backlash: Behind the Anxiety Over Globalization.''

The legacy of President Clinton is a legacy of fear. This crowd had better wake up and understand it because we are going out of business.

The President just last week was down in Charlotte talking about the digital divide, the digital divide, middle America.

How in the world can they buy a computer? Not the poor; middle America can't afford that. They are trying to hold onto a job. They are trying to pay for the house upkeep. They are trying to buy the clothes. And they are doing pretty good. But they look at those 37,000 from South Carolina who are gone, gone.

Washington is telling all of middle America that they never had it so good. We got a boom. Let's get the boom going. They see these jobs going, and they see all of our good friends, the immigrants, with fine business earnings coming in and taking a lot of the jobs. They see plant closings in Columbia. That is the way it is factored in.

I always loved to go to Ireland. But in Ireland, they have a booming business taking care of all the banking and insurance accounts and everything else.

What do we do? We got rid of what Henry Ford created, and that is the middle class. Ford said, in the early days, I want to make sure that the individual producing this automobile is making enough money to buy it. That, along with the labor movement in America, got health care, retirement benefits, and everything elsewhere which they could pay for—not only pay for their home but send their kid to college, maybe get a little home at the beach or in the mountains, buy a boat to put out in the lake and go fishing, something for retirement.

They talk about Social Security. I see that fellow, Morris, is telling Bush: Don't try to talk about. Don't touch Social Security. Why? Because it is supersensitive because of fear—the legacy of the Clinton administration. He has no idea about the digital divide and no idea about trade. That boy from Arkansas has gone up there and seen the bright lights in New York. He has left us. I can tell you right now, he is not looking out for middle America.

''The best political community is formed by citizens of the middle class,'' said Aristotle in 315 B.C.

It is to the middle class we must look for the safety of England, says Thackeray.

In England, what we call the middle class is in America virtually the Nation.

In the 1880s, Matthew Arnold: ''The upper class is our nation's past, the middle class is its future.''

I don't know about a future. That is what is worrying the Senator from South Carolina—not the textile jobs. They are gone. They are leaving them fast, including one closed just last week. The best of operators are closing.

I can see it, and I know what is going to happen to the textile manufacturer. It will be totally gone. As soon as they can afford the machinery in Mexico and the Caribbean, they will print the cloth and these fellows will take their money and run. That is what you have in ATMI. That is why I warn everyone, we are not just getting rid of the textile jobs.

I said at the beginning we learned in the artillery, no matter how well the aim, if the recoil is going to kill the gun crew, don't fire.

You got a good aim, no question. Let's do something for the Caribbean. Let's do something for Africa. But on this score, where two-thirds of the clothing is already imported, let's not kill off the apparel industry. There are 74,700 jobs in New York, 18,500 in South Carolina, 146,900 in California. We will have a candidate saying: Boom, boom, boom, wonderful economy.

This is what he ought to be talking about. We have to rebuild the economic strength of this Nation. That is not going to happen at the present rate. This conference report ought to be sent back to the conferees and we ought to put in a competitive trade policy.

I had a bill with the Finance Committee 15 years ago. I have talked to the distinguished chairman not only about a value-added tax to pay the bill but I have talked about a correlation and coordination. There are 28 Departments and Agencies in trade. When we think that Commerce has it, they say no; in Agriculture, that is a farm product, and they say, no, the final say is over at Treasury Department. Why? Because 40.3 percent is foreign owned, foreign holdings, a percent of total of the privately-held public debt. Talk about paying down the public debt; foreign holdings as a percent is already up to 40.3 percent. When we are ready to enforce a dumping provision against Japan, they say: We are not going to buy your T-bills. And Treasury calls up and says that hearing was good. The tail is wagging the dog and corporations.

Senator MOYNIHAN, as a freshman at City College of New York, said that they taught him corporations run America. They have preempted trade policy. We representatives, Senators and Congressmen, don't have any say. It is fixed with the White House. The corporations come around and fix the vote. By the time they call, nobody is on the floor and they couldn't care less. Let them puff and blow, the middle class be gone, the textile industry be gone, they are all Republican anyway. Now the apparel workers, the owners—the apparel workers are Democrat, anyway, so they would just as soon get rid of them. We will lose 26,000 apparel workers in Alabama, 19,700 in Florida, 26,100 in Georgia, 18,900 in Kentucky, 2,600 in Maine, 10,400 in Massachusetts, Mississippi loses 16,600, New York loses 74,700, North Carolina loses 38,300.

Imagine the President in Charlotte, NC, last week talking about the digital divide, and middle America is about to lose another 38,000 jobs in and about Charlotte—can't even buy a computer, and he doesn't understand it. He doesn't understand his legacy of fear. Roosevelt has freedom from fear as his legacy. What we have is a legacy of fear. It not that we are not sophisticated and understand globalization. We understand making a living and paying our bills and working hard to do it. Even though you work hard, they tell you: Globalization. Be gone. You, the most productive textile worker in the world, be gone, because you don't understand globalization, competition, competition, productivity.

The most productive industrial worker in the world is in the United States. Right now, the record shows Japan to be No. 8; Netherlands is No. 2; Germany is No. 3.

The Japanese pay way more in wages. It isn't low wages. They have a specific policy. That Lexus automobile you buy for $30,000 in Washington, DC, is sold for $40,000 in downtown Tokyo. They make up the $10,000 on their own domestic economy and got it through the financing, and the people accept that. They are taking over more and more and more. The distinguished Senator is a foreign policy and an expert, and he knows better than any that money talks. Forget about the Sixth Fleet, forget about the hydrogen bomb. Money talks now.

We have been on a binge in the 1990s, but financially we are going out of business. The market is showing it right this afternoon while I am talking. You can talk to anybody in the trucking business. It is closing in, and people are beginning to hunker down.

When I started my remarks, I related when the distinguished Senator was in the Kennedy administration, we put in a 7-point textile program because 10 percent of America's consumption of textiles and clothing was going to be represented in imports. Now we have two-thirds. We are ready to get rid of the other third overnight, and we think we are proud of it; we are doing a good job.

It is a well considered thing with respect to Africa, the Caribbean, to help them find business. We believe in it. However, we have given at the store. Now is the time to save the home. Now is the time to save middle America. Now is the time to eliminate the fear by instituting a competitive trade policy.

I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, at the outset of these remarks let me commend the distinguished Senator from New York, my good friend and colleague, along with the chairman of the trade subcommittee and others who make up the membership of the Finance Committee, for their leadership on this issue. It has been a long time since this body has dealt with a trade issue as significant, in my view, as the matter before us. That is not because of the volume of trade or the size or magnitude of the financial transactions which will ensue as a result of our adoption of this agreement, but because, in my view, it sends a far more important signal to some of the very poor, if not the poorest, areas of this globe, that the wealthiest nation of the world at the beginning of the 21st century recognizes that we bear some responsibility for trying to alleviate

some of the devastating hardship that afflicts too many millions of people around this Earth.

This agreement that deals with the sub-Saharan African nations and the Caribbean Basin is an important first step in this century to take meaningful steps to alleviate some of the devastating human hardships that affect too many innocent people.

I am proud to associate myself with this proposal. I urge the adoption of it by what I hope will be an overwhelming vote of this body so, as we begin this new century, we say to future generations who will sit in the chairs we now hold in this body that the 21st century is a century where the free flow of goods and services across the Earth is something that ought to be a central ingredient for economic success in improving the human condition.

Passage of this legislation, in my view, comes at a very critical time for the future economic success of the regions that are covered by this legislation, the sub-Saharan African region and the Caribbean nations.

One has only to pick up the paper to read of the crippling effects of poverty, famine, and illness that have taken hold in Africa and the devastating impact natural disasters, such as Hurricanes Georges and Mitch, have had on the economies of Caribbean nations. This legislation will give these nations the opportunity—just the opportunity—to begin recovering and to help them establish a foothold in our increasingly interconnected global marketplace.

At the same time, this bill equally recognizes the importance of protecting American interests and American jobs by including a number of very specific safeguards aimed at ensuring the viability and success of our domestic producers. Overall, I believe the committee has presented the Senate with a very balanced trade package.

The central focus of this legislation is the provisions relating to the 48 desperately poor countries of the sub-Sarahan African region. This region of the world has continuously been disregarded as a serious trading partner. While we have granted trade benefits to other areas of the world, including Mexico and Canada, Africa has never been afforded a similar opportunity—never. I believe the African Growth and Opportunity Act will significantly alter our trade relationship with Africa, while also providing these countries with the beginnings of the means for positive and substantial economic reform.

I will take this opportunity to address some of the highlights of this legislation.

First, the legislation provides duty and quota-free access to U.S. markets for certain textiles and apparel. This provision should not adversely affect the domestic apparel industry since African exports of these products—and listen to this carefully —account for less than 1 percent of our total imports.

We are opening our door to 48 nations in the poorest region of the world for something that amounts to less than 1 percent coming into our Nation. That is why I said at the outset of these remarks that it is not the magnitude of the trading relationship that will happen or the dollar amount that will exchange hands, but for the first time we will recognize this part of the world as an important part of the world, and one that needs our help.

There is not enough money in the appropriations bucket to draw upon to provide the kind of relief these people need in these 48 nations. We cannot do that, but we can begin to give them the opportunity of access to a tiny percentage of our market, and offer some hope and relief to millions of people.

We should not do it without regard to the interests of our own people. I listened carefully to the remarks of my good friend and colleague from South Carolina. He speaks with great passion about the people he represents in his State. There are thousands of others across this country who earn a living every day in the apparel and textile industry. None of us ought to disregard their interests. Our responsibility, first and foremost, must be to our own people.

In this piece of legislation, we protect American workers. In a few short years, if we fail to adopt the measure before us, the quotas that are presently allowed in trade bills with the Pacific Rim countries will come to an end. Once that has come to an end, the markets will open up and a domestic content requirement will not be necessary. Literally thousands of jobs that today find a home in the textile and apparel industry in this country could be lost forever.

One of the things I admire about the authors of this bill is—and they truly deserve our commendation—the fact that not only have they found a way to provide some meaningful economic opportunity for millions of people in some of the poorest parts of the world, if not the poorest, but they have also done so in a way that takes into consideration the needs of our own people. It is a well-balanced piece of legislation. I strongly support their efforts.

To address the serious problem of transshipment of apparel products, this legislation also establishes strict provisions to curb the practice of transshipment of products from one place to another. Beneficiary countries must adopt a visa system to guard against illegal transshipment and the use of counterfeit documents.

In addition, countries are also required to enact regulations that would allow the U.S. Customs Service to investigate alleged cases of transshipment. To that end, almost $6 million has been authorized to assist the Customs Service in these efforts and to provide technical assistance to African nations which will help them combat transshipment. Furthermore, if a country is found to be engaging in illegal transshipping activities, it may be denied benefits for up to 5 years, a significant penalty. I again commend the authors for the inclusion of that provision.

In the event the U.S. apparel industry suffers economic injury or a threat of economic injury due to a surge in imports, a so-called ''snap-back'' provision has been included in this bill that would set duties back to their non-preferential levels. The President of the United States has been granted authority to monitor African imports, and he has the right to initiate investigations to determine whether imports are harmful to domestic producers.

Second, the bill enhances the 1984 Caribbean Basin Initiative by promoting economic growth in this region. Like the benefits accorded the sub-Saharan African nations, the enhanced Caribbean Basin Initiative will grant duty and quota-free treatment to apparel and textiles made from U.S. yarn and fabric. Benefits have also been extended to products not currently included under the Caribbean Basin Initiative, including footwear, tuna, and watches.

Strict transshipment provisions also apply to these CBI nations. The legislation similarly calls on these nations to institute effective Customs programs to prevent illegal transshipment. Moreover, it establishes a ''one strike and you're out'' provision. Should an exporter be found to have illegally transshipped apparel or textiles from a Caribbean Basin Initiative nation into the United States, the President has the authority to deny benefits to that exporter for up to 2 years and who may be required to remit payment totaling three times the existing textile and apparel quotas.

I cite the details of this because it is important our colleagues understand that the authors have been very careful to write into this legislation provisions that will guard against the very things of which the bill is being accused.

Is it perfect? Will there be those who may try to take advantage of this? I am certain there will be, but the overall benefits of this legislation with the provisions to guard against illegal activities certainly warrant support of this bill, given the good and beneficial provisions included in it that should provide the relief I mentioned earlier.

I am pleased the conference report includes language that links trade benefits to countries' commitment to eliminating one of the worst forms of child labor. We can thank our colleague from Iowa, Senator HARKIN, who

cares deeply about this issue and helped write, I gather, some of the provisions dealing with it. The bill also bans imports of products made with forced or indentured child labor.

This morning, President Clinton issued an Executive order that adds a provision that was dropped in conference making AIDS and HIV drugs more readily available to African nations whose people have been so ravaged by this deadly disease.

I note the presence of our colleague from the State of Wisconsin who has spoken eloquently about the issue of AIDS and the importance of trying to do more to alleviate the overwhelming problems that have crippled literally millions of people in many of these nations.

This is not to say this is a perfect conference report, as I said earlier, and I am disappointed the conferees did not include funding for similar trade preferences to the nation of Colombia. My good friend and colleague from New York heard me talk about this. I believe I overextended my friendship with him by calling on numerous occasions to see whether or not we could include Colombia as part of this package.

I note my colleague from Florida, as well, who spent countless hours to find ways to provide some meaningful alternative economic opportunities for the people of Colombia who today are presently engaged, in far too many cases, in the growth and production of narcotics products. Unfortunately, they end up, too often, in the cities of our Nation, where drugs and narcotic trafficking is a huge problem. My hope was, by including Colombia, in addition to the other provisions that will soon be debated in the Senate, we would have been able to provide a meaningful economic alternative for these people who today engage in the drug production and trafficking in that country. My hope is, in the near future, we will move to the Andean agreements which are up for reauthorization and that Colombia can be included, along with her neighboring countries.

This legislation is about helping countries help themselves by strengthening their economies. It is increasingly difficult to find funds even for the most worthy of aid initiatives. Trade, not aid, has been the answer to a country's well-being.

While industrialized nations of the world have benefited from U.S. trading policies, it is time we offer less fortunate nations of the Caribbean and sub-Saharan Africa comparable opportunities.

In the year 2005, pursuant to the GATT rule, all WTO member countries will gain quota-free access to our markets—quota-free access in 5 years. CBI enhancement and the African Growth and Opportunity Act, if enacted, will allow countries in those regions to better prepare for that day and to equip them to become full trading partners in the global economy during the next decade.

If we do not do it and we have the quota-free access to our markets, then I do not think anything we can do 5 years from now will provide any relief economically whatsoever for the 48 nations of the sub-Saharan region and the more than two dozen nations in the Caribbean Basin that will benefit as a result of this legislation.

So, again, I commend Senator ROTH, who is not here with us today—but we certainly think of him and recognize his leadership on this issue—and, as I said, Senator MOYNIHAN, who will more than likely be dealing with one or two of the last trade bills of his tenure in the Senate. But it is worthy of him, in the waning days of his career here, that he would fight as hard as he has to see to it this legislation would have a full hearing, debate, and an opportunity for passage in the Senate.

Lastly, may I say, again, we are a great and wonderful nation. We like to think of ourselves as a generous and good people. While I said a moment ago that it is far more important that we consider the impact of anything we do on our own people, it is, I think, in the hearts and spirits of all Americans that we try to reach out and help others.

I had the wonderful privilege of serving as a Peace Corps volunteer back in the 1960s when I graduated from college. It was a seminal event in my life—a life-changing experience, to learn from a distance, in a way, how our country was thought of. Despite the difficulties of the day that raged in Southeast Asia, and our own difficulties here at home, we were thought of, in the nation that I served in, as a good people, a giving people.

As we begin this century, as I mentioned earlier—the 21st century—we have an opportunity, with this bill, to say to millions of people, the most desperately poor people in the world, that this, the greatest nation of all, is willing to extend a hand, a helping hand. We must help them to get on their feet, to provide the kinds of tools that will make it possible for them to achieve economic opportunity, to enhance the cause of democracy in these nations, which can never survive in the absence of some economic growth and opportunity. With this legislation we are doing ourselves and future generations, in this Nation and around the world, a great favor, indeed.

I commend the authors of the bill. I strongly support its adoption and hope this small but meaningful effort will begin to make a difference in the lives of millions of people in Africa and in the Caribbean Basin.

I yield the floor.

• Mr. ROTH. Mr. President, I want to express my strong support for the conference agreement on H.R. 434, the Trade and Development Act of 2000. Senate passage of the conference agreement would mark the first significant trade legislation to pass both Houses of Congress in close to a decade, other than the implementation of trade agreements under special fast track procedures. As such, the bill represents a powerful statement regarding America's leadership on trade.

The conference agreement—and the House's 309–110 vote—vindicates the approach that we took in the Finance Committee and here in the Senate this past November. Our goal was to create a ''win-win'' approach to the Africa and Caribbean trade preference programs that would ensure benefits to American firms and workers as well as to our trading partners in those two regions. The conference report does just that.

The conference report retains those provisions of the bill that the textile industry's own analysis suggested would produce an additional $8 billion in sales of American fiber and fabric and create an additional 120,000 jobs. Those provisions—commonly known as ''807A'' and ''809''—were adopted without revision by the conferees. Those provisions require that all textile components assembled into apparel articles benefiting from those provisions must be made from U.S. fabric, unless subject to certain de minimis exceptions specified in the conference agreement.

Where the conference agreement broadens the benefits available to our trading partners beyond those included in the Senate-passed legislation, the provisions create discrete categories of apparel that may benefit from the use of regionally-produced fabric, and in certain limited instances, fabric from third countries used by the least developed countries in Africa. That said, where the conference agreement does expand those benefits for Africa and the Caribbean, it also creates new opportunities for U.S. interests as well. For example, the conference agreement's rules of origin expressly provide for the use of American yarn, which relies on American cotton, for regionally-made knit fabric that can be used in apparel articles destined for the U.S. markets under the benefits provided by the conference agreement.

The conference agreement deserves the Senate's support. The conference agreement represents an attempt to reach out and provide not just a helping hand, but an opportunity—an opportunity for millions around the world to seize their own economic destiny.

Africa has for too long suffered from our neglect. The continent faces daunting political, economic and social challenges. Yet, African leaders are seizing the opportunity to press for political and economic change. The same holds true in the Caribbean and Central America. The changes in the region since the original CBI legislation passed in 1983 have been dramatic. Our goal must be to support those changes.

The goal of the Trade and Development Act of 2000 is to meet Africa's leaders and those in the Caribbean and Central America half way. It is not a panacea for problems they face; rather, it is a small downpayment—an investment—in a partnership that I hope we can foster through our actions here.

This is a measure that is supported by every African and Caribbean government. It represents a commitment by leaders in both regions to a stronger economic relationship with the United States, and that street runs both ways. Our exports to the Sub-Saharan region of Africa, for example, already exceed by 20 percent our exports to all the states of the former Soviet Union combined. We furthermore run a regular surplus in our trade with the Caribbean and Central America. In other words, in helping Africa and the Caribbean, we are also helping ourselves.

The conference agreement will also serve as an agent of positive change.. The eligibility criteria in both the Africa and CBI provisions are expressly designed to foster economic opportunity and political freedom. That includes the criterion added here in the Senate by a vote of 96–0 obliging beneficiaries of these two programs, as well as the Generalized System of Preferences, to implement their international obligations with respect to the elimination of the worst forms of child labor, such as slavery, indentured servitude, and prostitution.

For those who would argue that the bill creates incentives to transship third country fabric through either Africa or the Caribbean, the conference agreement has a response that was worked out in close consultation with the Customs Service and all other interested parties. To protect against customs fraud designed to gain access to the program illegally (commonly referred to as ''transshipment''), the conference agreement contains unprecedented protections. They include requirements that the beneficiary countries, with U.S. technical assistance, develop their own effective enforcement infrastructure to combat transshipment and cooperate fully with the U.S. Customs Service in its investigation of alleged customs fraud. In addition, with respect to any individual exporter found fraudulently to have claimed the trade benefits extended under the conference agreement, the conference agreement would expel the exporter from eligibility for the program's benefits. The conference agreement would also authorize the appropriation of funds necessary to improve the U.S. Customs Service's investigation of transshipment generally, in order to contribute to the success of the program's benefits.

For those who have expressed their concern that the new programs will lead to a flood of new imports at a time when the U.S. industry is already under economic pressure to adjust due to agreements reached in the Uruguay Round, the conference agreement has a response as well. First, the rules of origin under the conference agreement largely reflect the approach we adopted in the Senate, one that favors the use of American fabric. That means that any increase in imports will necessarily imply an increase in sales of American textiles. Second, the conference agreement also provides a mechanism by which domestic producers of apparel articles competing with those imported under these program can obtain temporary relief from unexpected surges in particular categories that threaten serious injury to the competing domestic industry.

The conference agreement would add certain other provisions that I believe will strengthen the prospects for success. For example, with respect to Africa, the conference agreement encourages the negotiation of new trade-liberalizing agreements with interested Sub-Saharan Africa trading partners that would build on the foundation that the conference agreement establishes, and toward that end the conference agreement makes permanent the position of Assistant United States Trade Representative for African Affairs.

The conference agreement also includes a variety of other measures that address other aspects of the challenges facing Africa and other aspects of our economic relationship with the continent. Those include a sense of the Congress resolution regarding the need for comprehensive debt relief for the world's poorest countries (most of which are in Sub-Saharan Africa); the targeting of U.S. technical assistance to foster the goals of the conference agreement with respect to Sub-Saharan Africa; encouraging the development of a special equity fund for fostering investment in Africa at the U.S. Overseas Private Investment Corporation; directing the expansion of U.S. Commerce Department initiatives designed to foster the development of African markets for U.S. exports; the donation of air traffic control equipment no longer in use in the United States to eligible Sub-Saharan Africa countries; a sense of the Congress relating to efforts to combat desertification; and authorization of a study regarding potential improvements in Sub-Saharan agricultural practices.

With respect to the Caribbean and Central America, the conference agreement adds provisions designed to foster the success of the initiative as well. Those include encouragement to enter into negotiations with interested trading partners on trade agreements that would liberalize two-way trade further and directions to the President to organize regular meetings of the U.S. Trade Representative with trade ministers from the region to eliminate obstacles to a stronger economic relationship between the United States and our trading partners in the region.

The conference agreement contains a number of other trade-related provisions that are worth noting. Those includes the permanent establishment of a special representative on agricultural trade at USTR and a statement of agricultural trade negotiating objectives that we hope will shape the agenda for the ongoing trade talks in the World Trade Organization on agriculture.

The conference agreement also provides a boost to our review of trade adjustment assistance programs to ensure that they are operating effectively. While the conference agreement does not include the Senate amendment expanding our farmers' access to TAA programs, it does highlight the need to review our current TAA programs with a view toward to ensuring that those programs do provide benefits to farmers as those programs were originally intended to do when established in 1962. That review is already under way within the Finance Committee.

The conference agreement would also extend permanent normal trade relations to Kyrgyzstan and Albania. Kyrgyzstan deserves special mention because it is the first of the former Soviet republics, apart from two Baltic countries, to join the World Trade Organization. It has also made considerable progress toward a market economy and political pluralism. Establishing stronger trade links with the Kyrgyz republic is designed to foster a stronger relationship on a broader front, both economically and politically.

I would also like to express my support for those provisions of the conference report designed to address the tariff inversion affecting the suit-making and fabric industries in this country. I have worked with a number of Senators for the past six months to forge this compromise that would address the concerns of both the domestic suit-makers, fabric-makers, and wool growers. I am particularly proud that the compromise was reached on the basis of tariff cuts that benefit all of the parties. The conference agreement resolves a difficult problem that has undermined the competitiveness of all sides of the U.S. industry and I am pleased that we have been able to reach an agreement that should foster both stronger suit-makers and stronger fabric-makers, as well as assist our sheep industry in developing new markets for its wool fiber.

I would also like to note my disappointment that we were unable to agree on a way to make further progress in addressing the scourge of AIDS affecting so many African countries. I worked for several months to reach a compromise with both sides of the debate regarding the supply of patented drugs to combat AIDS-related

disease, but that effort went unrewarded. I would have hoped that the conference report would have gone further, particularly where we had worked on what I thought were constructive potential compromises, but I am certain that there will be other opportunities in this Congress to rejoin those discussions.

Any conference agreement is, by its nature a compromise. In this instance, I am convinced that the conference agreement is the stronger for it. While we did not accomplish all that I hoped, this conference agreement represents an incredible accomplishment.

For that, I particularly want to thank the majority leader for his commitment to this process. I want to convey my special thanks to my esteemed colleague, the ranking member of the Finance Committee, Senator MOYNIHAN, for his leadership throughout this process, to Senator GRASSLEY, chairman of the Subcommittee on International Trade, for his sustained contribution, and to the other Senate conferees.

I also want to applaud the efforts of our counterparts on the House side, from the chairman and ranking member of the Ways and Means Committee, Congressmen ARCHER and RANGEL, to the chair and ranking member of the Ways and Means Trade Subcommittee, Congressmen CRANE and LEVIN, and to the Speaker of the House, Congressman HASTERT. They made this conference agreement a reality.●

Mr. MOYNIHAN. Mr. President, I see my friend from Florida is here, so I am happy to yield to him.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I need only a few minutes to respond to a couple previous remarks. I will not take very long, I say to the Senator from Florida.

Mr. President, I want to, first of all, follow up on a comment that Senator DODD and Senator MOYNIHAN made about Colombia and including it in the Caribbean Basin Initiative. I was hopeful we could do that. I sent several communiques to the leaders about doing that. I am sorry it could not be done in this conference agreement. I hope we get an opportunity this year to include Colombia as a beneficiary country in the Caribbean Basin Initiative program because I think it will help the economy of Colombia, help them overcome the civil distress they have there, even more than the aid that we currently give to Colombia, although that aid is very necessary.

I also want to make a short comment on the effort put forth by the Senator from California, Senator FEINSTEIN, to explain the situation with AIDS in Africa, and her attempt to help relieve that terrible situation through the AIDS provision she included in the Africa trade bill. I applaud my distinguished colleague, the senior Senator from California, for her great concern for the victims of the AIDS disaster in Africa. We all could not help but be deeply moved by her presentation and the compassion that she expressed this morning.

I supported Senator ROTH's efforts to seek a compromise on her provisions that would have been acceptable to the House. The Senator from California, as well as Senator ROTH, have performed a great service in bringing this issue to our attention and in trying to do something about it.

Then lastly, I will say a few words on the comments made by Senator HOLLINGS, in his long and very thorough presentation of his point of view—which I disagree with, or at least his conclusions.

He is a distinguished Senator with great knowledge on this particular issue. I think he is wrong in opposing the bill because he says that this conference report will devastate the U.S. apparel industry.

Sub-Saharan Africa currently supplies less than 1 percent of the total value of apparel imports to the United States. Under the most optimistic circumstances, the recent analysis by the nonpartisan International Trade Commission shows that passage of this legislation would increase apparel imports to this country from sub-Saharan Africa by about 3 percent. Most, if not all, of this increase would come at the expense of Far Eastern suppliers, not the U.S. manufacturers.

Again, let me emphasize, that is from the nonpartisan—at least bipartisan—International Trade Commission. The legislation in the conference report establishes a mechanism under which domestic producers can petition for relief from import surges that threaten serious injury.

Under these provisions, tariffs could be reimposed in limited instances in which a domestic producer could establish a meritorious case. So we have that option just in case the analysis made by the International Trade Commission might be wrong. I do not think it is going to be wrong. In fact, I have great confidence their predictions will not be wrong. But just in case there are some unexpected import surges, our legislation provides for a petition for relief in those instances.

Furthermore, we have the industry's own analysis. It suggests that this legislation will create an additional 120,000 jobs, largely due to provisions requiring that all apparel items benefiting from provisions contained in the Caribbean Basin Initiative portion of this legislation must be assembled by textile components using U.S. fabrics.

More generally, I want to say a word about the idea that free trade has not provided economic benefits to the average American. I want to quote from the economic report of the President, who is, of course, a member of the same party as the Senator from South Carolina.

The President's own economic report for fiscal year 2000 shows that, because of trade agreements that have liberalized trade and opened new markets, the average American has realized an annual economic benefit of $1,000 every year since 1963. Since we traditionally measure economic benefits by how they affect families, with a family of four, that is an annual benefit of $4,000 per family.

Think in terms of what we have tried to do for families through proposals for tax cuts. That amount of $4,000 is far more than any tax cut that we have debated in the Congress. The idea that the average American does not benefit from free trade is simply not true. My source of that information—I tell the Senator from South Carolina—is the leader of his party, President Clinton, making those statements in his own budget document.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, since the early 1980s, the United States has implemented a logical series of policy initiatives with respect to the nations of the Caribbean Basin.

First, in 1983, we enacted the Caribbean Basin Initiative, CBI, to stabilize the region by building stronger, more diverse economies. This initiative had the added goals of enhancing national security, and reducing the flow of illegal drugs and illegal immigrants into the United States.

Second, after the enactment of NAFTA in 1993, we moved to ''level the playing field,'' for the CBI region by further enhancing our trade relationship with the CBI nations. Today, after 7 years of debate, we will vote on the final passage of this measure.

Third, we have responded quickly and compassionately to a number of humanitarian crises in the CBI region; most recently to Hurricanes Mitch and Georges, which caused unprecedented damage and misery in many Latin American nations.

And finally, we now look towards 2005, a year that will bring the expiration of the Agreement on Textiles and Clothing and the implementation of the Free Trade Area of the Americas, both of which will significantly affect trade relations throughout the Western Hemisphere. Today, I will discuss the importance of the legislation before us, as well as the future of our relationship with some of our most important neighbors.

I am very pleased that the full Senate is now considering the conference report on H.R. 434, which includes a number of trade enhancement measures, including the Africa Growth and Opportunity Act and Caribbean Basin

Trade Enhancement. Although I fully support all the measures in this package, I have a particular interest in the United States-Caribbean Basin Trade Enhancement Act. Since the passage of NAFTA put our Caribbean neighbors at a competitive disadvantage, I have worked to enhance the Caribbean Basin Initiative that was originally passed in 1983. I thank Senators ROTH, MOYNIHAN, and LOTT for their support in bringing this important piece of legislation to the floor, in addition to their tireless work with the Senate and House conferees to reach agreement on a number of provisions included in this bill.

Over the past 7 years, I have worked to enhance and build upon our existing trade relationship with our neighbors in the Caribbean Basin region. Three times, in 1993, 1995, and 1997, I introduced CBI enhancement legislation to achieve this important goal. On February 3, 1999, in response to the overwhelming devastation and destruction caused by Hurricane Georges and Hurricane Mitch, I introduced the Central American and Caribbean Relief Act. This bill represented a broad and comprehensive strategy to provide immediate disaster relief, economic and infrastructure recovery and development, and long-term trade enhancements that would benefit both the United States and the countries in the region well into the new millennium.

Although we passed legislation in March 1999 that provided immediate disaster relief to the countries in the region that were impacted by Hurricanes Georges and Mitch, I am pleased that we are now considering final passage of a bill that includes many of the long term trade enhancement provisions I introduced in the Central American and Caribbean Relief Act. Trade is the best form of aid. Enacting this legislation is critical to the continued economic health of our nation and the economic health of our closest neighbors in the Caribbean and Latin America. It is also in our national security interests.

There are many compelling reasons to pass this legislation. The first is humanitarian. I have made three trips to the region in the year following the devastation of Hurricane Georges and Hurricane Mitch. I know that many of my colleagues have also seen the destruction caused by these hurricanes. These two destructive storms caused a level of death and devastation not seen in this hemisphere in over 200 years.

We have all heard of the tremendous loss of life, economic disruption, and human suffering caused by these hurricanes. As a neighbor, a friend, and a great nation, we have an obligation to respond with assistance that will help the region recover as rapidly as possible.

A second reason to pass this legislation is economic: CBI enhancements are in the best economic interest of the United States. Experience shows us that providing trade benefits to the Caribbean basin in good for the United States. Following enactment of the Caribbean Basin Initiative in 1983, our trade position with the region improved from a deficit of $3 billion in 1983 to a surplus of nearly $3.5 billion in 1998. Between 1983 and 1998, U.S. exports to the region increased fourfold, while total imports into the U.S. from the region grew by less than 20 per cent. On a per capita basis, our trade surplus with the CBI region has consistently out-paced our trade surplus with any other region of the world. In fact, since 1995, U.S. exports to the CBI countries have increased by approximately 32 percent. Over 58 million consumers in the 24 countries in the CBI region purchase 70 percent of their non-oil imports from the United States.

Yet another reason to strengthen the Caribbean economy is the stability of our closest neighbors. In 1983 the Caribbean Basin, which includes Central America, was a region inflamed with violent conflicts and rampant drug trafficking. The primary goal of the initial CBI legislation was to stabilize the region by building stronger, more diverse economies, and to enhance our national security by reducing the flow of illegal drugs and illegal immigrants into the United States.

While everyone can agree that the region's worst days are behind it, we have a continued national security interest in the Caribbean Basin—such as stemming the flow of illegal drugs into the United States. Without assistance to restart the regional economy and make it possible for people to provide for their families, the nations in the region will be even more susceptible to the scourge of drug trafficking. The people of the region must have opportunities in the legal economy so that they may feed their families and resist the financial temptations associated with drug trafficking.

In addition, failing to enact CBI enhancements will increase the pressure for migration to the United States. The people of the region must have real opportunity at home so that they are not forced to flee in order to find employment and feed their families.

Passage of this legislation is not only critical to ensure that the Caribbean Basin is no longer negatively affected by NAFTA, but it will also boost the region's long-term competitiveness with Asian nations, particularly in the textile industry.

Although current CBI textile production costs are somewhat higher than costs in Asia, the textile products of most Asian nations are currently subject to quotas imposed by the Multi-Fiber Agreement, now known as the Agreement on Textiles and Clothing. This restriction on Asian textiles has enabled the CBI region to remain competitive, and further, the CBI region has become a significant market for fabric woven in U.S. mills from yarn spun in the U.S. originating from U.S. cotton growers.

However, in 2005, the Asian import quotas will be phased out. At that time, textile production in the Caribbean basin will be placed at a distinct and growing disadvantage. Disinvestment in the region will occur, reducing the incentive to use any material from U.S. textile mills or cotton grown in the United States.

That is why passing CBI enhancement legislation now is critical to the U.S. textile and yarn industries, as well as to the U.S. cotton growers. Sixty-four thousand U.S. textile workers depend on our partnership with the Caribbean. Overall, four hundred thousand U.S. jobs are dependent upon textile exports to the CBI region. Only by providing incentives for the development of strong relationships with apparel manufacturers in our hemisphere will we have any chance to maintain a market for U.S. cotton and textiles after the Asian quotas are eliminated in 2005.

Inherent in our CBI enhancement efforts are public and private investment incentives that will increase productivity and the quality of life within the region. We anticipate the textile industry will provide investment capital targeted for the construction and maintenance of schools, health and child care facilities, and technology enhancements to increase the productivity of both workers and existing manufacturing facilities. A well trained and healthy workforce will be more productive and efficient as Caribbean basin producers compete for shares of the international textile market.

Mr. President, we are about to make a fundamental decision that will impact twenty-seven of our closest neighbors. The choice is clear, stark and beyond reasonable debate. Will we engage or will we retreat? I urge my colleagues to extend this assistance to our neighbors in order to expand commerce and promote economic and political stability in the region.

With the final passage of this legislation, we have an unprecedented opportunity to strengthen our economic and national security through the enhancement of our trade relationship with our neighbors in the region. We must act prior to 2005 to build a dynamic, formidable Western Hempishere trade alliance that encourages U.S. industry to invest in the region and to make commitments to rebuilding the industrial infrastructure in the region.

There are a number of additional initiatives, both at home and abroad, that we should aggressively pursue in order to build a true ''partnership for success'' with both the Caribbean and the other nations of the Western Hemisphere. Mr. President, as we take the

first step in this process today in passing CBI enhancement legislation, let me outline and advocate a comprehensive strategy for economic growth and development throughout our hemisphere.

First, here in the U.S., we should move quickly to modernize and improve both the facilities and organizations that manage our international trade.

For example, in recent years, the variety of trade and commerce that are carried out at seaports has greatly expanded. This continuing growth of activity at seaports has increased the opportunities for a variety of illegal activities, including drug trafficking, cargo theft, auto theft, illegal immigration, and the diversion of cargo, such as food products, to avoid safety inspections.

In 1998, I asked the President to establish a federal commission to evaluate the nature and extent of crime and the overall state of security in seaports, and to develop recommendations for improving the response of federal, state and local agencies to all types of seaport crime. In response to my request, President Clinton established the Interagency Commission on Crime and Security in U.S. Seaports on April 27, 1999.

Although the Commission will soon release its final report, it has already identified at least four preliminary recommendations for improving seaport security:

First, we should establish minimum security guidelines for all U.S. seaports. These would include uniform practices for physical security, certification for private security officers at seaports, guidelines for restricting vehicle access to seaports, and other, similar measures.

Second, local ports should establish and maintain local port security committees, made up of federal, state, and local agencies with trade and law enforcement responsibilities at seaports. These committees would discuss and develop solutions for issues related to port security. For example, a joint initiative among state and local police departments in South Florida, the FBI, and the Customs Service, known as the Miami-Dade County Auto Theft Task Force, has been very successful. In the last 3 years, this task force has recovered 851 stolen vehicles valued at $19 million.

Third, federal, state, and local law enforcement agencies should conduct cooperative, interagency threat assessments for seaports within their jurisdictions, with an eye towards coordinating their efforts to combat criminal activity.

And finally, we should encourage the development and deployment of new technologies that would further assist law enforcement and trade officials in carrying out their missions at the ports. Currently, few ports employ measures such as security cameras, carbon dioxide detectors, vessel tracking devices, or enhanced x-ray equipment, all of which could assist law enforcement personnel in accomplishing their mission. Enhanced technology will not only facilitate the movement of legitimate trade, but will also assist in the rapid detection of criminal and terrorist activities.

The second critical domestic initiative is the modernization of the U.S. Customs Service. On a typical day, dedicated Customs officers in over 900 U.S. field locations and 34 foreign offices perform multiple tasks associated with the successful performance of the agency's mission. This includes the examination of 550 vessels, 45,000 trucks, 344,000 vehicles, and 1.3 million passengers.

Perhaps even more important, Customs officers seize over 4000 pounds of narcotics and $1.2 million in drug money in a day, and they make 67 criminal arrests of those involved in a various illegal activities, including drug running and money laundering. And finally, in their role as facilitator of U.S. trade, Customs processes over 58,600 import shipments worth $2.6 billion, monitors 27,000 export shipments, and collects over $60 million of revenue per day.

It is vital that the automation systems upon which Customs relies to perform its mission-critical functions be up-to-date and capable of handling the ever-increasing pressure on the Service. And this is the problem.

Currently, the Customs Service relies on severely aging automation systems. In particular, Customs Automated Commercial System (known as ACS), which is at the core of their trade enforcement and compliance functions, and is over sixteen (16) years old, is increasingly susceptible to short-term ''brown-outs'' and long-term failure. With an ACS system failure, even for a few hours, the Customs Service's responsibility for protecting American borders becomes significantly more difficult.

Commissioner Kelly and the Customs Service are ready to move forward with the modernization of their information technology systems. They have determined the funding requirements to accomplish their modernization goals in the most cost-effective fashion. Customs will require $12 million for the remainder of fiscal year 2000, and they have requested $338.4 million for fiscal year 2001 in order to complete this project.

The importance of Customs modernization cannot be overstated; it is a fundamental component of moving U.S. trade policy into the 21st century. I urge my colleagues to support Commissioner Kelly in his effort to streamline and modernize the Customs Service, and to fully fund this critically important initiative.

Third, we must pass legislation that recognizes the comprehensive role of the Customs service in both trade facilitation and law enforcement. Both the Senate and the House have passed bills to reauthorize the U.S. Customs Service. Both bills would provide Customs with the necessary funding it requires to perform its multi-faceted functions of drug interdiction, passenger and cargo inspection, and trade facilitation.

Both bills enhance drug interdiction and investigative efforts, the facilitation of international trade, the targeted use of sophisticated technology, the efficient allocation of assets and resources, and the enhancement of Customs internal affairs functions. In addition, the Senate bill directs the Customs Service to establish performance goals and indicators, as well as priorities and objectives by which we may evaluate the effectiveness of Customs operations.

I urge both chambers of Congress to resolve quickly the differences between the two bills, and to pass a comprehensive Customs Reauthorization Act as a demonstration of our commitment to support the first line of defense against the flow of drugs and drug money across our borders, and boost the first line of offense in promoting trade.

In the interest of expanding trade and economic development throughout the Western Hemisphere, there are a number of legislative initiatives already under consideration by the Senate that should be finalized and passed before we complete our business this year.

As I have already stated, the primary goal of the Caribbean Basin Initiative (CBI) was to stabilize the region by building stronger and more diverse economies, encouraging growth in international trade, developing a strong economic relationship between the U.S. and the region, and creating employment opportunities in the legitimate economy as an alternative to drug trafficking.

In 1991, after 8 years of resounding success in the CBI region, Congress passed the Andean Trade Preferences Act (ATPA), providing CBI-like trade benefits to the countries of Bolivia, Colombia, Ecuador, and Peru. In the nine years following enactment of ATPA, U.S. exports to the Andean region have more than doubled, from $3.9 billion in 1991 to nearly $9 billion in 1998. U.S. exports to Colombia account for over half of this increase, growing from $2 billion in 1991 to $4.8 billion in 1998. During the same time period, Andean exports to the U.S. increased by almost 80 percent.

In the wake of the Asian financial crisis, Colombia and its Andean neighbors are struggling with issues similar to the challenges of the CBI region—only much worse. After more than 60 years of sustained growth, Colombia is

experiencing its worst economic recession since the 1930s. Unemployment in Colombia is at an historic high of 21 percent; the Colombian economy is suffering from three consecutive quarters of negative growth. The economic downturn in Colombia has harmed both foreign and domestic investor confidence in the Andean region.

Drug trafficking is undermining the democratic foundations of the Andean region. The Office of National Drug Control Policy (ONDCP) recently released information indicating Colombian coca cultivation has increased 140 percent over the past five years. More than 300,000 acres of coca are currently under cultivation in the jungles and mountains of Colombia. Actual cocaine production in Colombia has risen from 230 metric tons to 520 metric tons, a 126 percent increase in the same five year period. ONDCP estimates that 80 percent of the cocaine available on our nation's streets was cultivated on Colombian farm land, processed in Colombian drug labs, or smuggled into the U.S. through Colombia's roads, rivers, and air space.

The people of the Andean region are also suffering from the rampant guerilla violence that plagues Colombia and threatens the stability of the entire Andean region. In 1998, there were over 21,000 murders and 1,100 kidnapings in Colombia. Ninety percent of these murders and kidnapings were related to the armed conflict between the Government of Colombia and the anti-government insurgent groups who control almost 40 percent of the country, are heavily involved in cocaine and heroin trafficking, and who regularly violate the national sovereignty of their Andean neighbors.

Colombia's best and brightest citizens are leaving their homes in record numbers. Since 1995, over 1 million Colombians have fled their country to escape the drug and guerilla related violence that threatens the entire region. In the last year alone, more than 100,000 Colombians have moved to South Florida. Seventy percent of the Colombians displaced by the violence and terror in their country will never return to Colombia.

In response to this crisis, the government of Colombia has formulated Plan Colombia. The administration, in turn, has responded generously to Colombia's needs by considering a supplemental appropriations package of more than $1.6 billion to help the country in this time of crisis. This will supplement over $4.0 billion being spent by Colombia itself.

Fundamental to Plan Colombia, and to the government's ability to succeed in its efforts to safeguard the country, will be efforts to encourage economic growth and provide jobs to the Colombian people. Without new economic opportunities, more and more Colombians will turn to illicit activities to support their families or seek to join the growing numbers of people who are leaving the country to find a better, safer future for their families.

As part of its Colombian assistance package, the administration has proposed $145 million over the next 2 years for alternative economic development targeted toward Colombian coca and poppy growers. Although agricultural reform is an important component of the administration's plan, agricultural programs alone are insufficient in addressing the alternative development needs in the Andean region. Again Mr. President, trade is the best form of aid.

The United States is at a critical juncture with its neighbors in the CBI and Andean regions. As we enhance our trading relationship with our partners in the Caribbean by passing the legislation under consideration today, we must also work to expand and enhance our trading relationships with the countries of the Andean region. Currently, under ATPA, Bolivia, Colombia, Ecuador, and Peru enjoy the same trade benefits that we currently extend to the CBI region. However, upon final passage and enactment of CBI enhancements, our Andean trading partners will be at a competitive disadvantage.

To promote economic growth and regional stability, the Congress must consider additional trade measures that benefit the Andean region. First, the Congress should grant early renewal of ATPA. Early renewal of this important trade agreement will signal the United States' support of Colombia's economic reform efforts, and will boost the confidence of both domestic and international investors in pursuing business opportunities that create jobs and enhance international trade in Colombia and the Andean region.

Second, the Congress should consider granting CBI parity to the ATPA beneficiaries. During 1999, Colombia and its Andean neighbors exported approximately $562 million in textiles and apparel to the United States. While insignificant in comparison to the $8.4 billion in textile and apparel exports originating in the CBI region, Andean textile and apparel production sustains more than 200,000 jobs in Colombia alone—valuable jobs in the legitimate economy. Absent CBI parity, the Andean region will find itself at a significant competitive disadvantage with the 27 countries of the CBI region.

Third, the Senate should approve passage of the administration's supplemental assistance package for Colombia. The proposal responds to an emergency situation, expresses a strong U.S. commitment to Colombia, and complements other key elements of Plan Colombia. I believe that it will help mobilize higher levels of commitment from the Colombian government and the private sector, and will catalyze and sustain multilateral efforts of support for Colombia.

As we consider the final passage of CBI enhancements, as well as the President's Colombian aid package, the United States has an unprecedented opportunity to make significant accomplishments in regions ravaged by natural disasters, economic contraction, and the scourge of drug trafficking. However, as we make the fateful decisions, we must recognize that the dollars we spend on eradication and interdiction will be wasted unless the expansion and enhancement of international trade is included as a critical component of an effective economic assistance and counter drug strategy.

We must also aggressively pursue the Fee Trade Area of the Americas, which will put in place the future framework for trade in our hemisphere. We cannot afford to fail in this task, and I am encouraged by the progress that has been made up to this point.

Last year, Congress passed my resolution stating that Miami should host the permanent Secretariat of the Free Trade Area of the Americas. Coupled with the passage of the trade legislation under consideration today, these actions indicate that the United States Congress still believes that opening markets and expanding economic links abroad are in our national interests. We must continue to demonstrate our leadership in this movement.

There is also much that can and should be accomplished by our Caribbean partners to ensure that their end of the international trading system is as efficient as it can be. They must work to ensure the efficiency of their seaports, airports, and transportation systems. We can help with technical assistance. International institutions such as the World Bank and the Inter-American Development Bank can use their assistance programs to promote efficiency and increase investment in the textile and apparel sector of the Caribbean economy. We can also work with these institutions and industries to ensure that internationally recognized labor rights are respected. Such initiatives will continue to build a consensus in the U.S. and aboard on the benefits of expanded trade.

Upon final passage of CBI enhancement legislation, we will begin the important process of establishing a true ''partnership for success'' with some of our important neighbors. Mr. President, the action of the Senate today is a good start, but is only the beginning. I urge my colleagues to look towards the future, and to take advantage of the real economic benefits that can be achieved by further enhancing our relationship with the nations of the Western Hemisphere.

TRIBUTE TO NAVY CAPTAIN GEORGE STREET

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute

to an outstanding officer of the U.S. Navy.

Captain George Street, a World War II submarine war hero and Medal of Honor winner, proudly served our country in the United States Navy for over 39 years. Sadly, he passed away on February 28, in Andover, Massachusetts, his home for many years after his retirement from the Navy in 1966.

Captain Street was a native of Richmond, Virginia, and a 1937 graduate of the United States Naval Academy. He served on two naval surface combat ships, the USS *Concord* and the USS *Arkansas,* before reporting to submarine school. His first submarine assignment was in the USS *Gar* where he made nine wartime patrols in the Pacific. On his very first patrol, as the submarine's Torpedo Data Computer Operator, his leadership and courage earned him the Silver Star for actions in which the *Gar* sank over 10,000 tons of enemy shipping.

On a subsequent patrol, he earned a second Silver Star as the *Gar*'s Assistant Approach Officer. Operating in Japanese-controlled waters, he played a vital role in sinking three enemy ships, and was also instrumental in enabling the *Gar* to evade a barrage of enemy countermeasures and return safely to port. Captain Street continued to build upon his brilliant service as the war went on.

In November 1944, he took command of the USS *Tirante* and on March 3, 1945, he led the submarine out of Pearl Harbor on her first war patrol. Within a month, Captain Street and the crew of the *Tirante* sank three enemy ships off the shores of Japan and survived a seven-hour counterattack by Japanese ships. Captain Street continued his patrol in the East China Sea, near Japan's southern coast, wreaking havoc on Japanese shipping.

On April 14, 1945, the *Tirante* began a major battle that would earn the crew a Presidential Unit Citation and result in President Harry S. Truman awarding Captain Street the Congressional Medal of Honor. Receiving intelligence that a major Japanese transport ship and escort vessels had anchored in a harbor on Quelpart Island off the coast of Korea, Captain Street took the fight to the enemy. He surfaced the *Tirante* and manned his gun crews since the *Tirante* would have to fight her way out on the surface if attacked. He maneuvered to penetrate the mined, shoal-obstructed, and radar-protected harbor. He evaded enemy patrols and, once in the inner harbor, fired two torpedoes into a large Japanese ammunition ship, completely destroying it. The resultant explosion revealed the *Tirante*'s position to the enemy. In the light of the burning ammunition ship, two Japanese Mikura class frigates spotted the *Tirante* and attacked. Quickly bringing his submarine to bear on the leading frigate, Captain Street counterattacked with a torpedo, and then swung his boat around and fired his last torpedo at the other frigate. Clearing the harbor at emergency full-speed-ahead, he slipped undetected along the shoreline and safely evaded a depth charge attack by a pursuing patrol. The ammunition ship and both frigates had been sunk.

Captain Street was awarded the Navy Cross for another bold action two months later. On June 11, 1945, the *Tirante* sank several hostile freighters and other vessels, then moved through treacherous shallow waters into the heart of Nagasaki Harbor, where he sank another Japanese ship and destroyed docking facilities vital to the enemy. The *Tirante* surfaced and escaped from the harbor under hostile gunfire from ship and shore batteries.

After World War II, Captain Street continued to serve with distinction as the commanding officer of three naval surface ships, as a submarine division commander, and as the commander of a submarine group. On his retirement in 1966, he became an active member of numerous local, state, and national veterans organizations and was a popular speaker at patriotic and community functions in Massachusetts and New England. Captain Street often helped veterans and veterans organizations, and had a strong interest in talking with and inspiring school children.

Captain Street's dedication and service to his country and community were extraordinary. I am grateful, as I know the entire nation is, for his lifetime of outstanding service. He was a great American hero, role model, and citizen. He will be missed, but his memory and example will live forever.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair.

(The remarks of Mr. DASCHLE and Mr. KENNEDY pertaining to the introduction of S. 2541 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

ELIMINATION OF COST-OF-LIVING ADJUSTMENTS

Mr. KENNEDY. Mr. President, we have just witnessed this week another example of indifference by Congress to the needs of lower-wage and hard-working American workers. While our minimum wage bill still languishes in the Congress in spite of all our efforts, the House Appropriations Committee just passed a bill that will eliminate the cost-of-living adjustments for the low-wage workers in the legislative branch. They cut the COLAs of the Library of Congress, the Government Printing Office, and other vital congressional agencies. This is after the Members of Congress got a cost-of-living increase of $4,600 last year.

The Republican leadership has cut out a COLA increase for these workers who happen to be the lowest-paid Congressional workers. If you are a truck driver for the Government Printing Office, you are out of luck. Again, when it comes to the staffs of the Members, they made sure their interests were protected. Drawing that kind of a line with workers who work for this institution is absolutely scandalous.

What is it about our Republican friends that they believe they have to be so harsh with the lowest-income working families in this country, refusing to permit us to vote on a pay increase, an increase in the minimum wage, of 50 cents this year and 50 cents next year? They have taken convoluted parliamentary tricks to block us from considering that, and then we find their own priorities are that this institution takes $4,600 for its COLA increase and cuts out the COLA increase for the lowest-paid workers who are serving the Congress. That is wrong. I hope the House of Representatives will change it. I hope it will not be tolerated.

There will be an effort on the Senate floor to make amends because that is wrong and unjust. We are not going to permit it to stand.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin is recognized.

TRADE AND DEVELOPMENT ACT OF 2000—CONFERENCE REPORT—Continued

Mr. FEINGOLD. Mr. President, I want to take time to share some excerpts taken from the National Intelligence Estimate 99–17D of January 2000, which frames infectious diseases, such as HIV/AIDS, as a national security threat to the United States.

This is, obviously, pursuant to the discussion we have been having most of the day with regard to the inadequacy of the African Growth and Opportunity Act with regard to the provisions concerning HIV/AIDS in Africa and, in particular, the very serious error of the conference committee in eliminating the Feinstein-Feingold amendment concerning HIV/AIDS.

This report represents an important initiative on the part of the Intelligence Community to consider the national security dimension of a nontraditional threat. It responds to a growing concern by senior US leaders about the implications—in terms of health, economics, and national security—of the growing global infectious disease threat. The dramatic increase in drug-resistant microbes, combined with the lag in development of new antibiotics, the rise of megacities with severe health care deficiencies, environmental degradation, and the

growing ease and frequency of cross-border movements of people and produce have greatly facilitated the spread of infectious diseases.

As part of this new US Government effort, the National Intelligence Council produced this national intelligence estimate. It examines the most lethal diseases globally and by region; develops alternative scenarios about their future course; examines national and international capacities to deal with them; and assesses their national global social, economic, political, and security impact.

Of the seven biggest killers worldwide, TB, malaria, hepatitis, and, in particular, HIV/AIDS continue to surge, with HIV/AIDS and TB likely to account for the overwhelming majority of deaths from infectious diseases in developing countries by 2020.

Sub-Saharan Africa-accounting for nearly half of infectious disease deaths globally—will remain the most vulnerable region. The death rates for many diseases, including HIV/AIDS and malaria, exceed those in all other regions. Sub-Saharan Africa's health care capacity—the poorest in the world—will continue to lag.

The most likely scenario, in our view, is one in which the infectious disease threat—particularly from HIV/AIDS—worsens during the first half of our time frame, but decreases fitfully after that, owing to better prevention and control efforts, new drugs and vaccines, and socioeconomics improvements. In the next decade, under this scenario, negative demographic and social conditions in developing countries, such as continued urbanization and poor health care capacity, remain conducive to the spread of infectious diseases; persistent poverty sustains the least developed countries as reservoirs of infection; and microbial resistance continues to increase faster than the pace of new drug and vaccine development. During the subsequent decade, more positive demographic changes such as reduced fertility and aging populations; gradual socioeconomic improvement in most countries; medical advances against childhood and vaccine-preventable killers such as diarrheal diseases, neonatal tetanus, and measles; expanded international surveillance and response systems; and improvements in national health care capacities take hold in all but the least developed countries.

Barring the appearance of a deadly and highly infectious new disease, a catastrophic upward lurch by HIV/AIDS, or the release of a highly contagious biological agent capable of rapid and widescale secondary spread, these developments produce at least limited gains against the overall infectious disease threat. However, the remaining group of virulent diseases, led by HIV/AIDS and TB, continue to take a significant toll. The persistent infectious disease burden is likely to aggravate and, in some cases, may even provoke economic decay, social fragmentation, and political destabilization in the hardest hit countries in the developing and former communist worlds.

The economic costs of infectious disease—especially HIV/AIDS and malria—are already significant, and their increasingly heavy toll on productivity, profitability, and foreign investment will be reflected in growing GDP losses, as well, that could reduce GDP by as much as 20 percent or more by 2010 in some Sub-Saharan African countries, according to recent studies.

Some of the hardest hit countries in Sub-Saharan Africa—and possibly later in South and Southeast Asia—will face a demographic upheaval as HIV/AIDS and associated diseases reduce human life expectancy by as much as 30 years and kill as many as a quarter of their populations over a decade or less, producing a huge orphan cohort. Nearly 42 million children in 27 countries will lose one or both parents to AIDS by 2010; 19 of the hardest hit countries will be in Sub—Sahran Africa.

The relationship between disease and political instability is indirect but real. A wide-ranging study on the causes of state instability suggests that infant mortality—a good indicator of the overall quality of life—correlates strongly with political instability, particularly in countries that already have achieved a measure of democracy. The severe social and economic impact of infectious diseases is likely to intensify the struggle for political power to control scarce state resources.

THE DEADLY SEVEN

The seven infectious diseases that caused the highest number of deaths in 1998, according to WHO and DIA's Armed Forces Medical Intelligence Center, AFMIC, will remain threats well into the next century. HIV/AIDS, TB malaria, and hepatitis B and C—are either spreading or becoming more drug-resistant, while lower respiratory infections, diarrheal diseases, and measles, appear to have at least temporarily peaked.

HIV/AIDS

Following its identification in 1983, the spread of HIV intensified quickly. Despite progress in some regions, HIV/AIDS shows no signs of abating globally. Approximately 2.3 million people died from AIDS worldwide in 1998, up dramatically from 0.7 million in 1993, and there were 5.8 million new infections. According to WHO, some 33.4 million people were living with HIV by 1998, up from 10 million in 1990, and the number could approach 40 million by the end of 2000. Although infection and death rates have slowed considerably in developed countries owing to the growing use of preventive measures and costly new multidrug treatment therapies, the pandemic continues to spread in much of the developing world, where 95 percent of global infections and deaths have occurred. Sub-Saharan Africa currently has the biggest regional burden, but the disease is spreading quickly in India, Russia, China, and much of the rest of Asia.

TB

WHO declared TB a global emergency in 1993 and the threat continues to grow, especially from multidrug resistant TB. The disease is especially prevalent in Russia, India, Southeast Asia, Sub-Saharan Africa, and parts of Latin America. More than 1.5 million people died of TB in 1998, excluding those infected with HIV/AIDS, and there were up to 7.4 million new cases. Although the vast majority of TB infections and deaths occur in developing regions, the disease also is encroaching into developed regions due to increased immigration and travel and less emphasis on prevention. Drug resistance is a growing problem; the WHO has reported that up to 50 percent of people with multidrug resistant TB may die of their infection despite treatment, which can be 10 to 50 times more expensive than that used for drug-sensitive TB. HIV/AIDS also has contributed to the resurgence of TB. One-quarter of the increase in TB incidence involves co-infection with HIV. TB probably will rank second only to HIV/AIDS as a cause of infectious disease deaths by 2020.

Malaria, a mainly tropical disease that seemed to be coming under control in the 1960s and 1970s, is making a deadly comeback-especially in Sub-Saharan Africa where infection rates increased by 40 percent from 1970 to 1997. Drug resistance, historically a problem only with the most severe form of the disease, is now increasingly reported in the milder variety, while the prospects for an effective vaccine are poor. In 1998, an estimated 300 million people were infected with malaria, and more than 1.1 million died from the disease that year. Most of the deaths occurred in Sub-Saharan Africa. According to the U.S. Agency for International Development, USAID, Sub-Saharan Africa alone is likely to experience a 7- to 20-percent annual increase in malaria-related deaths and severe illnesses over the next several years.

Sub-Saharan Africa will remain the region most affected by the global infectious disease phenomenon—accounting for nearly half of infectious disease-caused deaths worldwide. Deaths from HIV/AIDS, malaria, cholera, and several lesser known diseases exceed those in all other regions. Sixty-five percent of all deaths in Sub-Saharan Africa are caused by infectious diseases. Rudimentary health care delivery and response systems, the unavailability or misuse of drugs, the lack of funds, and the multiplicity of conflicts are exacerbating the crisis. According to the AFMIC typology, with the exception of southern Africa, most of Sub-Saharan Africa falls in the lowest category. Investment in health care in the region is minimal, less than 40 percent of the people in countries such as Nigeria and the Democratic Republic of the Congo DROC have access to basic medical care, and even in relatively well off South Africa, only 50 to 70 percent have such access, with black populations at the low end of the spectrum.

Four-fifths of all HIV-related deaths and 70 percent of new infections worldwide in 1998 occurred in the region, totaling 1.8 to 2 million and 4 million, respectively. Although only a tenth of the world's population lives in the region, 11.5 million to 13.9 million cumulative AIDS deaths have occurred there. Eastern and southern African countries, including South Africa, are the worst affected, with 10 to 26 percent of adults infected with the disease. Sub-Saharan Africa has high TB prevalence, as well as the highest HIV/TB co-infection rate, with TB deaths totaling 0.55 million in 1998. The hardest hit countries are in equatorial and especially southern Africa. South Africa, in particular, is facing the biggest increase in the region.

Sub-Saharan Africa accounts for an estimated 90 percent of the global malaria burden. Ten percent of the regional disease burden is attributed to malaria, with roughly 1 million deaths in 1998. Cholera, dysentery, and other diarrhea diseases also are major killers in the region, particularly among children, refugees, and internationally displaced populations. Forty percent of all childhood deaths from diarrhea diseases occur in Sub-Saharan Africa. The region also has a high rate of hepatitis B and C infections and is the only region with a perennial meningococcal meningitis problem in a ''meningitis belts'' stretching from west to east.

MIDDLE EAST AND NORTH AFRICA

The region's conservative social mores, climatic factors, and high levels of health spending in oil-producing states tend to limit some globally prevalent diseases, such as HIV/AIDS and malaria, but others, such as TB and hepatitis B and C, are more prevalent. The region's advantages are partially offset by the impact of war-related uprooting of populations, overcrowded cities with poor refrigeration and sanitation systems, and a

dearth of water, especially clean drinking water.

The HIV/AIDS impact is far lower than in other regions, with 210,000 cases, or 0.13 percent of the population, including 19,000 new cases, in 1998. This owes in part to above-average underreporting because of the stigma associated with the disease in Muslim societies and the authoritarian nature of most governments in the region.

INTERNATIONAL RESPONSE CAPACITY

International organizations such as WHO and the World Bank, institutions is several developed countries such as the US CDC, and Nongovernmental Organizations (NGOs), will continue to play an important role in strengthening both international and national surveillance and response systems for infectious diseases. Nonetheless, progress is likely to be slow, and development of an integrated global surveillance and response system probably is at least a decade or more away. This owes to the magnitude of the challenge; inadequate coordination at the international level; and lack of funds, capacity, and, in some cases, cooperation and commitment at the national level. Some counties hide or understate their infectious disease problems for reasons of international prestige and fear of economic losses. Total international health-related aid to low- and middle-income countries—some $2–3 billion annually—remains a fraction of the $250 billion health bill of these countries.

MACROECONOMIC IMPACT

The macroeconomic costs of the infectious disease burden are increasingly significant for the most seriously affected countries despite the partially offsetting impact of declines in population growth, and they will take an even greater toll on productivity, profitability, and foreign investment in the future. A senior World Bank official considers AIDS to be the single biggest threat to economic development in sub-Saharan Africa. A growing number of studies suggest that AIDS and malaria alone will reduce GDP in several sub-Saharan African countries by 20 percent or more by 2010.

The impact of infectious diseases on annual GDP growth in heavily affected countries already amounts to as much as a 1-percentage point reduction in the case of HIV/AIDS on average and 1 to 2 percentage points for malaria, according to World Bank studies. A recent Namibian study concluded that AIDS cost the country nearly 8 percent of GDP in 1996, while a study of Kenya projected that GDP will be 14.5 percent smaller in 2005 than it otherwise would have been without the cumulative impact of AIDS. The annual cost of malaria to Kenya's GDP was estimated at 2 to 6 percent and at 1 to 5 percent for Nigeria.

Public health spending on AIDS and related diseases threatens to crowd out other types of health care and social spending. In Kenya, HIV/AIDS treatment costs are projected to account for 50 percent of health spending by 2005. In South Africa, such costs could account for 35 to 84 percent of public health expenditures by 2005, according to one projection.

DISRUPTIVE SOCIAL IMPACT

At least some of the hardest-hit countries, initially in Sub-Saharan Africa and later in other regions, will face a demographic catastrophe as HIV/AIDS and associated diseases reduce human life expectancy dramatically and kill up to a quarter of their populations over the period of this Estimate.

LIFE EXPECTANCY AND POPULATION GROWTH

Until the early 1990's, economic development and improved health care had raised the life expectancy in developing countries to 64 years, with prospects that it would go higher still. The growing number of deaths from new and reemergent diseases such as AIDS, however, will slow or reverse this trend toward longer life spans in heavily affected countries by as much as 30 years or more by 2010, according to the US Census Bureau. For example, life expectancy will be reduced by 30 years in Botswana and Zimbabwe, by 20 years in Nigeria and South Africa, by 13 years in Honduras, by eight years in Brazil, by four years in Haiti, and by three years in Thailand.

FAMILY STRUCTURE

The degradation of nuclear and extended families across all classes will produce severe social and economic dislocations with political consequences, as well. Nearly 35 million children in 27 countries will have lost one or both parents to AIDS by 2000; by 2010, this number will increase to 41.6 million. Nineteen of the hardest hit countries are in Sub-Saharan Africa, where HIV/AIDS has been prevalent across all social sectors. With as much as a third of the children under 15 in hardest-hit countries expected to comprise a ''lost orphaned generation'' by 2010 with little hope of educational or employment opportunities, these countries will be at risk of further economic decay, increased crime, and political instability as such young people become radicalized or are exploited by various political groups for their own ends; the pervasive child soldier phenomenon may be one example.

DESTABILIZING POLITICAL AND SECURITY IMPACT

In our view, the infectious disease burden will add to political instability and slow democratic development in Sub-Saharan Africa, parts of Asia, and the former Soviet Union, while also increasing political tensions in and among some developed countries.

The severe social and economic impact of infectious diseases, particularly HIV/AIDS, and the infiltration of these diseases into the ruling political and military elites and middle class of developing countries are likely to intensify the struggle for political power to control scarce state resources. This will hamper the development of a civil society and other underpinnings of democracy and will increase pressure on democratic transitions in regions such as the FSU and Sub-Saharan Africa where the infectious disease burden will add to economic misery and political polarization.

I see another colleague who wishes to speak. I will summarize why I have chosen to read at length from this intelligence report. It is very clear. The threat of these HIV/AIDS problems and other infectious diseases is not something that is separate from or different from the piece of legislation that we are looking at today. This is titled the ''African Growth and Opportunity Act.'' It is supposed to hold out the promise not only of profit for Americans who want to trade with Africa but also genuine hope in the future for the nations of Africa and the people of the African countries.

Without a genuine attempt in this bill to begin to deal, in particular, with the HIV/AIDS problem, as well as other issues, this is a false promise, it is a hollow statement, and, I am afraid, one that could lead to a cynical response from those in Africa who will see this for what it really is: a one-sided piece of legislation that ignores one of the greatest human tragedies in human history and certainly a tragedy that completely undercuts the notion that we can have a good trading relationship with a continent that is being destroyed by such a vicious disease.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that I might be allowed to proceed as in morning business.

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

(The remarks of Mr. BENNETT pertaining to the introduction of S. 2539 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to speak in support of the Conference Report on the Trade and Development Act of 2000. It is important to remind everyone this is the first substantive trade bill we have passed since the Uruguay Round implementation bill in 1994. It is about time. We Americans have, by far, the largest and most dynamic economy in the world. We are the world's only superpower. We better act like one. And that means taking leadership on global trade issues and trade policy, not burying our heads in the sand. Completion of this bill is a first step. Passage of PNTR for China is another.

I would like to make several general comments about this legislation. Then I will highlight some of its major sections and explain why they are in the best interest of the United States.

In two weeks, the House is scheduled to vote on whether to extend permanent Normal Trade Relations status to China. The Senate vote will follow. I am confident that it will pass in both houses. These two pieces of legislation have a common underlying set of principles.

First, a market-based economy, the rule of law, and the reduction and elimination of barriers to foreign trade. These all lead to greater growth, both for our trade partners domestically, as well as and for the global economy.

Second, greater interchange of goods, services, investment, and people between the United States and developing countries. This leads, over the long-run, to domestic stability in those nations, and greater global stability.

Third, if the United States were to turn inward today, we would be turning our back on a global trade and economic system that has brought us to the greatest height of prosperity in the history of the world.

Although the disparities in income around the world are greater than in

the past, hundreds of millions of people have been raised out of poverty over the last two decades. We need to do a lot more to ensure that people in America and people overseas are not passed over by this growth. But raising trade barriers, reversing trade liberalization, and halting our efforts to open markets around the world is not the answer. That would only worsen income disparities and increase the number of people living in poverty.

The outcome of our conference is not perfect. It never is. But the result is absolutely in our national interest.

The two major sections of the bill are the Africa Growth and Opportunity Act, and the United States-Caribbean Basin Trade Partnership Act. The Africa portion is but one step in bringing Africa into the global economic system. And in promoting development on this terribly poor continent.

Many of the problems of Africa are home grown. Many of the problems are the vestige of totally inept and irresponsible colonial rule. We can provide ways, in this case through economic development, industrial growth, and debt relief, for Africa to begin to emerge from its cycle of poverty.

The Caribbean Basin was put at a competitive disadvantage once NAFTA came into effect. This bill brings the CBI nations up to parity with Mexico. At the same time, it requires important commitments from those nations on intellectual property rights, on WTO obligations, on participation in negotiations in the free trade area of America, on fighting the war against corruption, on respecting internationally recognized worker rights, and on protecting against the worst forms of child labor.

Under this bill, a country in Africa or the Caribbean must commit to protect internationally recognized worker rights in order to receive benefits. Congress has debated the issue of the relationship between trade and labor for years. I am very pleased we have acted in support of one of the most basic sets of human rights. I hope this is an indication that we will start making real progress in reconciling trade and labor in future trade legislation.

Let me mention several other provisions of the bill that are of particular import. I deeply regret the provision passed by this Senate to provide trade adjustment assistance for farmers was not included in the conference report. Our farmers have suffered as much as any sector of our economy. Yet they fall between the cracks in our TAA policy, and that was not the intention when trade adjustment assistance was originally conceived.

As a compromise, the Secretary of Labor must submit a report examining the applicability to farmers of trade adjustment assistance programs. Further, the Secretary must make recommendations, either to approve the operation of those programs as they apply to farmers, or to establish a new program for farmers. These provisions are utterly inadequate. I guarantee we will revisit this issue. Farmers suffering adversely from the impact of trade should be provided with the means to adjust, just as factory workers do today.

I strongly support the provision establishing a chief agricultural negotiator at USTR, with the rank of ambassador. Agriculture is at the core of our economy and our society, and our agricultural trade negotiators need this high visibility to represent American interests properly.

I might add that agriculture disparities around the world are the only major remaining trade distortion not yet addressed either in GATT or WTO. It is agriculture trade distortions which are the major remaining significant barrier to trade with which we have not yet dealt.

I am very pleased this effort includes provisions dealing with the ways we deal with products made with forced or indentured child labor. Every time I hear that phrase ''forced or indentured child labor,'' I get chills down my spine. It bothers all of us when we hear that. This conference report also includes provisions to deal with that and it includes new eligibility criteria in the GSP, Generalized System of Preferences, regarding the elimination of the worst forms of child labor.

I wish to recognize my colleague, Senator TOM HARKIN, for his tireless efforts on behalf of the rights of children globally. Everyone who is concerned—and we are all—with this problem should remember the name TOM HARKIN.

As has Senator HARKIN, I have traveled to some of the most inhospitable places in the world, and I have seen children working and living in conditions that would not be shown in a R-rated movie. I am proud to join him in supporting these measures.

Finally, wool tariffs. For years, there have been efforts to reduce the tariffs on the finest worsted wool. This is a complex issue affecting the manufacturers of wool suits, the manufacturers of wool fabric, the yarn spinning industry, wool growers, and retailers. The conference report provides for the temporary reduction of tariffs on a limited quantity of certain wool fabrics. It temporarily suspends the duty on certain wool yarns, fibers, and tops. And it establishes a $9 million wool research development promotion trust fund. This fund will assist wool producers in improving the quality of wool produced in the United States and help develop and promote the wool market. I welcome this thoughtful compromise that serves all concerned groups.

In sum, I am pleased the House has passed this comprehensive and historic trade package. I strongly support it. I urge my colleagues to vote in favor of it. America is the world leader in promoting a market economy and knocking down trade barriers in order to improve the quality of life, both in our country and abroad. We need to continue this, first, by approving this conference report, and then, shortly, by approving PNTR for China.

I yield the floor.

Mr. HELMS. Mr. President, as the distinguished Majority Leader knows, I have made no secret of my opposition to the conference report to accompany H.R. 434, the so-called African Growth and Opportunity Act. And though there's no doubt that the conference report will be adopted by the Senate, I am obliged to point out that Congress is on the brink of passing legislation that accelerates the loss of a significant part of America's manufacturing base and costs numerous jobs in the beleaguered textile and apparel industry.

Let me say at the outset that I certainly am not against ''African growth'' or ''African opportunity'' or economic growth in the Caribbean Basin. But I do not believe—and will not be convinced—that U.S. trade policy should aid emerging economies at the expense of an entire domestic industry and thousands of American workers.

But make no mistake, Mr. President, that is precisely what is occurring this week in the United States Senate. Consider the evidence: The textile industry is already operating under an enormous trade deficit. For every $6 million in apparel and fabric the industry exports, $21 million is imported, the vast majority of which streams in from third-world countries with cheap production costs. I don't suspect any Senator will seriously argue that H.R. 434 will do anything but dramatically increase this trade deficit.

Why is this so? Because American textile companies simply cannot compete on a playing field that isn't a level playing field. As cheap imports continue to flood the domestic market, job loss will not only continue, but increase. The media report news of our booming economy, but this so-called ''boom'' has left the textile and apparel industry out in the cold. As the Clinton administration crows about low unemployment, the Bureau of Labor Statistics also announced that just last month, 3,000 textile jobs were lost. Since 1994, when Congress passed the North American Free Trade Agreement, this industry alone has lost 453,000 jobs.

That's not just a statistic, Mr. President. That's 453,000 families forced to contend with the stress and displacement that accompany job loss. That's 453,000 workers forced to find new means to make their livelihood, often at lower-paying, entry level jobs for which they have little or no training.

453,000 Americans lost their job Mr. President, 70,000 of whom are North

Carolinians. Let's try to put that job loss statistic into perspective. The distinguished chairman of the Finance Committee, Senator ROTH, knows that there are only 412,000 jobs in the entire state of Delaware. A senior member of his committee, Senator BAUCUS, who was a conferee on this legislation, surely is aware that there are only 389,000 total jobs in Montana. Alaska has 289,000 jobs, Wyoming has 235,000 jobs, Vermont 296,000, South Dakota 381,000 and North Dakota 325,000 jobs.

Perhaps Senators would feel differently about U.S. trade policy if all of the workers instead of their entire states lost their jobs in the last decade. Yet that's the precarious state of textile and apparel in America, Mr. President, and Congress continues to promote policies that will further erode the industry.

In the textile communities of North Carolina, where 18 plants shut down in 1999 alone, you can bet they don't talk much about the booming economy. They're talking about something else.

Last April, I held a hearing in the Foreign Relations Committee on the effects of NAFTA five years after it took effect. Among those who provided testimony was a wonderfully unassuming women named Vontella Dabbs. Ms. Dabbs works at Delta Mills in Maiden, North Carolina, and although she was seated at the same table with Ambassador Richard Fischer and Pat Buchanan, she stole the show.

I am going to quote extensively from her testimony because it's important and it bears repeating again and again. She said the following:

> I come to you not as an expert in any field, not as a politically motivated person, but simply as an American that is deeply concerned for both my future and the future of my family and friends. I cannot quote you statistics or give you fancy computer-generated data to support some theory about foreign trade. What I can give you are honest and heartfelt feelings about what's going on in our community, as related to the foreign trade agreements and the people who work in textile plants . . .
>
> Today . . . modern textile companies and plants are threatened by one thing that I feel can put an end to our entire industry. This threat is that we are not being given a fair opportunity to compete with foreign business on a level playing field. Many of the well-intentioned laws, treaties, and trade agreements enacted during the past few years have made the competition between domestic and foreign textile business unfair, in favor of the foreign producers. These treaties and laws and trade agreements have not really opened up the world to American textiles, as was intended, but instead have opened our borders for foreign manufacturers to flood our country with goods produced with near slave labor in deplorable conditions for workers. These agreements have also created an incentive for American manufacturers to close the door on American manufacturing and go south to Mexico and the Caribbean to invest millions in foreign countries. And by doing this, they are putting thousands of hard-working Americans out of a job.

It's hard to argue with that, Mr. President, though I have no doubt that many of my colleagues will try to do so. I can hear them now, saying that may comparable new jobs have been created through the growth of the retail industry. To which the textile communities of North Carolina say, ''Thanks for nothing.'' Textile jobs pay 63 percent more than retail jobs. While the average mill worker earns wages of $440.59 a week, retail workers make only $270.90.

Worse, the loss of textile jobs means money is drained from the economies of the hardest-hit communities, making it impossible for these towns to support this highly touted new retail employment. When the mills close, workers can't simply consult the local newspapers to get another job. Instead, they are forced to relocate, looking for those elusive retail jobs that pay barely more than half than the job they just lost, and are growing most rapidly in larger cities with a higher cost of living.

With this in mind, the last thing Congress needs to do is increase the amount of cheap imports coming into our markets. Yet this is exactly what H.R. 434 will do. Even worse, however, the bill provides the perfect loophole for Asian countries to circumvent U.S. import restrictions. No wonder many people around town are starting to refer to this legislation as the ''Chinese Transshipment Bill.''

Here's how Asian companies can easily conduct illegal transshipments from both African and Caribbean nations, Mr. President. Asian companies, which currently must comply with U.S. quota and duty requirements, will simply set up shop in the nations that benefit from this legislation. Once they are in operation, it's impossible to know whether garments are actually assembled in Africa or the Caribbean or being shipped to these countries from elsewhere. Then, under the bill, they can add another $3 billion to their current agreements with the United States.

Mr. President, these illegalities certainly won't benefit American textile companies—and it's hard to see how it does much for the African and Caribbean nations that this bill is ostensibly designed to help. Instead, it merely allows already-established Asian companies to use these nations as simple fronts for their own business. I certainly hope that's not what the Senate has in mind.

Mr. President, in my view, the decimation of one of America's most important industries is absolutely unacceptable. I do not quarrel with the contention that economic development in Africa and the Caribbean is an important objective and ultimately in America's best interest. Yet I fail to see why we must sacrifice an entire domestic industry to this international goal.

Sadly enough, the Senate is now poised to do just that. I am realistic enough to know the ultimate outcome of this debate. But I would be remiss in my duty as a Senator from North Carolina—and as an American—if I did not take a stand on behalf of the many thousands of workers who have paid—and will continue to pay—the price for a U.S. trade policy willing to countenance the destruction of the textile industry and the communities it supports.

THE PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 2540 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

FIGHTING NEUROFIBROMATOSIS

Mr. KENNEDY. Mr. President, I welcome the opportunity to call the attention of the Senate to neurofibromatosis, or NF, a cruel neurological disorder that affects so many of our citizens. In the past, groups who come together to fight NF have asked Congress to designate May as ''World Neurofibromatosis Awareness Month.'' This year, they are directing their energies to more substantive issues. I commend NF Inc. and other advocates across the nation for their leadership and their strong commitment to this cause.

NF is a genetic disorder of the nervous system that can cause tumors on nerves anywhere in the body at any time. It is a progressive disorder that affects all ethnic groups and both sexes equally. It is one of the most common genetic disorders in the United States—affecting one in every 4,000 births.

There are two genetically distinct forms of this disorder—NF–1 and NF–2. The effects are unpredictable and have varying manifestations and degrees of severity.

NF–1 is the more common type, occurring in about 1 in 4,000 people in the United States. Symptoms include five or more light brown skin spots known as café-au-lait macules, as well as tumors that can grow on the eyes or spine. In most cases, the symptoms are mild and people can live normal and productive lives. In some cases, however, NF–1 can be severely debilitating.

NF–2 is less common, affecting about 1 in 40,000 people, and much more severe. Tumors grow near the auditory

nerve and often cause pressure on other nerves in the head and the body. Tumors also grow on the spine, and attack the central nervous system. People with NF–2 often experience deafness, frequent headaches and facial pain, facial paralysis, cataracts, and difficulty with balance.

There is no known cure for either form of the disorder, even though the genes for both NF–1 and NF–2 have been identified. Currently, NF has no treatment, other than the surgical removal of tumors, which sometimes grow back.

The disorder is not infectious. Only half of those affected with it have a prior family history of NF. If someone does not have NF, they cannot pass it on to their children.

Talented researchers across the country are making impressive strides in finding a cure for this serious disorder. Thanks in great part to the research sponsored by the National Institute of Neurological Disorders and Stroke at NIH, scientists have already identified the two genes that cause NF, and significant progress in developing new treatments is being made.

Much of the cutting-edge research on NF is being performed at the NF Clinic at Massachusetts General Hospital in Boston, which was founded in 1982 by Dr. Robert Martuza. It was one of the first clinics to recognize the unique multi-disciplinary problems that NF patients and their families face—and the vital role that a dedicated clinic plays in the research community. The McLain Hospital in Belmont, Massachusetts also has a vital role in supporting important research, particularly for NF–2.

One of the most difficult aspects of having NF, or caring for a patient with NF, is not knowing what the future will bring. Our lack of knowledge about the cause of the tumors associated with the disorder also makes the evaluation of potential therapies difficult. In association with Children's Hospital of Boston and the House Ear Institute in Los Angles, the NF Clinic at MGH is participating in an international study to define the types of tumors most commonly associated with NF.

Congress has a responsibility to provide these dedicated medical professionals and researchers with the resources and support necessary to continue their lifesaving work. President Clinton has asked for increased funding to fight this disorder and many other neurological illnesses.

We must also ensure that a person's genetic information cannot be used as a basis for discrimination. To receive appropriate care for NF, patients must have access to genetic tests, free from the concern that the results of those tests will be used to discriminate against them in any way.

I commend the dedicated researchers and physicians across the country for their commitment to this important issue, and I commend advocates like NF Inc. for their leadership. I look forward to rapid progress in the years ahead, and I am confident that Congress and the Administration will do as much as possible to support their all-important efforts. Together, we can cure NF.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 9, 2000, the Federal debt stood at $5,662,962,880,861.72 (Five trillion, six hundred sixty-two billion, nine hundred sixty-two million, eight hundred eighty thousand, eight hundred sixty-one dollars and seventy-two cents).

Five years ago, May 9, 1995, the Federal debt stood at $4,853,700,000,000 (Four trillion, eight hundred fifty-three billion, seven hundred million).

Ten years ago, May 9, 1990, the Federal debt stood at $3,075,888,000,000 (Three trillion, seventy-five billion, eight hundred eighty-eight million).

Fifteen years ago, May 9, 1985, the Federal debt stood at $1,741,509,000,000 (One trillion, seven hundred forty-one billion, five hundred nine million).

Twenty-five years ago, May 9, 1975, the Federal debt stood at $515,471,000,000 (Five hundred fifteen billion, four hundred seventy-one million) which reflects a debt increase of more than $5 trillion—$5,147,491,880,861.72 (Five trillion, one hundred forty-seven billion, four hundred ninety-one million, eight hundred eighty thousand, eight hundred sixty-one dollars and seventy-two cents) during the past 25 years.

ADDITIONAL STATEMENTS

A TRIBUTE TO WASHINGTON STATE UNIVERSITY PRESIDENT SAMUEL H. SMITH

• Mrs. MURRAY. Mr. President, I rise today to honor the long and exemplary service of Washington State University (WSU) President Samuel H. Smith and his wife Pat Smith.

Samuel Smith has served as President of WSU since July of 1985, and he will be retiring at the end of the month.

Under Dr. Smith's leadership, the University has prospered. During his tenure, he strengthened the undergraduate and graduate curricula and worked to increase opportunities for women and minorities.

As a result of President Smith's work, many programs at WSU have received national and worldwide recognition.

President Smith deserves special honor for expanding the number of people who benefit from the University's educational system and for bringing education at WSU into the Information Age.

Dr. Smith established branch campuses of WSU in Vancouver, the Tri-Cities, and in Spokane, opening the doors of higher education to an even greater number of Washingtonians.

These branch campuses serve transition communities, helping people build the skills and training they need to succeed in today's workplace. Their lives are improving thanks to Dr. Smith's vision.

Dr. Smith was also instrumental in expanding educational opportunities to remote areas through WSU's innovative distance-learning programs.

One of the clearest examples of the way WSU has grown during Dr. Smith's tenure is the fact that more than one-third of all WSU graduates in the University's history were granted degrees by President Smith.

Dr. Smith has also been a member of and a leader in many national educational organizations. He is the Chair of the National Association of State Universities and Land-Grant Colleges Board of Directors for 2000. He is also a member of the Kellogg Commission on the Future of State and Land-Grant Universities.

He is a member of the Board of Trustees of the Western Governors University. He has also served as Chair of the Executive Committee of the National Collegiate Athletic Association. For his exemplary service, Dr. Smith has received many honors and awards for his work in these organizations.

President Smith is a native of Salinas, California, and holds bachelor's and doctoral degrees in plant pathology from the University of California at Berkeley and honorary doctoral degrees from Nihon University in Tokyo, Japan, and Far Eastern State University in Vladivostok, Russia.

Mr. President, I also want my colleagues to know that Pat Smith has been an instrumental figure in the growth of Washington State University.

From her position on the Washington State Arts Commission, she worked to expand the art collection and increase awareness of the WSU Museum of Art. She also serves on the boards of the Girl Scouts of the Inland Northwest and the United Way of Pullman, Washington.

Mrs. Smith is also from Salinas, California, and is a graduate of Salinas Union High School. She studied at Hartnell College in Salinas, California.

Mr. President, as a citizen of Washington state and as an alumna of Washington State University, I could not be more proud of the great job that President Smith and Pat Smith have done in expanding educational opportunities for the people of my state and nation and making my alma mater an even brighter beacon of learning and opportunity.

Mr. President, in closing I would like to say—on behalf of the people of my state and the many graduates, faculty members and current students of Washington State University—thank you President and Mrs. Smith.

Thank you for putting your compassion, energy and leadership to such good use at the helm of Washington State University.

Your presence will be missed, but the many gifts you gave us serve as a constant reminder of your many years of generous service.●

THE HONORABLE NANCI J. GRANT RECEIVES ELEANOR ROOSEVELT HUMANITIES AWARD

● Mr. ABRAHAM. Mr. President, each year, the Attorney Division of State of Israel Bonds honors two individuals with the Eleanor Roosevelt Humanities Award. Recipients of this award are recognized for their contributions to the legal profession as well as their outstanding service to humanity in the spirit and ideals of Mrs. Roosevelt. I rise today to recognize the Honorable Barry M. Grant and the Honorable Nanci J. Grant, who will both receive the Eleanor Roosevelt Humanities Award on May 16, 2000, in Southfield, Michigan.

The Honorable Nanci J. Grant is the Presiding Judge of General Jurisdiction for the Oakland County Circuit Court. She was elected to this position in November of 1996 and took office on January 1, 1997. Judge Grant is a graduate of the University of Michigan and Wayne State University Law School. Prior to joining the bench, she was a trial attorney with the law firm of Dickinson, Wright, Moon, VanDusen & Freeman, and served as a researcher, Friend of the Court intern, arbitrator and mediator for the Oakland County Circuit Court.

Judge Grant is a member of the Executive Committee of the Michigan Judges Association, and co-chairs the Rules Committee. By gubernatorial appointment, Judge Grant represents all Michigan circuit court judges on the State Community Corrections Board. She is an advisory board member of the Michigan Judicial Institute, the teaching arm of the Michigan Supreme Court. Judge Grant is also a member of the National Association of Women Judges, the American Bar Association, the Oakland County Bar Association, the Women's Bar Association, American Judges Association, and the University of Michigan Alumni Association.

In addition, Judge Grant has dedicated much of her time to the improvement of the Oakland County Community. She is a member of the Michigan Cancer Foundation, and has served as a member of Common Ground Advisory Board, the Rotary Club of Birmingham, and Bloomfield Youth Assistance. She is a board member of the Women's Survival Center, and a Director of the Women's Officials Network. She also has served on the Partners Executive Committee, and was a member of the Citizens Alliance of the Probate Court, where she served as chairperson of the Information and Advocacy Committee.

Judge Grant has often been awarded for her many endeavors, both charitable and professional. The monthly magazine, Hour Detroit, named her as one of the new leaders in the Detroit metropolitan area. She was selected by Crain's Detroit Business magazine as one the ''40 under 40,'' a select group of forty of Metro Detroit's best and brightest residents under the age of forty. In addition, Judge Grant has been elected as an ''Outstanding Young Woman of America.''

Mr. President, I applaud the Honorable Nanci M. Grant on her many achievements, both within the realm of the law and outside of that realm. I am sure that the Eleanor Roosevelt Humanities Award will hold a special place among her many recognitions. On behalf of the entire United States Senate, I congratulate Judge Grant on receiving this award, and wish her continued success in the future.●

50TH ANNIVERSARY OF THE NATIONAL SCIENCE FOUNDATION

● Mr. SARBANES. Mr. President, I rise today to commemorate the 50th anniversary of the National Science Foundation, an institution that has served as a driving force behind the Nation's scientific and technological development.

The National Science Foundation's roots can be found at the close of World War II, when President Franklin D. Roosevelt requested a report from the government's wartime Office of Scientific Research and Development outlining how the United States should support scientific research in the postwar era. The resulting report, Science—The Endless Frontier, authored by Vannevar Bush, made the case for the establishment of a National Research Foundation and legislation based upon his findings was introduced by Senator Warren Magnuson of Washington. After five years of deliberation in the Congress, President Harry S. Truman signed legislation creating the National Science Foundation on May 10, 1950. Since that day, NSF has played a vital role in maintaining America's leadership position in scientific discovery and the development of new technologies, securing the nation's defense and promoting the nation's health and prosperity.

Over the past 50 years, NSF-funded research has led to numerous scientific breakthroughs that have impacted the lives of every one of us. This research has resulted in projects and initiatives that include the development of the Internet, Doppler Radar, the American Sign Language Dictionary, DNA fingerprinting, MRI technology, barcodes, the identification of the Hanta Virus, and the discovery of the weather pattern known as El Niño/La Niña. This research has been responsible for creating new industries relating to communications, biotechnology, agriculture, and other important sectors of our economy. In turn, these industries have resulted in greater employment opportunities, economic prosperity and an improved quality of life for Americans and citizens around the world.

NSF funds support the work and research of almost 200,000 people, including teachers, students, researchers, post-doctorates, and trainees. In fact, researchers and educators from each of the 50 states and all U.S. territories have been allotted NSF funding in the form of competitively awarded, grants, contracts and cooperative agreements. Almost 40% of the funding for research grants is awarded to our nation's students and researchers, providing support for more than 61,000 post-doctorates, trainees and graduates and undergraduate students. These are the individuals who will carry on the critical mission of NSF into the 21st century.

The work undertaken by NSF researchers has not gone unnoticed. NSF-supported researchers have been the recipients of numerous awards and honors. More than 100 of these researchers have been awarded Nobel Prizes in fields that include physics, chemistry, physiology and economics. NSF researchers have also been awarded the National Medal of Science, National Medal of Technology, the Waterman, the Draper, the Presidential Early Career Awards in Science and Engineering and the Career awards, to name a few.

I want to commend the men and women who have worked for NSF and received support from NSF who have contributed incalculably to the efforts that have established the United States as the leader in scientific and technological innovation and I want to recognize the outstanding leadership of the current Director of the National Science Foundation, Dr. Rita Colwell, in this regard. I urge my colleagues to join with me in commending NSF on this important occasion and wishing them continued success in the years ahead.●

RECOGNITION OF THE INDEX SCHOOL DISTRICT FOR THEIR INNOVATION IN EDUCATION

● Mr. GORTON. Mr. President, I would like to acknowledge a very unique school district in a forested area of Washington State. The Index School District may be small in size but if measured by the creativity and dedication of its teachers, staff, and parents,

it would be one of the largest districts in Washington state.

Index School District is one of the smallest in the state, with only 35 students from preschool to 7th grade. Because of the district's size and location in a rural area, the district has constantly struggled to find funding that could boost student achievement. Index's Superintendent and Principal, Martin Boyle, took the funding challenges head on and has worked tirelessly to find money for Index's students through federal grants and a $298,208 bond levy that was passed in 1998. After four years of hard work, the Index School District has become a model for other schools.

Improving student reading levels was one of the first goals Boyle and his colleagues accomplished. The district hired a reading specialist and with the help of parents and local volunteers, reading levels have soared. Recently, Boyle started a new mentor reading program called, ''Help One Student to Succeed.'' He hopes it will get parents involved in teaching their children to read, as well as a new way to promote and innovate reading skills, advancing student reading levels by an even greater margin.

Index School District's includes 20 staff members and 5 board members who work tirelessly for their students and are constantly brainstorming new activities and new programs that will help their students learn. They have even started an after-school program for children who in the past, were sitting outside waiting for their parents' workday to end. Students now use this extra time to participate in fun activities that reinforce classroom curriculum.

In addition, last summer, the district implemented the Index Elementary Summer School Program where students take part in hands on art and cultural activities. Students also visit art museums and theaters, as well as travel to other parts of the state for hiking and camping activities, giving children opportunities to learn and challenge their knowledge outside the classroom.

Many students at Index also depend on their school as a home away from home, relying on the school for three meals a day. While a majority of students qualify for free and reduced lunches, the staff of Index understands the importance of meals for their students and have made it a priority to create and fund a food program which was recognized with a ''Children's Alliance Award.''

The innovation and commitment of the Index School District's staff is truly inspiring. Clearly, the children are succeeding in the classroom and will be ready to take on any challenge. I think it is uplifting to hear that the power of a few can empower many, as the educator's of Index have done. Every local school district is unique. I hope that highlighting Index with my ''Innovation in Education'' Award will show others that wonderful things happen when you put children first.●

75TH ANNIVERSARY OF THE SALVATION ARMY IN BENTON HARBOR, MICHIGAN

● Mr. ABRAHAM. Mr. President, I rise today in honor of the Salvation Army in Benton Harbor, Michigan, which on May 20–21, 2000, will celebrate its 75th Anniversary. This event will conclude a very special week for the organization, as May 15–21, 2000, is also National Salvation Army Week, during which Americans have the opportunity to salute an organization that does so many things for so many people around the world.

Mr. President, the mission of the movement remains the same as it was in 1865, when William and Catherine Booth formed an evangical group, and preached to people living in poverty on the east side of London: to preach the gospel of Jesus Christ and to meet human needs in His name without discrimination. The organization, officially titled the Salvation Army in 1878, and its many adherents, soldiers, officers, and volunteers, remain dedicated to caring for the poor, feeding the hungry, clothing the naked, loving the unlovable, and befriending those who have no friends.

In its 135 years, the Salvation Army has expanded from this small coalition of individuals in London into a multifaceted, global organization. Its outreach currently extends to over 100 countries, and the Gospel is preached by its officers and soldiers in 160 languages. Each year, the organization assists over 27 million individuals. In the United States alone, there are 1.7 million volunteers, 470,000 Salvationists, 5,339 officers, and 43,000 employees serving the Salvation Army.

Amid such statistics I fear it is easy to overlook the essential fact that the foundation of the Salvation Army lies at the community level. It is an organization based in communities, whose volunteers, officers and employees are primarily concerned with helping members of their own community in the name of Jesus Christ. Whether it be through summer camps, day care centers, services for senior citizens, shelters for battered wives and children, drug rehabilitation, or family and career counseling, where there is a Salvation Army, there are people working hard to improve their community.

With this in mind, Mr. President, I applaud the officers, Salvationists, volunteers and employees of the Salvation Army in Benton Harbor, whose efforts over the years have had made this anniversary possible. On behalf of the entire United States Senate, I wish the Salvation Army in Benton Harbor a happy 75th birthday, and continued success in the future.●

TRIBUTE TO MARY MIDDLETON

● Mr. McCONNELL. Mr. President, I rise today to congratulate Mary Middleton of Covington, Kentucky, for receiving the Friends of Covington Award for Outstanding Community Service.

Mary is a devoted civic leader and volunteer in Covington and throughout Kenton County. She gives her time and energy to numerous activities at church, and has provided leadership for several Northern Kentucky organizations. Mary helped found the Northern Kentucky Interfaith Commission and was the first president of the area's Salvation Army Auxiliary. In her many years of service to the community, she also was president of the Covington Art Club, Booth Hospital Auxiliary, Church Women United, and the Mary Circle of the Gloria Dei Lutheran Church.

Mary's kindness and generosity does not end there—she also has been involved with the Heritage League, Northern Kentucky Symphony, Women's Health Initiative, American Cancer Society, Florence Women's Club, and the Friends of Covington.

Aside from being involved in civic and philanthropic activities, Mary has long been an active member of the Northern Kentucky Republican Party and a driving force for Kentucky's Republican women. Back in the 1960s, Mary helped found the Kenton County Republican Women's Club and continues her work there today.

Mary also deserves credit for the many successes in her personal life. She and Clyde have been happily married for many, many years and have showed enormous strength of character and have a marriage that is an example to us all.

My colleagues and I join in congratulating you, Mary, on yet another fine achievement and we thank you for the time and effort you have put into others lives. I know the people of Northern Kentucky will continue to benefit from your generosity for many years to come.●

CONGRATULATING WESTMINISTER CHRISTIAN ACADEMY IN THE WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION NATIONAL FINALS

● Mr. ASHCROFT. Mr. President, it is my pleasure to congratulate the class from Westminister Christian Academy in St. Louis that represented the state of Missouri in the We the People . . . The Citizen and the Constitution national finals in Washington, D.C., during May 6–8, 2000. These young scholars worked diligently to reach the national finals, where they received honorable

mention. Through this experience they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

I would like to recognize Rebekah Baxter, Anna-Grace Claassen, Samantha Denny, Jonathan Friz, Joseph Goldkamp, Nick Gustafson, Tim Ivancic, Aaron Johnson, Melissa Millar, Sarah Munson, John Murphy, Steve Ottolini, Nick Pavlenko, Dawn Piehl, Rodney Schnellbacher, Michelle Stanford, Lindsey Vehlewald and Kristen Walle and their teacher Ken Boesch.

The We the People . . . The Citizen and the Constitution program is an extensive educational program developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the U.S. Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

I would like to congratulate the class from Westminister Christian Academy on their exemplary performance at the We the People . . . national finals. I wish these young ''constitutional experts'' from Missouri the best of luck in their future endeavors.●

THE HONORABLE BARRY M. GRANT RECEIVES ELEANOR ROOSEVELT HUMANITIES AWARD

● Mr. ABRAHAM. Mr. President, each year, the Attorney Division of State of Israel Bonds honors two individuals with the Eleanor Roosevelt Humanities Award. Recipients of this award are recognized for their contributions to the legal profession as well as their outstanding service to humanity in the spirit and ideals of Mrs. Roosevelt. I rise today to recognize the Honorable Barry M. Grant and the Honorable Nanci J. Grant, who will both receive the Eleanor Roosevelt Humanities Award on May 16, 2000, in Southfield, Michigan.

The Honorable Barry M. Grant has been an Oakland County Probate Judge since 1977, currently serving as the Chief Judge Pro Tem for the county's probate court. He received his graduate degree from Michigan State University and his law degree from Wayne State University, with postgraduate work at Northwestern University and Harvard Law School. Prior to becoming a Judge, he was a practicing attorney, having started his career as a clerk in the Probate Court and later serving as Assistant Prosecuting Attorney.

Judge Grant is President of the National College of Probate Judges and Editor of their national publication. He serves as the Secretary of the Judicial Tenure Commission and was the Chairman of that organization in 1992 and 1993. He has served as Secretary, Treasurer and President of the Michigan Judges Association and was President of the Oakland County Judges Association. Judge Grant has been on several gubernatorial commissions including the Governor's Traffic Safety Commission and the Strategic Planning Commission for programs for the mentally ill. In addition, Judge Grant authors a weekly column in The Detroit News, helping to keep many Michigan residents abreast of current issues involving the law.

In addition, Judge Grant dedicates much of his time to the Oakland County Community. He has served as Treasurer of the Southfield Board of Education, was a member of the Parent Youth Guidance Commission, is on the Board of Trustees of William Beaumont Hospital, and is a Director of the Boys Scouts of America, Clinton Valley Council. He has served as a Director of the Oakland County Chapters of the American Cancer Association, the Michigan Cancer Foundation and the March of Dimes. He is also on the board of the YMCA of Oakland County and is a Director of the Oakland County Youth Assistance Advisory Council.

Mr. President, I applaud the Honorable Barry M. Grant on his many personal achievements within the realm of the law and his many charitable endeavors outside of that realm. Not only Oakland County, but the entire State of Michigan, has benefitted from his great works. On behalf of the entire United States Senate, I congratulate Judge Grant on receiving the Eleanor Roosevelt Humanities Award. He is certainly deserving of the honor.●

MESSAGE FROM THE HOUSE

At 1:57 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2647. An act to amend the Act entitled ''An Act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

H.R. 3244. An act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

H.R. 3293. An act to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

H.R. 3313. An act to amend section 119 of the Federal Water Pollution Control Act to reauthorize the program for Long Island Sound, and for other purposes.

H.R. 4040. An act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

MEASURES REFERRED

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

H.R. 2647. An act to amend the Act entitled ''An Act relating to the water rights of the Ak-Chin Indian Community'' to clarify certain provisions concerning the leasing of such water rights, and for other purposes; to the Committee on Indian Affairs.

H.R. 3293. An act to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; to the Committee on Energy and Natural Resources.

H.R. 4040. An act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; to the Committee on Governmental Affairs.

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health; to the Committee on Health, Education, Labor, and Pensions.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second time, and placed on the calendar:

H.R. 3313. An act to amend section 119 of the Federal Water Pollution Control Act to reauthorize the program for Long Island Sound, and for other purposes.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and

found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8920. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report of the assessment of the current program for destruction of the United States' stockpile of chemical agents and munitions; to the Committee on Armed Services.

EC–8921. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report of the status of the acquisition and support workforce; to the Committee on Armed Services.

EC–8922. A communication from the Assistant Secretary of Defense, Force Management Policy transmitting, pursuant to law, the annual report of the Armed Forces Retirement Home for fiscal year 1999; to the Committee on Armed Services.

EC–8923. A communication from the Assistant Secretary of Defense, Health Affairs transmitting, pursuant to law, a report relative to collections from third-party payers for each military treatment facility; to the Committee on Armed Services.

EC–8924. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Family and Medical Leave Act'' (RIN3206–AI35), received May 9, 2000; to the Committee on Governmental Affairs.

EC–8925. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received May 9, 2000; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 442: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *LOOKING GLASS* (Rept. No. 106–281).

S. 1261: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *YANKEE* (Rept. No. 106–282).

S. 1613: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *VICTORY OF BURHNAM* (Rept. No. 106–283).

S. 1614: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *LUCKY DOG* (Rept. No. 106–284).

S. 1615: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *ENTERPRIZE* (Rept. No. 106–285).

S. 1779: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement with appropriate endorsement for employment in the coastwise trade for the vessel *M/V SANDPIPER* (Rept. No. 106–286).

S. 1853: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *FRITHA* (Rept. No. 106–287).

By Mr. COCHRAN, from the Committee on Appropriations, without amendment:

S. 2536: An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–288).

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

H.R. 2392: A bill to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes (Rept. No. 106–289).

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 Ms. COLLINS (for herself, Mr. FEINGOLD, Mrs. MURRAY, Mr. ABRAHAM, Mr. WELLSTONE, Mr. HUTCHINSON, Mr. DORGAN, Mr. GRAMS, Mr. BINGAMAN, Mr. L. CHAFEE, Mr. ENZI, and Ms. SNOWE):

S. 2528. A bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN:

S. 2529. A bill to suspend temporarily the duty on Pigment Orange 73; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2530. A bill to suspend temporarily the duty on Pigment Yellow 184; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2531. A bill to suspend temporarily the duty on Pigment Red 255; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2532. A bill to suspend temporarily the duty on Solvent Yellow 145; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2533. A bill to suspend temporarily the duty on Pigment Red 264; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2534. A bill to suspend temporarily the duty on Pigment Yellow 168; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2535. A bill to suspend temporarily the duty on Pendimethalin; to the Committee on Finance.

By Mr. COCHRAN:

S. 2536. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr. ALLARD, Mr. BINGAMAN, Mr. KENNEDY, and Mr. LEAHY):

S. 2537. A bill to amend title 10, United States Code, to modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself, Mr. ROBB, and Mr. DURBIN):

S. 2538. A bill to amend the Internal Revenue Code of 1986 to maintain retiree health benefits under the Coal Industry Retiree Heath Benefit Act of 1992; to the Committee on Finance.

By Mr. REID (for himself, Mr. BENNETT, Mr. DASCHLE, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, Mr. KENNEDY, Mrs. BOXER, Mr. ABRAHAM, and Mr. GRAMS):

S. 2539. A bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK (for himself, Mr. KERREY, and Mr. MURKOWSKI):

S. 2540. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a carbon sequestration program to permit owners and operators of land to enroll the land in the program to increase the sequestration of carbon, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE (for himself, Mr. MOYNIHAN, Mr. KENNEDY, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Mr. WELLSTONE):

S. 2541. A bill to amend title XVIII of the Social Security Act to provide a prescription drug benefit for the aged and disabled under the medicare program, to enhance the preventative benefits covered under such program, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mrs. MURRAY, Mr. ABRAHAM, Mr. WELLSTONE, Mr. HUTCHINSON, Mr. DORGAN, Mr. GRAMS, Mr. BINGAMAN, Mr. L. CHAFEE, Mr. ENZI, and Ms. SNOWE):

S. 2528. A bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support; to the Committee on Health, Education, Labor, and Pensions.

RURAL ACCESS TO EMERGENCY DEVICES ACT

Ms. COLLINS. Mr. President, today I am pleased to join my friend from Wisconsin, Senator FEINGOLD, in introducing the Rural Access to Emergency

Devices Act of 2000, which is intended to improve access to automated external defibrillators in small communities to boost the survival rates of individuals who suffer cardiac arrest.

We are very pleased to be joined in introducing this legislation by the following cosponsors: Senators MURRAY, ABRAHAM, WELLSTONE, HUTCHINSON, DORGAN, GRAMS, BINGAMAN, CHAFEE and ENZI.

Heart disease is the leading cause of death both in the State of Maine and nationwide. According to the American Heart Association, an estimated 250,000 Americans die each year from cardiac arrest. Many of these deaths could be prevented if AEDs were more accessible. AEDs are computerized devices that can shock a heart back into the normal rhythm and restore life to a cardiac arrest victim. They must, however, be used promptly. For every minute that passes before a victim's normal heart rhythm is restored, his or her chance of survival falls by as much as 10 percent.

We have a number of new and improved technologies in our arsenal of weapons to fight heart disease, including a new generation of small, easy-to-use AEDs that can strengthen the chances of survival. These new devices make it possible not only for emergency medical personnel, but also trained lay rescuers, to deliver defibrillation safely and effectively. The new AEDs are safe, effective, lightweight, low maintenance, and relatively inexpensive. Moreover, they are specifically designed so they can be used by nonmedical personnel, such as police, firefighters, security guards, and other lay rescuers, providing they have been trained properly.

According to the American Heart Association, making AEDs standard equipment in police cars, firetrucks—as I know the Presiding Officer has done in his hometown—ambulances, and other emergency vehicles, and getting these devices into more public places could save more than 50,000 lives a year.

Last December, the Bangor Mall installed an AED that is one of the first of these devices in Maine to be placed in a public setting outside the direct control of emergency medical personnel and hospital staff. Both the AED and an oxygen tank are kept inside a customer service booth, which is in an area of the mall where there is a high concentration of traffic and where heart emergencies might occur. Mall personnel have also received special training and, during mall hours, there is always at least one person who has been certified in both CPR and defibrillator use.

For at least one Bangor woman, this has been a lifesaver. On January 12th, just weeks after the AED was installed, two shoppers at the Mall collapsed in a single day. One was given oxygen and quickly revived. But the other shopper was unconscious and had stopped breathing. The trained mall staff—Maintenance Supervisor Larry Lee, Security Chief Dusty Rhodes, and General Manager Roy Daigle—were only able to detect a faint pulse. They quickly commenced CPR and attached the AED.

It is important to note that defibrillation is intended to supplement, not replace standard CPR. These devices, which are almost completely automated, run frequent self-diagnostics and will not allow the administration of shock unless the victim's recorded heart pattern requires it. When the AED is attached, it automatically analyzes the victim's vital signs. One of two commands will then be voiced and displayed by the unit: ''Shock advised—charging''; or ''Shock not advised—continue CPR.''

In the Bangor Mall case, the shock was not advised, so CPR was continued until the emergency medical personnel arrived. The EMT's told Mr. Daigle, the General Manager of the mall, that the woman—who had had a heart attack and subsequently required triple bypass surgery—simply would not have survived if they had not been so prepared. As Mr. Daigle observed, ''Twelve to fifteen minutes is just too long to wait for the emergency services to arrive.''

Cities across America have begun to recognize the value of fast access to AEDs and are making them available to emergency responders. In many small and rural communities, however, limited budgets and the fact that so many rely on volunteer organizations for emergency services can make acquisition and appropriate training in the use of these life-saving devices problematic.

The legislation that Senator FEINGOLD and I are introducing today is intended to increase access to AEDs and trained local responders for smaller towns and rural areas in Maine and elsewhere where those first on the scene may not be paramedics or others who would normally have AEDs. Our bill provides $25 million over three years, to be given as grants to community partnerships consisting of local emergency responders, police and fire departments, hospitals, and other community organizations. This money could then be used to help purchase AEDs and train potential responders in their use, as well as in basic CPR and first aid.

I commend the leadership of the Senator from Wisconsin for coming forth with this idea. I am very pleased to join him in introducing this important legislation.

The Rural Access to Emergency Devices Act has been endorsed by both the American Heart Association and the American Red Cross as a means of expanding access to these lifesaving devices across rural America. I urge all of our colleagues to join us as cosponsors of the bill.

I ask unanimous consent that letters of support from both the American Heart Association and their Maine affiliate be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN HEART ASSOCIATION,
Augusta, ME, May 3, 2000.

Hon. SUSAN M. COLLINS,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: The State Advocacy Committee of the American Heart Association in Maine commends you for your leadership in sponsoring the ''Rural Access to Emergency Devices (AED) Act.'' As volunteer advocates for the American Heart Association, we are pleased that you have recognized that the placement of AEDs with trained, local, first responders, such as fire and rescue departments, paramedics, police departments and community hospitals in rural areas will make a difference in a person's chances of surviving a sudden cardiac arrest. We are also proud that this bill is being sponsored by a Maine Senator.

Heart disease is the leading cause of death in the state of Maine, as well as the nation. Early defibrillation is the only known therapy for most cardiac arrests. Each minute of delay in returning the heart to its normal pattern of beating decreases the chance of survival by 7% to 10%. As you well know, Maine's population is dispersed over a large geographical, mostly rural, area. The Emergency Medical Services in our state are excellent, but travel times within rural communities can occasionally be too long to benefit the patient in cardiac arrest. The availability of AEDs and trained local responders should improve the chain of survival for these victims of sudden cardiac arrest. The American Heart Association estimates that the sudden cardiac arrest survival rate can improve from only 5% to 20% when AEDs and trained rescuers are readily available within communities.

Thank you, Senator Collins, on behalf of the residents of Maine and our fellow citizens in other rural states.

Sincerely yours,
GAYLE RUSSELL, RN, BSN,
Chair, Maine State Advocacy Committee.

AMERICAN HEART ASSOCIATION,
Washington, DC, April 27, 2000.

Hon. SUSAN COLLINS,
Hon. RUSSELL FEINGOLD,
U.S. Senate,
Washington, DC.

DEAR SENATORS COLLINS AND FEINGOLD: The American Heart Association applauds your commitment to saving lives and thanks you for your introduction of the ''Rural Access to Emergency Devices (AED) Act.'' The legislation will help improve cardiac arrest survival rates across rural America.

As you know, heart disease is the leading cause of death in this country. Cardiac arrest, whereby the electrical rhythms of the heart malfunction, causes the sudden death of more than 250,000 people every year. We are fighting this killer with improved technology, including automated external defibrillators (AEDs). These small, easy-to-use devices can shock a heart back into normal rhythm and restore life to a cardiac arrest victim. But, they must be used promptly. We have to act quickly because for every

minute that passes before a victim's normal heart rhythm is restored, his or her chance of survival falls by as much as 10 percent.

Cities across America have begun to recognize the value of fast access to these devices and are making them available to emergency responders. The Rural AED Act recognizes that we cannot and should not leave rural communities behind in this fight to improve survival. Because the first emergency responders on the scene of a cardiac arrest may not always be the medical responders, the Rural AED Act makes resources available to rural communities to purchase AEDs for police and fire as well as emergency responder vehicles. In addition, it provides resources to train these responders in the use of the devices. The bill provides $25 million for this effort to expand access to devices that can save lives across rural America.

The American Heart Association thanks you for your leadership in the fight against heart disease and looks forward to working with you to ensure the passage of this important legislation.

Sincerely,

LYNN A. SMAHA, M.D., PH.D.,
President.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

Let me first thank the managers for allowing us the opportunity to introduce our bill at this time. I especially thank my friend, the Senator from Maine, for taking the lead on this issue with me. She is a very effective Senator on many issues, and is specially effective, I think, when it comes to the concerns of rural people in Maine and throughout the country about an issue which is incredibly important—first aid.

I also thank the Presiding Officer, the junior Senator from Rhode Island, for joining us and cosponsoring the bill.

I rise today with Senator COLLINS to introduce the Rural Access to Emergency Devices Act. This legislation provides a first step to helping save the lives of the more than 250,000 people who die each year from sudden cardiac arrest.

Every two minutes, someone in America falls into sudden cardiac arrest—a medical emergency in which the heart's rhythm becomes so erratic it can not pump blood to the brain and other vital organs.

According to the American Heart Association, over 250,000 Americans die each year from sudden cardiac arrest. That is 700 deaths each day—a startlingly large number. Overall heart disease kills more Americans than AIDS, cancer, and diabetes combined.

In my home state of Wisconsin, as in many other states, heart disease is the number one killer. Ninety-five sudden deaths from cardiac arrest occur each day in Wisconsin.

These numbers are disturbing by any measure, but they are especially troubling because they don't need to be this high. By taking some relatively simple steps, we can give victims of cardiac arrest a better chance of survival, particularly in rural areas. Cardiac arrest victims are in a race against time, and today I'm introducing a bill to increase access to defibrillators, that are essential to reviving cardiac arrest victims.

Cardiac arrest strikes its unwilling victims with no warnings or indications. In most cases it's all but impossible to predict who will have a sudden cardiac arrest, or where and when it will happen.

Cardiac arrest can strike anyone. When cardiac arrest occurs, the victim loses consciousness, has no pulse and stops breathing normally. Death often occurs within minutes.

Cardiac arrest does not discriminate against age, gender, or race. A recent issue of Women's Day magazine detailed a number of cases in which a variety of people suffered from cardiac arrest.

The article tells about a 24-year-old woman, a writer for a Seattle comedy show, who suffered from cardiac arrest after watching her favorite television show. Another victim was a 48-year-old women who was out for a birthday dinner with her husband and friend. Yet another individual, only 31 years of age, suffered cardiac arrest at his computer programing job in Minnesota.

What these victims have in common is that all three survived. Each was saved because a properly trained person was there with an automated external defibrillator (AED). These life saving machines are compact, portable, battery-operated versions of the machines that were traditionally only in the hands of emergency medical personnel.

Wisconsin's Emergency Medical Services are some of the finest in the country. They are effectively trained to identify victims and determine when a shock is needed. There are countless stories of quick EMS responses that have saved so many lives.

Unfortunately, for those in many rural areas, Emergency Medical Services have simply too far to go to reach people in need and time runs out for victims of cardiac arrest. It's simply not possible to have EMS units next to every farm and small town across the nation.

Fortunately, recent technological advances have made the newest generation of AEDs inexpensive—approximately $3,000—and simple to operate. Because of these advancements in AED technology, it is now practical to train and equip fire department personnel, police officers, and other community organizations—and that's exactly what this legislation would do.

But let me be clear, I think they are only one part of the so-called chain of survival.

This chart indicates the four crucial aspects of the chain of survival, which is a proven method to save lives.

The first link in the chain is simple: it is vitally important that cardiac arrest victims have early access to care. When someone suffers from cardiac arrest, it's crucial that bystanders dial 911 to dispatch the appropriate emergency personnel to the scene.

The next link is early CPR—if performed properly, it will at least buy a few minutes to perform defibrillation. Let me be clear though, effective CPR does not replace defibrillation in saving lives.

The critical link in the chain of survival for victims of cardiac arrest is early defibrillation. Mr. President, each minute of the delay in returning the heart to its normal pattern of beating decreases the chance of survival by 10 percent.

The final link in the chain is early access to advanced care—it is literally of vital significance. Even after successful defibrillation, many patients require more advanced treatment on the way to the hospital.

By passing this legislation, and increasing access to defibrillators, we have the chance to strengthen the more important link in the chain of survival.

Communities across America are in dire need of better access to defibrillators. Making AEDs widely available so that trained laypeople can use them to administer shocks to cardiac arrest victims will go a long way toward saving lives.

In fact, the American Heart Association estimates that over 50,000 lives could be saved each year if AEDs were more readily accessible.

This next chart illustrates a startling statistic I mentioned a moment ago—for every minute that passes a cardiac arrest victim is defibrillated, the chance of survival falls by as much as 10 percent. After only eight minutes, the victims survival rate drops 60 percent.

Our legislation, the Access to Emergency Devices Act of 2000 takes a common sense approach to strengthen this chain of survival. This legislation provides $25 million to expand access to devices that can save lives across rural America.

It also provides for training grants to give people the training they need to learn how to operate defibrillators.

And I have learned that training is very important, but also that nearly anyone can be taught to make proper use of a defibrillator.

Cities across America have begun to recognize the value of fast access to defibrillators and are making them available to emergency responders. This legislation recognizes that rural communities should have the same chance to improve cardiac arrest survival rates.

Because the first emergency responders on the scene of a cardiac arrest may not always be the medical responders, our legislation makes resources available to rural communities

to purchase AEDs for police and fire as well as emergency response vehicles—and our bill also provides funds for the training that will sustain the life-saving effect of these grants.

Cardiac arrest can be a killer. But if we give people in rural communities a chance, they may be able to stop a cardiac arrest before it takes another life. Our bill is a simple and effective way to increase the availability of defibrillators, and give rural victims of cardiac arrest a better chance of survival, and I look forward to working with my colleagues to pass this legislation.

I yield the floor.

By Mr. JEFFORDS (for himself, Mr. ALLARD, Mr. BINGAMAN, Mr. KENNEDY, and Mr. LEAHY):

S. 2537. A bill to amend title 10, United States Code, to modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance; to the Committee on Armed Services.

NATIONAL GUARD AND RESERVE EDUCATION ACT

• Mr. JEFFORDS. Mr. President, I strongly believe we owe it to Americans to provide them the best educational opportunities. And as a Navy veteran, I feel we owe our military greater access to education by providing maximum flexibility to use the educational benefits they've been promised. Today, on behalf of Senators ALLARD, BINGAMAN, KENNEDY, LEAHY, and myself, I am introducing legislation that will provide more time for our National Guard and Reserves to utilize their current education benefits.

Education benefits have proven to be one of the more important benefits offered by the U.S. military, both in terms of recruiting and retention, and as a means of upgrading the educational levels of our existing force. Currently, members of our uniformed services receive education assistance primarily through the successful Montgomery GI bill.

While the Montgomery GI bill goes a long way toward helping to further the education of our hardworking men and women serving in the uniformed services, there is an important gap in the number of years they have to utilize these benefits. While active duty personnel are provided education benefits for up to ten years after they separate from active duty, National Guard and Reserve personnel are only entitled to these benefits for the first ten years of their service and not after they leave the service. Since our active duty servicemembers currently have up to ten years after they separate from active duty, they are eligible to utilize their education assistance for up to thirty years (twenty years service plus ten). Our National Guard and Reserve servicemembers' benefits currently end ten years from the date they complete basic training.

The legislation I am introducing today would allow our National Guard and Reserves to use their Montgomery GI bill education benefits for the entire time they serve in the Selected Reserve. We are not asking for more benefits, just greater flexibility in the servicemembers' choice of when to use the education benefits that are already approved for them.

In addition, the Selected Reserve members who become disabled are currently allowed to use the GI bill education benefits only during the first ten years of service, regardless of what year they become disabled. For example, if a servicemember becomes disabled during the first two years of service, he has eight more years of education assistance eligibility. But if he becomes disabled after nine years of service, he would have one year of eligibility left. After ten years of service, the National Guard and Reserve have no education benefits if they become disabled.

This legislation would allow any unused portion of their 36 months of GI bill educational assistance to be utilized through the later of the original ten-year period of eligibility or a four-year period beginning on the date the person is involuntarily separated from the Selected Reserve. This adjustment also pertains to servicemembers whose unit is inactivated during a force drawdown if they have any unused months of educational assistance remaining.

As we have seen, our National Guard and Reserve continue to be tasked more and more as our nation calls on them to support missions around the world. The Selected Reserve makes up almost half of our Uniformed Services today. They, too, leave their families behind to meet the call of serving our nation. In addition, they leave their full-time employers for months on end to perform their 'part-time' jobs. This makes it even more difficult for them to take advantage of employer-provided opportunities to further their education. How can we continue to expect them to utilize their current Montgomery GI bill benefits within the current time limitations while being tasked to work two jobs, maintain a family and deploy overseas on short notice? They've earned the right to have an equitable amoun6t of time to utilize their Montgomery GI bill educational assistance. This is the right thing to do. I hope my colleague will join me in cosponsoring this legislation.

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

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

S. 2537

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

SECTION 1. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (a) of section 16133 of title 10, United States Code, is amended by striking ''(1) at the end'' and all that follows through the end and inserting ''on the date the person is separated from the Selected Reserve.''.

(b) CERTAIN MEMBERS.—Paragraph (1) of subsection (b) of that section is amended in the flush matter following subparagraph (B) by striking ''shall be determined'' and all that follows through the end and inserting ''shall expire on the later of (i) the 10-year period beginning on the date on which such person becomes entitled to educational assistance under this chapter, or (ii) the end of the 4-year period beginning on the date such person is separated from, or ceases to be, a member of the Selected Reserve.''.

(c) CONFORMING AMENDMENTS.—Subsection (b) of that section is further amended—

(1) in paragraph (2), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)(1)'';

(2) in paragraph (3), by striking ''subsection (a)'' and inserting ''subsection (b)(1)''; and

(3) in paragraph (4)—

(A) in subparagraph (A), by striking ''subsection (a)'' and inserting ''subsections (a) and (b)(1)''; and

(B) in subparagraph (B), by striking ''clause (2) of such subsection'' and inserting ''subsection (a)''.•

By Mr. ROCKEFELLER (for himself, Mr. ROBB, and Mr. DURBIN):

S. 2538. A bill to amend the Internal Revenue Code of 1986 to maintain retiree health benefits under the Coal Industry Retiree Health Benefit Act of 1992; to the Committee on Finance.

COAL MINER AND WIDOWS HEALTH PROTECTION ACT OF 2000

Mr. ROCKEFELLER. Mr. President, today I am introducing legislation that will maintain the promised health benefits of a small group of retired coalminers and their widows—the Coalminers and Widows Health Protection Act of 2000. Retired coalminers and their widows were promised lifetime health benefits by the companies they worked for and by the federal government more than a half century ago. This commitment goes back to 1946 when President Truman guaranteed miners they would have lifetime health benefits in exchange for their return to the mines. The promise was well understood in the coalfields, and reiterated in successive coal wage agreements throughout the last half century. Congress affirmed that promise when it enacted the Coal Industry Retiree Health Benefits Act in 1992 (as part of the Energy Policy Act) to protect the health benefits of about 120,000 retirees and avoid a nationwide coal strike. The Coal Act has ensured that a small group of retirees would continue to get the health benefits that they earned and were promised for eight years now. There are now only about 65,000 miners and retirees remaining in the Fund—70% of whom are elderly widows of retired miners. Their average age is 78

years old, and more than 45% of the population is over 80 years old.

Once again, in this new century, the health care of this small group of retired miners and widows is threatened due to both significantly increased health care costs and a series of adverse court decisions. Congress must act this year to prevent a reduction in their health care benefits. Last year, we faced the first shortfall in the trust fund that pays for retired miners health benefits, and Congress responded. Senator BYRD and Congressman RAHALL's leadership forestalled a health care benefit cut. They included a stop-gap $68 million in last year's final omnibus Appropriations bill to avert a cut. If Congress fails to act this year, retired miners and their widows will be in imminent danger of losing health benefits as early as next Spring.

I am glad to report to my colleagues that the Clinton/Gore Administration recognized the need to shore up the retired miners' health fund and included in its budget a number of provisions that together secure miners' benefits well into the next decade. The Coal Act related provisions in the President's budget are based on one premise—these retired miners were promised lifetime health benefits and a promise made must be a promise kept. The Administration strongly reaffirmed the federal government's commitment to retired miners and their widows by proposing to transfer $346 million in new monies over the next ten years to the Combined Benefit Fund to ensure there will be no benefit cuts. The Administration's budget also clarified a few provisions of the Coal Act to avoid unnecessary litigation about the clear meaning of the statute. The Coalminers and Widows Health Protection Act does not include all of the Administration's proposed solutions for jurisdictional and practical reasons, but I am very grateful for their comprehensive solution to maintaining promised benefits, and believe each of their proposed remedies deserve serious consideration by Congress.

The Coalminers and Widows Health Protection Act does three things. It provides for an annual mandatory transfer of general funds to the Combined Benefit Fund to maintain its long term solvency and prevent a reduction in miners' health benefits. The annual transfers are set at a level to avoid any reduction in benefits and amount to $346 million over ten years. This bill also clarifies two aspects of the Coal Act to resolve disputed or misunderstood provisions of the law. The first clarification involves the timing of Social Security Administration's assignment of retired miners to the companies that had employed them and promised to finance their lifetime health benefits. The second clarification involves assignments to successors-in-interest of coal companies that had agreed to finance lifetime health benefits, as well as to the successors-in-interest of persons related to those companies, which is explicitly provided for in the Act. These clarifications will avoid further unneeded litigation expenses. These two clarifications do not score for the purposes of determining the cost of enacting them to the federal government.

I want to report to my colleagues that there is a bipartisan, bicameral process underway to determine how we can best shore up the miners' trust fund. Staff are meeting regularly. Chairman ROTH has informed me that he is committed to finding a way to preserve these promised benefits, and I welcome his strong support, as well as that of Senator MOYNIHAN and several other Members of the Finance Committee who are actively involved in this process.

One hundred thousand coalminers were killed while working in the mines last century. Nearly another hundred thousand suffered debilitating job related illnesses. This bill will give retired miners and their widows the health security they were promised and deserve. We owe them that security. They earned it. And you can rest assured that as Congress deals with the priority issues of funding government functions and operations through the annual budget process, and as proposed tax cuts and other legislative items are contemplated, I intend to see to it that we meet our responsibilities to retired coalminers.

There are about 20,000 thousand retired miners and their widows living in West Virginia—and tens of thousands of more living in virtually every state of the Union. The Coalminers and Widows Health Protection Act will tell them that they can count on their health care benefits being there for them when they need them, just as they were promised.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 2538

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coal Miner and Widows Health Protection Act of 2000''.

SEC. 2. MANDATORY TRANSFER OF FUNDS TO COMBINED BENEFIT FUND.

(a) Section 9705 of the Internal Revenue Code of 1986 (relating to transfers to the Combined Benefit Fund) is amended by adding at the end the following:

''(c) MANDATORY TRANSFERS FROM GENERAL FUND.—

''(1) IN GENERAL.—There are hereby authorized and appropriated, out of any amounts in the Treasury not otherwise appropriated, to the Combined Fund the following amounts for the following fiscal years:

''(A) $38,000,000 for fiscal year 2001,

''(B) $37,000,000 for fiscal year 2002,

''(C) $36,000,000 for each of fiscal years 2003 and 2004,

''(D) $34,000,000 for each of fiscal years 2005 and 2006,

''(E) $33,000,000 for each of fiscal years 2007, 2008, and 2009, and

''(F) $32,000,000 for fiscal year 2010.

''(2) USE OF FUNDS.—Any amounts transferred to the Combined Fund under paragraph (1) shall be available, without fiscal year limitation, to pay benefits under this subchapter.

''(3) TRANSFER.—The Secretary shall transfer amounts appropriated under paragraph (1) on October 1 of each fiscal year.''

SEC. 3. CLARIFICATION OF AUTHORITY TO ASSIGN ELIGIBLE BENEFICIARIES.

(a) IN GENERAL.—Section 9706(a) of the Internal Revenue Code of 1986 (relating to assignment of eligible beneficiaries) is amended by striking '', before October 1, 1993,''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 19143 of the Coal Industry Retiree Health Benefit Act of 1992 (Public Law 102–486; 106 Stat. 3037), and no assignment made under section 9706(a) of the Internal Revenue Code of 1986 shall be invalidated because it was not made before October 1, 1993.

SEC. 4. CLARIFICATION OF AUTHORITY TO ASSIGN ELIGIBLE BENEFICIARIES TO SUCCESSORS OF SIGNATORY OPERATORS.

(a) IN GENERAL.—The last sentence of section 9701(c)(2)(A) of the Internal Revenue Code of 1986 (defining related persons) is amended to read as follows: ''A related person shall also include a successor in interest of any person described in clause (i), (ii), (iii), or a successor in interest of the signatory operator itself.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 19143 of the Coal Industry Retiree Health Benefit Act of 1992 (Public Law 102–486; 106 Stat. 3037), except that such amendment shall not apply to any proceeding initiated before the date of enactment of this Act if the proceeding (and any appeal therefrom) is not pending on such date.

By Mr. REID (for himself, Mr. BENNETT, Mr. DASCHLE, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, Mr. KENNEDY, Mrs. BOXER, Mr. ABRAHAM, and Mr. GRAMS):

S. 2539. A bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers; to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998 AMENDMENTS

Mr. REID. Mr. President, I rise today to introduce a bipartisan bill that is critical to maintaining our nation's lead in the high-tech sector. In specific, this bill is crucial to the computer industry. This is an issue that I have been very interested in for quite some time, and in particular, have done a lot of work on this session.

I first want to talk a little bit about the U.S. computer industry. According to an article in Computers Today, dated July 19, 1998, American computer technology has led the world since the

first commercial electronic computer was deployed at the University of Pennsylvania in 1946.

This industry is constantly changing with new companies and new products emerging every day. A statistic that I find fascinating is that more than 75 percent of the revenues of computer companies come from products that did not exist two years before. That statistic is from the CSPP Freedom to Grow.

Through research and development, another issue I strongly favor, the computer industry has been able to remain competitive for all of these years.

The challenge that we not face, and frankly a challenge that we haven't lived up to in the past as a Congress, is to allow our export control policies to change with the times, and not to overly restrict our nation's computer companies.

We need to stop trying to control technology that is readily available, as we are doing today. The technology that we are regulating is readily available from many foreign companies. Companies from countries like China and other Tier 3 countries.

I remember, not too long ago, I was able to secure funding for a Super-Computer for the University of Nevada, Las Vegas. That computer, which required its own room, is now about as powerful as a laptop computer. That is exactly the kind of computer that we are still regulating.

Computers that are now considered Super-Computers operate at more than one million MTOPS, or about 500 times the current level of regulation.

The bottom line is that by placing artificially low limits on the level of technology that can be exported, we may be denying market realities and could very quickly cripple America's global competitiveness for this vital industry. If Congress doesn't act quickly, we will substantially disadvantage American companies in an extremely competitive global market.

Mr. President. On February 1, 2000, at my urging, and the urging of others in this body, President Clinton proposed changes to the United States export controls on high-performance computers. Since that accouncement, the President's proposal has been floating around Congress for a mandated 180 days, or six month, review period. When the President made his proposal, the new levels would have been sufficient, however, we are still regulating under the old levels, and therfore hindering American companies from competing in Tier 3 countries with other foreign companies.

The bill that I am offering today simply reduces the congressional review period from 180 days to 30 days to complement the administration's easing of export restrictions, by amending the National Defense Authorization Act of 1998.

I appreciate the recent bipartisan support of this bill and I look forward to debating this bill on the Senate floor in the near future.

Mr. BENNETT. Mr. President, today Senator HARRY REID of Nevada and I are introducing bipartisan legislation with respect to the review period for the sale of high-performance computers. Both Senator REID and I were hoping this legislation would not be necessary. We had planned it as an amendment to the Export Administration Act, but that act, for a variety of reasons, has been stalled here on the floor, and the issue is so important that we don't want to let it die. We are introducing this legislation in order to keep the issue alive and, if necessary, to provide a vehicle for producing the review that we think is necessary.

Let me display a chart that demonstrates what is happening in the high-tech world of business computers. These are not the computers that we carry back and forth on the planes. You and I, as we fly back to our homes, have laptops and those laptops have amazing capabilities in them and represent the changes that are occurring in the computer world.

If I can be personal for just a moment, at one point in my career, I was the head of a company that was grandly called the American Computer Corporation. We produced, among other products, a computer that was about the size of a washing machine. We were very proud of it. It had 10 megabytes of hard disc memory in it, and it sold for about $35,000. It was literally built in a garage, and we sold every single one we could make.

Today, I have in my hand a computer that costs less than $500, which has far more power and capacity than that old machine we were so proud of, with its 10 megabytes of hard disc. The laptop I carry with me back and forth between here and Utah has more computing power in it today than the computers that controlled the space shuttle.

I have been down to Cape Canaveral to the Kennedy Space Center. I have seen the space shuttle. The space shuttle computers that control the flight of that at this time are very highly technical instruments and are built throughout the entire airplane. They take up so much room that they are part of the superstructure of the airplane itself. Today, there is more computing power in the laptop that I carry than there is in that whole airplane.

This is a manifestation of what the people in the computer world call Moore's law. Mr. Moore was one of the first CEOs of Intel. He propounded over 20 years ago Moore's law which says that every 18 months, the power of computers doubles for the same price; so that every 18 months, the computer that you had 18 months ago is now obsolete and the new one is twice as fast. Then, 18 months later the new one will be twice as fast as that one was. And 18 months later, the next new one will be twice as fast, and so on. Moore's law has held for over 20 years. Every 18 months the power of the computer doubles.

Moore's law doesn't hold anymore—not because the power of the computer is not doubling but because the power of the computer is doubling in less than 18 months. It is doubling faster than Moore projected in Moore's law.

This chart demonstrates what is happening in the world with what we call ''business computers.'' These are computers that are roughly the size of that old computer we produced that was the size of a washing machine, or a college refrigerator. Only now, these computers have the power and capacity that we used to think of in terms of the giant supercomputers that would fill this room.

Thereby hangs the issue that has caused me and Senator REID to join together and introduce this piece of legislation.

When supercomputers, the huge machines that could do an enormous amount of computation work, were first invented, it was a matter of national security that they be kept out of the hands of America's enemies. So it was established by legislation that there would be a limit on the size of computers that could be exported because we wanted to make sure the supercomputers stayed in American hands.

The limit that was placed on supercomputers was at the level of 8,000 MTOPS. I don't mean to be overly technical here, but we need to understand what we are talking about. MTOPS is an acronym for millions of theoretical operations per second.

How many theoretical operations or calculations can the computer perform in a second? How many millions can it perform in a second?

At the time this legislation was put in place, it said anything over 8 trillion theoretical operations per second constituted a supercomputer, and therefore it had to be protected from export. It had to be held in the United States, for national security purposes. We were the only country in the world that had a computer that could approach 8 trillion MTOPS, or millions of theoretical operations per second.

That was then. This is now.

I hold in my hand a device that is produced here in America by Intel that contains eight chips. And therein lies the tale that I want to talk about today.

Just think of this. This, by the way, retails for about $900. It is part of the mother board of a traditional business computer today. The mother board is about 2 feet square. This fits on the mother board with all of the other chips that are in it. But this is the controller of all of that. And it has in it eight tiny chips.

Here is the marketplace for this kind of computer worldwide. We have the figures.

In 1997, worldwide, it is a little over 2 million.

You see in the blue down below is the market in the United States, and the green is overseas. You can see that the market overseas is bigger than the market in the United States.

The chart marches on with projections made by the Gartner Group out of Connecticut to the year 2002. We see, roughly speaking, that in that 5-year period—from 1997 to 2002—this market will quadruple. We are talking hundreds of billions of dollars per year of market.

I want that understood as the matrix of what we are talking about here.

This is the size of the market for a product of which this is the heart.

Now let's talk about it in terms of export control on MTOPS.

I hope we can tie all of these together. I realize this is a little technical. But understand when the legislation was passed, anything that had more than 8,000 MTOPS in it could not be exported, and therefore could not be sold in the green part of that bar.

Let's look at what is happening as Moore's law becomes obsolete as the power of computers increases more rapidly.

Here is a blowup of this device as it existed in 1999, less than 6 months ago.

A Pentium III chip carries with it 1,283 MTOPS. So if you had one of these with one Pentium III chip in it, you could export it. If you put two Pentium chips in it, you could export it because it doubles to 2,383. If you put four Pentium chips in it, doubling it again, you went to 4,584. But when you doubled that by putting eight chips in it, it cannot be exported now because it is over 8,000 MTOPS.

In 1999, this was a product that could be purchased in the United States by anybody, carried out the door, or installed, if you are buying it for your business, by the people who are providing for you. But it cannot be sold overseas without a review of the export license. Because we were so anxious to make sure that these computers didn't get into the wrong hands, the export license time for review of this was 180 days, or 6 months. That meant that an American manufacturer who took one of these processors from Intel, put eight chips in it, and put it in his computer, could sell it anywhere he wanted to in America but could not export it for 180 days.

What happened in that 180 days while he was waiting for export approval?

Let's look at where we are now in the year 2000.

In that 180-day period where you are waiting for export approval, the Itamium chip has been developed and come on the market. It has 6,131 MTOPS in one chip. If you are going to export this product, you can only have one chip in it. If you put two in it, you are immediately close to 12,000 MTOPS. If you put in four, you are at 23,000 MTOPS. And, if you put in the standard eight that this carries, you are at 47,000 MTOPS.

The administration has proposed raising the 8,000 MTOPS level to 25,000, which clearly doesn't do you any good. The technology is moving so rapidly that you can buy 25,000 just as quickly as you can buy 8,000.

This is where we are today.

If you had applied for an export license with Pentium chips last year and waited 67 months, by the time you got your 6-month approval, you would be facing this kind of competition, and no one would want your Pentium chip. They would want one with the Itamium chip. You say, all right. I will put up with the 6 months, and I will apply for this computer with eight Itamium 2000 chips.

What is ahead of you if you do that? Looking ahead to 2001 with the Itamium 2001 chip, this is what you are facing. That chip will do 9,198 MTOPS all by itself. Even one chip in this one makes it illegal to export without waiting 180 days for approval. Go to the normal eight chips, and you are at 70,000 MTOPS.

To those who say: Good heavens, we are exporting or allowing people to buy supercomputers that can do all of the command and control decisions for an entire defense system, we are in terrible trouble, we are giving away our secrets; I say in the Defense Department we still have supercomputers that are currently running at the rate of 2 million MTOPS. For those supercomputers, these things are child's play. By the time we get to 70,000 MTOPS in a computer of the kind in my hand, the supercomputers will have gone up from 2 million to as high as 30 million. That is the speed with which all of this is happening.

What are we proposing in this legislation? Simply this: We are saying approval can be granted within 30 days. We are taking it from 6 months down to 1.

Why do I pick 30 days, along with Senator REID? We look at the export controls—which, again, are there to protect America's secrets—and we find that 30 days is currently the timeframe for an F–16. If a foreign government wants to buy our most sophisticated aircraft, we take 30 days to determine whether or not that particular aircraft in the hands of that particular government produces some kind of threat to national security. Yet we will take 6 months to decide whether that government can buy a computer that is available in virtually every technology center anywhere in the United States. They can buy it in the United States, throw it on the airplane, and take it abroad themselves.

Somebody could say: Gee, that is illegal to take abroad. What kind of secrecy and control is it when one can buy it on the street in the United States, any citizen can buy it as easily as they could buy one of these, but for some reason we can't allow them to export it?

There is another factor to recognize. We are not operating in a vacuum. There are Japanese companies that can do this. There are French companies that can do this. There are German companies that can can do this. If we say American companies can't do this, we just guarantee the rest of the world will get this market. Remember those lines on that bar chart showing the foreign market is bigger than the American market? We are guaranteeing the rest of the world will take this market away from the United States as we sit here with our 180-day review period, saying in effect no American company can get into this business at all, because in that 180-day period everyone overseas will have bought foreign and not bought American.

It is vitally important that we recognize the reality of what is happening in the computer world, we bring the date necessary for review down to a reasonable period of time, and we say, if you want to buy one of these from Intel with eight Itanium 2001 chips in it, it will not take any more time for you to do that than it will take you to buy an F–16. That is the reasonable, intelligent thing to do. That is what the legislation of Senator REID and myself seeks to establish.

I hope it is not necessary for our bill ever to be considered or passed. I hope the export administration bill comes back on the floor and Senator REID and I can offer our bill as an amendment to that bill and see it adopted by the Senate and sent to the President as rapidly as possible. Just in case that does not happen, by introducing this bill on behalf of Senator REID and myself today, I am making clear we have a backup somewhere in the legislative channel to which we can turn to try to make it logical and possible for American computer manufacturers and American chip manufacturers to continue America's leadership in this market.

Make no mistake, we are talking hundreds of billions of dollars where America currently has the technological leadership in the world. That leadership is now threatened by Government regulations. It is imperative we change those regulations on the floor of the Senate, if possible, working with the administration.

By Mr. BROWNBACK (for himself, Mr. KERREY, and Mr. MURKOWSKI):

S. 2540. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a

carbon sequestration program to permit owners and operators of land to enroll the land in the program to increase the sequestration of carbon, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DOMESTIC CARBON STORAGE INCENTIVE ACT OF 2000

Mr. BROWNBACK. Mr. President, I rise today to introduce a bill that I think is going to be a significant issue for U.S. agriculture and the environment both. It's the Domestic Carbon Storage Incentive Act of 2000. I am putting forward a concept that is being talked about more and more, a concept called carbon farming, where we encourage the agriculture industry to farm in such a way that the plant life pulls CO_2 out of the air, fixes carbon in the ground, releases oxygen in an ever-increasing amount. There are farming techniques that can fix or sequester more carbon in the ground. What we are doing with this bill is encouraging more of that carbon sequestration, pulling more of the CO_2 out of the air thus reducing some of the greenhouse gases that are in the air, whether they are there by natural or man-made sources. It is a win for the environment and it is a win for agriculture, I think it is a very positive thing we can do in encouraging good agricultural stewardship and good environmentalism.

With this bill we are providing financial incentives to landowners who increase conservation practices which, as I describe, help pull carbon dioxide out of the atmosphere and store it as carbon in the soil. This bill seeks to encourage the positive contributions to the environment made by the agriculture industry. I am joined in this bill by my friend, Senator KERREY of Nebraska and Senator MURKOWSKI of Alaska along with a number of others.

For some time now I have been looking at a way for a way to approach environmental issues from an incentive-based proactive stance. I think it is important we break away from the regulatory model we have been in on the environment. We have basically said all sticks on this: If you do this we are going to do this to you on environmental rules and issues. It has all been a regulatory approach. I think it is important we engage the markets and create an incentive approach, and that is what this bill does. I believe we are on the verge of seeing agriculture come into a whole new market with this type of approach, an environmental market where producers will benefit rather than be burdened by environmental concerns.

U.S. agriculture has long been appreciated for its ability to feed the world. As any good farmer knows, in order to grow good crops you must take care of the land, be a steward of the land. Farmers take this role very seriously. My family farms. My dad and my brother are both full-time farmers. But sometimes markets and economic stress make conservation very difficult to pursue. This bill would help offset some of the costs to expand conservation practices.

It is this sort of eco-agriculture that we should encourage and enhance to deal with environmental concerns, rather than resorting to governmental regulations and mandates to solve our problems. Farmers want to do the right thing. They have more reason than anybody else to preserve and protect the land, the land and the water and the air—but Government and markets do not always make that job very easy.

I applaud my colleague, Senator ROBERTS, for all the work he has done in this area. His bill that he has to enhance carbon sequestration research has called needed attention to a very important area, the research work that we need to do about what practices fix the most carbon into the ground and what ones are the most helpful to the atmosphere. These two approaches, working together, the research on how we can do it better and more of it, along with more incentives to put that research into practice, I think are a good tandem.

Why do we do this? Carbon dioxide is a greenhouse gas believed to contribute to global warming. While there is debate over the role which human activity plays in speeding up the warming process, there is broad consensus that there are increased carbon levels in the atmosphere today. Until now, the only real approach seriously considered to address climate change was an international treaty which calls for emission limits on carbon dioxide, which would mean limiting the amount that comes from your car, your business and your farm.

The Kyoto treaty also favored exempting developing nations from emissions limits, putting the U.S. economy at a distinct disadvantage. Approaching the issue of climate change in this fashion would be very costly and would not respond to the global nature of this problem because they are exempting several countries already.

Instead, the approach I am putting forward encourages offsetting greenhouse gases through improved land management and conservation. As a result, these practices will also lead to better water quality, less runoff pollution, better wildlife habitat, and an additional revenue source for farmers. It truly is one of those win-win propositions for the environment and for agriculture.

Specifically, my bill will allow landowners to submit plans detailing practices they would be willing to undertake to store additional carbon in the soil. These plans would then compete for entrance into the program, with the best plans achieving funding. Verification of this program would be similar to current conservation programs, such as the Environmental Quality Incentives Program where farmers need only comply with the practices they set forth in the contract. The program is limited to 5 million acres and is not a setaside. Rather, this bill encourages conservation practices such as no-till farming, buffer strips, and biomass production, to name a few, which are known to enhance the soil's ability to store carbon.

Under this program, contracts will be for a minimum of 10 years and USDA will be required, in conjunction with other agencies and land grant universities, to finalize criteria for measuring the carbon-storing ability of various conservation practices. This objective will be greatly enhanced by the organizations such as Kansas State University in my home State, which have conducted significant research already on ways that various carbon-storing practices occur in agriculture.

Agriculture can play a substantial role in protecting the environment if we put these incentives forward. One might ask, is there benefit to carbon storage? Are we talking about significant numbers? Listen to some of these numbers. The total carbon sequestration and fossil fuel offset potential of U.S. croplands is currently estimated at 154 million metric tons of carbon per year, or 133 percent of the total greenhouse gas emissions by all these activities. In other words, even current agricultural croplands have the ability to store carbon in the soil. Imagine how much more this process can be enhanced if a focused effort is made.

Early estimates indicate that the potential for a carbon market for U.S. agriculture could reach $5 billion per year for the next 30 to 40 years. Carbon markets are already emerging in the private sector with farmers selling their carbon-storing practices to utilities. There is a Consortium for Agriculture Soils Mitigation of Greenhouse Gases that is marketing this already.

Farmers are already beginning to look toward carbon sequestration or carbon farming practices as a potential new market. Between 1998 and 1999, Iowa farmers grew and harvested 4,000 tons of switchgrass for use by a utility. These farmers not only benefit from the sale of the biomass commodity itself but are able to sell the additional benefit they are providing in growing the switchgrass, which is carbon sequestration. This bill will allow all farmers to progress toward verification and potential sale of carbon benefits to third parties.

The estimated amount of carbon stored in world soils is more than twice the carbon living in vegetation or in the atmosphere. Approximately 50 percent of the soil organic carbon has been lost from the soil over a period of 50 to 100 years of cultivation. This loss represents the potential for storage of carbon in the soil.

In the tall grass prairie located in Kansas, Kansas State University researchers have demonstrated an increase of approximately 2 tons of carbon per acre through increased conservation practices—2 tons additional carbon pulled out of the air and put into the ground per acre. That demonstrates the potential in rangeland soils, and there are already a number of agricultural practices which enhance carbon sequestration.

Obviously, carbon sequestration has a lot to offer as an environmental and agricultural policy. It is something that can provide a win-win situation for the environment and agriculture as we look forward to an era of another income source and a good way the environment and agriculture can work together.

Mr. President, I introduce the bill on behalf of myself, Mr. KERREY, Mr. MURKOWSKI, and a number of other cosponsors.

● Mr. KERREY. Mr. President, today I am introducing the Domestic Carbon Storage Incentive Act of 2000 with Senators BROWNBACK and MURKOWSKI. Agriculture must play a major role in any climate change plan, since it is an important part of both the cause and the solution. While the facts about global warming are not all clear, what is clear is that global warming is occurring. What is also clear is that human activities are emitting increasingly large volumes of greenhouse gases, and that these gases are influencing global warming.

Carbon sequestration, that is pulling carbon from the air into the soil, is an important part of fighting global warming, and agriculture is one of the largest and most economical carbon ''sinks.'' Farmers and ranchers can store additional carbon in the soil fairly easily, using best management practices such as no-till farming, increased production of high carbon-storing crops, and increased use of winter cover crops. Storing carbon in the soil is not only good for the environment, it is also advantageous for soil quality and agriculture production. I am pleased that farmers and ranchers are beginning to realize that carbon sequestration is a win-win situation. Agriculture is sometimes hesitant to adopt change, however, and it is important to provide producers with the opportunity to fully utilize carbon-storing techniques.

This bill will give agriculture producers added financial incentive to adopt these best management practices. Unlike CRP, the land will not be a set-aside, but rather these practices will be used on land in production. This program will be completely voluntary, with farmers competing for entrance into the program by proposing specific plans to store more carbon in their land. The best plans will be awarded ten-year contracts with payments no greater than twenty dollars per acre each year.

Some farmers have expressed concern about using these carbon-storing techniques on their land, however, because current studies only involve small experimental plots. This legislation will implement carbon sequestration practices on whole farms, both to gather more data on beneficial techniques and to set examples for other farmers to follow.

While measuring carbon storage is a difficult task, the most direct means of determining soil carbon sequestration is to measure, over time, sequential changes in the soil. At a recent Senate Agriculture Subcommittee hearing, several scientists and policy-makers advocated a greater need for more research and more data. This program will provide actual data from different soil types across the nation, furthering our collective knowledge of causes and solutions to global warming.

The Domestic Carbon Storage Incentive Act is an important step in moving agriculture's role in fighting climate change forward. Carbon sequestration will benefit everyone: farmers, ranchers, the environment, and society. This bill will serve a public good, valued far above the cost of the program. Congress has the opportunity to take action to combat global warming, and I hope that the Senate can begin to achieve this goal by acting on this sound legislation.●

By Mr. DASCHLE (for himself, Mr. MOYNIHAN, Mr. KENNEDY, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Mr. WELLSTONE):

S. 2541. A bill to amend title XVIII of the Social Security Act to provide a prescription drug benefit for the aged and disabled under the Medicare Program, to enhance the preventative benefits covered under such program, and for other purposes; to the Committee on Finance.

MEDICARE EXPANSION FOR NEEDED DRUGS (MEND) ACT OF 2000

Mr. DASCHLE. Mr. President, today I am pleased to join with 34 of our Senate Democratic colleagues in introducing the Medicare Expansion for Needed Drugs Act, a bill to mend Medicare by adding a long overdue prescription drug benefit.

I want to begin by thanking all the people who have brought us to this point.

Senator DORGAN and many of our other colleagues have held numerous hearings in Washington, and around the country on the issue of Medicare prescription drug coverage. I thank my colleagues and all who came to the hearings.

I know that they heard from people at those hearings they would not have otherwise heard from. The testimony they heard was virtually unanimous at each of these hearings, that Medicare must now, this year, be expanded to include necessary coverage.

I also thank all of the seniors, pharmacists, doctors, and others who took the time to educate us on this important matter. Their wisdom has made this a better bill.

In addition, I thank the President—for keeping the issue of Medicare prescription drugs on the national agenda, and for providing the framework for our proposal.

I thank the many organizations representing seniors and consumers who told us about the terrible strain paying for prescription drugs places on seniors and their families.

Most of all, I thank the many seniors from all across America who told us about their struggles to pay for prescription drugs.

I want to share with you one example from my State.

Fran Novotny is a 70-year-old retired nurse from Hill City, SD. She takes prescription medications every day to control diabetes, hypertension, and asthma. She has also had bypass surgery.

Every month, she gets a Social Security check for $616.

Every month, she spends about $550 on prescriptions.

She has a small pension, but it doesn't add up to much. So she is quickly depleting her entire life savings. After it is gone, she has no idea how she will pay for her medications.

Her story, and many others like it, are the reason we must move forward and enact a Medicare prescription drug benefit this year. We must make sure that Fran Novotny—and the millions of seniors like her—can afford their prescriptions—and their grocery bills and their rent and their clothing and their utility bills.

The average Medicare beneficiary fills 18 prescriptions a year.

Yet three-in-five Medicare beneficiaries lack decent, dependable coverage for prescription drugs. And more than one-third of all Medicare beneficiaries—more than 15 million seniors—have no prescription drug coverage at all.

This is not a problem faced only by the poorest beneficiaries. More than half of all Medicare beneficiaries without coverage have incomes above 150 percent of poverty,

That is why two-thirds of the Democratic caucus has joined in introducing

this bill to make prescription drug coverage available and affordable to all Medicare beneficiaries.

Our plan is universal.

Every single Medicare beneficiary who wants the coverage has it under this bill.

Second, our plan is voluntary.

It is not a requirement that you sign up for this legislation. If you have a good plan, use it. If you have a good company, stay with it. If you have a plan that works for you, for whatever reason, this plan encourages you to stay right where you are. But if you do not have coverage, if you need coverage and cannot get it anywhere else, this bill will make it available to you for the first time.

Every Medicare beneficiary can choose to participate, whether he or she is in traditional, fee-for-service Medicare or a Medicare Plus Choice plan. Retirees who already have private prescription drug coverage can keep it. It is up to them.

We also provide incentives to employers to provide and maintain drug coverage. We do not want to see the people who are now providing it to their employees or retirees dropping these people once this plan becomes available, so we have encouraged, we have incentivized businesses to do that.

Our plan provides meaningful coverage.

Medicare would cover half of beneficiaries' discounted prescription drug bills, up to $5,000 a year. That means that Fran Novotny—who spends $550 a month on prescription drugs—would be able to save at least $275 a month. That $275 a month will make a real difference in her life.

Our plan also provides catastrophic coverage for people who need to take very expensive drugs that can cost $5,000, or $10,000 a year, or more. It is our hope that after a Medicare beneficiary has paid the first $3,000 or $4,000 in catastrophic care costs, Medicare would pick up the balance.

Our program is also affordable.

Beneficiaries would pay premiums to cover about half the cost of the program. Medicare would contribute the other half.

Seniors with incomes between 135 percent and 150 percent of poverty would receive assistance with their premiums. Those with incomes below 135 percent of poverty would receive assistance with premiums and copays.

Our plan would give seniors bargaining power that they just don't have today.

The problem today isn't just that seniors end up paying out-of-pocket expenses for their prescriptions, they also pay a lot more for those out-of-pocket costs. On average, seniors pay twice as much for their medications as big insurance companies and HMOs do today.

The fact that seniors face the highest prices at the drugstore is, frankly, wrong. Our plan gives seniors the bargaining power that comes with numbers.

Another thing our plan does—which is very important to many of us in rural areas—is to include special protections to make sure that Medicare beneficiaries who live in rural communities have the same affordable, timely access to prescription drugs as everyone else.

It gives the Secretary of Health and Human Services the authority to offer pharmacists incentives to cover rural communities and other hard-to-serve areas. Every American should be able to get affordable prescription drugs—when they need them—whether they live in a big city or a small town.

Our plan mirrors the best practices used in the private sector.

For beneficiaries in traditional Medicare, prescription drug coverage would be delivered by private entities that negotiate prices with drug manufacturers. This is the same mechanism used by private insurers.

Beneficiaries in Medicare Plus Choice plans would get their prescription drug coverage through their Plus Choice plan.

Finally, the bill recognizes that we need to shift the focus of Medicare from simply treating illness, to keeping beneficiaries well.

While prescription drug coverage is an important first step in this effort, there are likely other changes we should make. So this bill sets up a process for Congress to consider further benefit changes—to enhance prevention—on an expedited basis. I want to thank Senator GRAHAM for his leadership on this important issue.

On the issue of broader Medicare reform, I would like to see prescription drugs pass as part of a larger package of reforms and modernizations, and I believe this bill and its benefit is consistent with such efforts.

I'm also pleased to report that our bill is supported by an array of important groups: The National Council of Senior Citizens; the Committee to Preserve Social Security and Medicare; National Council on the Aging; the Older Women's League; the AFL–CIO; The National Community Pharmacists Association; Families USA; Consumers Union; the Leadership Council of Aging Organizations; the Association for Homes and Services for the Aging; the National Association of Area Agencies on Aging; and AARP.

We hope we will have support from our Republican colleagues, too.

Prescription drug coverage for all seniors is an issue on which we cannot afford to procrastinate. The cost of delay is too great—in lost opportunities, lost health, and lost lives.

In 1965, when Medicare was created, it didn't include prescription drug coverage. Neither did most private insurance plans. Today, virtually all private health plans offer some sort of prescription drug coverage—but not Medicare.

It is time—it is past time—to close this gap. Prescription drugs are an integral part of medicine today. They ought to be an integral part of Medicare. Period.

Now—before the Baby Boomers retire, and the problems are still manageable—is the time to strengthen Medicare. Now, while our economy is strong, and we have a surplus, is the time to add a universal, voluntary, and affordable prescription drug benefit to Medicare.

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

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

S. 2541

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 ''Medicare Expansion for Needed Drugs (MEND) Act of 2000''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—PRESCRIPTION DRUG BENEFIT PROGRAM

Sec. 101. Prescription drug benefit program.

''PART D—PRESCRIPTION DRUG BENEFIT FOR THE AGED AND DISABLED

''Sec. 1860. Establishment of prescription drug benefit program for the aged and disabled.
''Sec. 1860A. Scope of benefits.
''Sec. 1860B. Payment of benefits; benefit limits.
''Sec. 1860C. Eligibility and enrollment.
''Sec. 1860D. Premiums.
''Sec. 1860F. Prescription Drug Insurance Account.
''Sec. 1860G. Administration of benefits.
''Sec. 1860H. Employer incentive program for employment-based retiree drug coverage.
''Sec. 1860I. Appropriations to cover Government contributions.
''Sec. 1860J. Prescription drug defined.''.

Sec. 102. Medicaid buy-in of medicare prescription drug coverage for certain low-income individuals.
''Sec. 1860E. Special eligibility, enrollment, and copayment rules for low-income individuals.''.

Sec. 103. Catastrophic prescription drug coverage benefit.
Sec. 104. Comprehensive immunosuppressive drug coverage for transplant patients.
Sec. 105. GAO study and biennial reports on competition and savings.
Sec. 106. MedPAC study and annual reports on the pharmaceutical market, pharmacies, and beneficiary access.

TITLE II—ENHANCED MEDICARE PREVENTION PROGRAM

Sec. 201. MedPAC biennial report.
Sec. 202. National Institute on Aging study and report.
Sec. 203. Institute of Medicine 5-year medicare prevention benefit study and report.

Sec. 204. Fast-track consideration of prevention benefit legislation.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Prescription drug coverage was not a standard part of health insurance when the medicare program under title XVIII of the Social Security Act was enacted in 1965. Since 1965, however, drug coverage has become a key component of most private and public health insurance coverage, except for the medicare program.

(2) At least ⅔ of medicare beneficiaries have unreliable, inadequate, or no drug coverage at all.

(3) Seniors who do not have drug coverage typically pay, at a minimum, 15 percent more than people with coverage.

(4) Medicare beneficiaries at all income levels lack prescription drug coverage, with more than ½ of such beneficiaries having incomes greater than 150 percent of the poverty line.

(5) The number of private firms offering retiree health coverage is declining.

(6) Medigap premiums for drugs are too expensive for most beneficiaries and are highest for older senior citizens, who need prescription drug coverage the most and typically have the lowest incomes.

(7) The management of a medicare prescription drug benefit should mirror the practices employed by private entities in delivering prescription drugs. Discounts should be achieved through competition.

(8) All medicare beneficiaries should have access to a voluntary, reliable, affordable outpatient drug benefit as part of the medicare program that assists with the high cost of prescription drugs and protects them against excessive out-of-pocket costs.

(9) The addition of a medicare drug benefit should be consistent with an overall plan to strengthen and modernize the medicare program.

TITLE I—PRESCRIPTION DRUG BENEFIT PROGRAM

SEC. 101. PRESCRIPTION DRUG BENEFIT PROGRAM.

(a) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following new part:

''PART D—PRESCRIPTION DRUG BENEFIT FOR THE AGED AND DISABLED

''ESTABLISHMENT OF PRESCRIPTION DRUG BENEFIT PROGRAM FOR THE AGED AND DISABLED

''SEC. 1860. (a) IN GENERAL.—There is established a voluntary insurance program to provide prescription drug benefits in accordance with the provisions of this part for individuals who are aged or disabled or have end-stage renal disease and who elect to enroll under such program, to be financed from premium payments by enrollees together with contributions from funds appropriated by the Federal Government.

''(b) NONINTERFERENCE.—In administering the prescription drug benefit program established under this part, the Secretary may not—

''(1) require a particular formulary or institute a price structure for benefits;

''(2) interfere in any way with negotiations between private entities and drug manufacturers, or wholesalers; or

''(3) otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

''SCOPE OF BENEFITS

''SEC. 1860A. (a) IN GENERAL.—The benefits provided to an individual enrolled in the insurance program under this part shall consist of—

''(1) payments made, in accordance with the provisions of this part, for covered prescription drugs (as specified in subsection (b)) dispensed by any pharmacy participating in the program under this part (and, in circumstances designated by the private entity, by a nonparticipating pharmacy), including any specifically named drug prescribed for the individual by a qualified health care professional regardless of whether the drug is included in a formulary established by the private entity if such drug is certified as medically necessary by such health care professional, up to the benefit limits specified in section 1860B; and

''(2) charging by pharmacies of the negotiated price—

''(A) for all covered prescription drugs, without regard to such benefit limit; and

''(B) established with respect to any drugs or classes of drugs described in subparagraphs (A) through (D) or (F) of section 1927(d)(2) that are available to individuals receiving benefits under this title.

''(b) COVERED PRESCRIPTION DRUGS.—

''(1) IN GENERAL.—Covered prescription drugs, for purposes of this part, include all prescription drugs (as defined in section 1860J(1)), including smoking cessation agents, except as otherwise provided in this subsection.

''(2) EXCLUSIONS FROM COVERAGE.—Covered prescription drugs shall not include drugs or classes of drugs described in subparagraphs (A) through (D) and (F) through (H) of section 1927(d)(2) unless—

''(A) specifically provided otherwise by the Secretary with respect to a drug in any of such classes; or

''(B) a drug in any of such classes is certified to be medically necessary by a health care professional.

''(3) EXCLUSION OF PRESCRIPTION DRUGS TO THE EXTENT COVERED UNDER PART A OR B.—A drug prescribed for an individual that would otherwise be a covered prescription drug under this part shall not be so considered to the extent that payment for such drug is available under part A or B, including all injectable drugs and biologicals for which payment was made or should have been made by a carrier under section 1861(s)(2) (A) or (B) as of the date of enactment of the Medicare Expansion for Needed Drugs (MEND) Act of 2000. Drugs otherwise covered under part A or B shall be covered under this part to the extent that benefits under part A or B are exhausted.

''PAYMENT OF BENEFITS; BENEFIT LIMITS

''SEC. 1860B. (a) PAYMENT OF BENEFITS.—There shall be paid from the Prescription Drug Insurance Account within the Supplementary Medical Insurance Trust Fund, in the case of each individual who is enrolled in the insurance program under this part and who purchases covered prescription drugs in a calendar year, an amount, not to exceed 50 percent of the applicable limit under subsection (b), equal to 50 percent of the negotiated price for each such covered prescription drug or such higher percentage as is proposed by a private entity pursuant to section 1860G(d)(7), if the Secretary finds that such percentage will not increase aggregate costs to the Prescription Drug Insurance Account.

''(b) BENEFIT LIMITS.—

''(1) CALENDAR YEARS 2002 THROUGH 2009.—For purposes of subsection (a), the limit under this subsection is—

''(A) for each of calendar years 2002, 2003, and 2004, $2,000;

''(B) for each of calendar years 2005, 2006, and 2007, $3,000;

''(C) for calendar year 2008, $4,000; and

''(D) for calendar year 2009, $5,000.

''(2) CALENDAR YEAR 2010 AND SUBSEQUENT YEARS.—For purposes of subsection (a), the limit under this subsection for calendar year 2010 and each subsequent calendar year is equal to the greater of—

''(A) the limit for the preceding year adjusted by the percentage change in the Consumer Price Index for all urban consumers (U.S. urban average) for the 12-month period ending with June of the preceding year; or

''(B) the limit for the preceding year.

''ELIGIBILITY AND ENROLLMENT

''SEC. 1860C. (a) ELIGIBILITY.—Every individual who, in or after 2002, is entitled to hospital insurance benefits under part A or enrolled in the medical insurance program under part B is eligible to enroll, in accordance with the provisions of this section, in the insurance program under this part, during an enrollment period prescribed in or under this section, in such manner and form as may be prescribed by regulations.

''(b) ENROLLMENT.—

''(1) IN GENERAL.—Each individual who satisfies subsection (a) shall be enrolled (or eligible to enroll) in the program under this part in accordance with the provisions of section 1837, as if that section applied to this part, except as otherwise explicitly provided in this part.

''(2) SINGLE ENROLLMENT PERIOD.—Except as provided in section 1837(i) (as such section applies to this part), 1860E, or 1860H, or as otherwise explicitly provided, no individual shall be entitled to enroll in the program under this part at any time after the initial enrollment period.

''(3) SPECIAL ENROLLMENT PERIOD FOR 2002.—

''(A) IN GENERAL.—An individual who first satisfies subsection (a) in 2002 may, at any time on or before December 31, 2002—

''(i) enroll in the program under this part; and

''(ii) enroll or reenroll in such program after having previously declined or terminated enrollment in such program.

''(B) EFFECTIVE DATE OF COVERAGE.—An individual who enrolls under the program under this part pursuant to subparagraph (A) shall be entitled to benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

''(c) PERIOD OF COVERAGE.—

''(1) IN GENERAL.—Except as otherwise provided in this part, an individual's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

''(2) PART D COVERAGE TERMINATED BY TERMINATION OF COVERAGE UNDER PARTS A AND B.—In addition to the causes of termination specified in section 1838, an individual's coverage under this part shall be terminated when the individual retains coverage under neither the program under part A nor the program under part B, effective on the effective date of termination of coverage under part A or (if later) under part B.

''PREMIUMS

''SEC. 1860D. (a) ANNUAL ESTABLISHMENT OF MONTHLY PREMIUM RATES.—

''(1) IN GENERAL.—The Secretary shall, during September of 2001 and of each succeeding year, determine and promulgate a monthly premium rate for the succeeding year in accordance with the provisions of this subsection.

''(2) ACTUARIAL DETERMINATIONS.—

''(A) DETERMINATION OF ANNUAL BENEFIT COSTS.—The Secretary shall estimate annually for the succeeding year the amount equal to the total of the benefits that will be payable from the Prescription Drug Insurance Account for prescription drugs dispensed in such calendar year with respect to enrollees in the program under this part. In calculating such amount, the Secretary shall include an appropriate amount for a contingency margin.

''(B) DETERMINATION OF MONTHLY PREMIUM RATES.—

''(i) IN GENERAL.—The Secretary shall determine the monthly premium rate with respect to such enrollees for such succeeding year, which shall be 1/12 of the share specified in clause (ii) of the amount determined under subparagraph (A), divided by the total number of such enrollees, and rounded (if such rate is not a multiple of 10 cents) to the nearest multiple of 10 cents.

''(ii) ENROLLEE AND EMPLOYER PERCENTAGE SHARES.—The share specified in this clause, for purposes of clause (i), shall be—

''(I) one-half, in the case of premiums paid by an individual enrolled in the program under this part; and

''(II) two-thirds, in the case of premiums paid for such an individual by a former employer (as defined in section 1860H(f)(2)).

''(3) PUBLICATION OF ASSUMPTIONS.—The Secretary shall publish, together with the promulgation of the monthly premium rates for the succeeding year, a statement setting forth the actuarial assumptions and bases employed in arriving at the amounts and rates determined under paragraphs (1) and (2).

''(b) PAYMENT OF PREMIUMS.—

''(1) PAYMENTS BY DEDUCTION FROM SOCIAL SECURITY, RAILROAD RETIREMENT BENEFITS, OR BENEFITS ADMINISTERED BY OPM.—

''(A) DEDUCTION FROM BENEFITS.—In the case of an individual who is entitled to or receiving benefits as described in subsection (a), (b), or (d) of section 1840, premiums payable under this part shall be collected by deduction from such benefits at the same time and in the same manner as premiums payable under part B are collected pursuant to section 1840.

''(B) TRANSFERS TO PRESCRIPTION DRUG INSURANCE ACCOUNT.—The Secretary of the Treasury shall, from time to time, but not less often than quarterly, transfer premiums collected pursuant to subparagraph (A) to the Prescription Drug Insurance Account from the appropriate funds and accounts described in subsections (a)(2), (b)(2), and (d)(2) of section 1840, on the basis of the certifications described in such subsections. The amounts of such transfers shall be appropriately adjusted to the extent that prior transfers were too great or too small.

''(2) DIRECT PAYMENTS TO SECRETARY.—

''(A) ADDITIONAL PAYMENT BY ENROLLEE.—An individual to whom paragraph (1) applies (other than an individual receiving benefits as described in section 1840(d)) and who estimates that the amount that will be available for deduction under such paragraph for any premium payment period will be less than the amount of the monthly premiums for such period may (under regulations) pay to the Secretary the estimated balance, or such greater portion of the monthly premium as the individual chooses.

''(B) PAYMENTS BY OTHER ENROLLEES.—An individual enrolled in the insurance program under this part with respect to whom none of the preceding provisions of this subsection applies (or to whom section 1840(c) applies) shall pay premiums to the Secretary at such times and in such manner as the Secretary shall by regulations prescribe.

''(C) DEPOSIT OF PREMIUMS.—Amounts paid to the Secretary under this paragraph shall be deposited in the Treasury to the credit of the Prescription Drug Insurance Account in the Supplementary Medical Insurance Trust Fund.

''(c) CERTAIN LOW-INCOME INDIVIDUALS.—For rules concerning premiums for certain low-income individuals, see section 1860E.

''PRESCRIPTION DRUG INSURANCE ACCOUNT

''SEC. 1860F. (a) ESTABLISHMENT.—There is created within the Federal Supplemental Medical Insurance Trust Fund established by section 1841 an account to be known as the 'Prescription Drug Insurance Account' (in this section referred to as the 'Account').

''(b) AMOUNTS IN ACCOUNT.—

''(1) IN GENERAL.—The Account shall consist of—

''(A) such amounts as may be deposited in, or appropriated to, such fund as provided in this part; and

''(B) such gifts and bequests as may be made as provided in section 201(i)(1).

''(2) SEPARATION OF FUNDS.—Funds provided under this part to the Account shall be kept separate from all other funds within the Federal Supplemental Medical Insurance Trust Fund.

''(c) PAYMENTS FROM ACCOUNT.—The Managing Trustee shall pay from time to time from the Account such amounts as the Secretary certifies are necessary to make the payments provided for by this part, and the payments with respect to administrative expenses in accordance with section 201(g).

''ADMINISTRATION OF BENEFITS

''SEC. 1860G. (a) IN GENERAL.—The Secretary shall provide for administration of the benefits under this part through a contract with a private entity designated in accordance with subsection (c), for enrolled individuals residing in each service area designated pursuant to subsection (b) (other than such individuals enrolled in a Medicare+Choice program under part C), in accordance with the provisions of this section.

''(b) DESIGNATION OF SERVICE AREAS.—

''(1) IN GENERAL.—The Secretary shall divide the total geographic area served by the programs under this title into at least 15 service areas for purposes of administration of benefits under this part.

''(2) CONSIDERATIONS.—In determining or adjusting the number and boundaries of service areas under this subsection, the Secretary shall seek to ensure that—

''(A) there is a reasonable level of competition among entities eligible to contract to administer the benefit program under this section for each area;

''(B) the designation of areas is consistent with the goal of securing contracts under this section with respect to the maximum feasible number of areas so designated; and

''(C) the designation of areas will foster the existence of a sufficient number of entities that are eligible and willing to administer the benefits under this part.

''(c) DESIGNATION OF PRIVATE ENTITY.—

''(1) AWARD AND DURATION OF CONTRACT.—

''(A) COMPETITIVE AWARD.—Each contract for a service area shall be awarded competitively in accordance with section 5 of title 41, United States Code, for a period (subject to subparagraph (B)) of not less than 2 nor more than 5 years.

''(B) REVIEW.—A contract for a service area shall be subject to an evaluation after 2 years.

''(2) ELIGIBLE PRIVATE ENTITIES.—A private entity eligible for consideration as a private entity responsible for administering the prescription drug benefit program under this part in a service area shall meet at least the following criteria:

''(A) TYPE.—The private entity shall be capable of administering a prescription drug benefit program, and may be a prescription drug vendor, wholesale and retail pharmacist delivery system, health care provider or insurer, any other type of entity as the Secretary may specify, or a consortium of such entities.

''(B) PERFORMANCE CAPABILITY.—The entity shall have sufficient expertise, personnel, and resources to perform effectively the benefit administration functions for such area.

''(C) FINANCIAL INTEGRITY.—The entity and its officers, directors, agents, and managing employees shall have a satisfactory record of professional competence and professional and financial integrity, and the entity shall have adequate financial resources to perform services under the contract without risk of insolvency.

''(3) PROPOSAL REQUIREMENTS.—

''(A) IN GENERAL.—An entity's proposal for award or renewal of a contract under this section shall include such material and information as the Secretary may require.

''(B) SPECIFIC INFORMATION.—A proposal described in subparagraph (A) shall include a detailed description of—

''(i) the schedule of negotiated prices that will be charged to enrollees;

''(ii) how the entity will deter medical errors that are related to prescription drugs; and

''(iii) proposed contracts with local pharmacy providers designed to ensure access, including compensation for local pharmacists' services.

''(4) EXCEPTIONS TO CONFLICT OF INTEREST RULES.—In awarding contracts under this subsection, the Secretary may waive conflict of interest rules generally applicable to Federal acquisitions (subject to such safeguards as the Secretary may find necessary to impose) in circumstances where the Secretary finds that such waiver—

''(A) is not inconsistent with the purposes of the programs under this title and the best interests of enrolled individuals; and

''(B) will permit a sufficient level of competition for such contracts, promote efficiency of benefits administration, or otherwise serve the objectives of the program under this part.

''(5) MAXIMIZING COMPETITION.—In awarding contracts under this section, the Secretary shall give consideration to the need to maintain sufficient numbers of entities eligible and willing to administer benefits under this part to ensure vigorous competition for such contracts.

''(d) FUNCTIONS OF PRIVATE ENTITY.—The private entity for a service area shall (or in the case of the function described in paragraph (7), may) perform the following functions:

''(1) PARTICIPATION AGREEMENTS, PRICES, AND FEES.—

''(A) PRIVATELY NEGOTIATED PRICES.—Each private entity shall establish, through negotiations with drug manufacturers and wholesalers and pharmacies, a schedule of prices for covered prescription drugs.

''(B) AGREEMENTS WITH PHARMACIES.—Each private entity shall enter into participation agreements under subsection (e) with pharmacies, that include terms that—

''(i) secure the participation of sufficient numbers of pharmacies to ensure convenient

access (including adequate emergency access); and

''(ii) permit the participation of any pharmacy in the service area that meets the participation requirements described in subsection (e).

''(C) LISTS OF PRICES AND PARTICIPATING PHARMACIES.—Each private entity shall ensure that the negotiated prices established under subparagraph (A) and the list of pharmacies with agreements under subsection (e) are regularly updated and readily available in the service area to health care professionals authorized to prescribe drugs, participating pharmacies, and enrolled individuals.

''(2) PAYMENT AND COORDINATION OF BENEFITS.—

''(A) PAYMENT.—Each private entity shall—

''(i) administer claims for payment of benefits under this part;

''(ii) determine amounts of benefit payments to be made; and

''(iii) receive, disburse, and account for funds used in making such payments, including through the activities specified in the provisions of this paragraph.

''(B) COORDINATION.—Each private entity shall coordinate with the Secretary, other private entities, pharmacies, and other relevant entities as necessary to ensure appropriate coordination of benefits with respect to enrolled individuals, including coordination of access to and payment for covered prescription drugs according to an individual's in-service area plan provisions, when such individual is traveling outside the home service area, and under such other circumstances as the Secretary may specify.

''(C) EXPLANATION OF BENEFITS.—Each private entity shall furnish to enrolled individuals an explanation of benefits in accordance with section 1806(a), and a notice of the balance of benefits remaining for the current year, whenever prescription drug benefits are provided under this part (except that such notice need not be provided more often than monthly).

''(3) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE.—Each private entity shall have in place effective cost and utilization management, quality assurance measures, and systems to reduce medical errors, including at least the following, together with such additional measures as the Secretary may specify:

''(A) DRUG UTILIZATION REVIEW.—A drug utilization review program conforming to the standards provided in section 1927(g)(2) (with such modifications as the Secretary finds appropriate).

''(B) FRAUD AND ABUSE CONTROL.—Activities to control fraud, abuse, and waste.

''(4) EDUCATION AND INFORMATION ACTIVITIES.—Each private entity shall have in place mechanisms for disseminating educational and informational materials to enrolled individuals and health care providers designed to encourage effective and cost-effective use of prescription drug benefits and to ensure that enrolled individuals understand their rights and obligations under the program.

''(5) BENEFICIARY PROTECTIONS.—

''(A) CONFIDENTIALITY OF HEALTH INFORMATION.—Each private entity shall have in effect systems to safeguard the confidentiality of health care information on enrolled individuals, which comply with section 1106 and with section 552a of title 5, United States Code, and meet such additional standards as the Secretary may prescribe.

''(B) GRIEVANCE AND APPEAL PROCEDURES.—Each private entity have in place such procedures as the Secretary may specify for hearing and resolving grievances and appeals brought by enrolled individuals against the private entity or a pharmacy concerning benefits under this part, which shall, to the extent the Secretary finds necessary and appropriate, include procedures equivalent to those specified in subsections (f) and (g) of section 1852.

''(6) RECORDS, REPORTS, AND AUDITS OF PRIVATE ENTITIES.—

''(A) RECORDS AND AUDITS.—Each private entity shall maintain adequate records, and afford the Secretary access to such records (including for audit purposes).

''(B) REPORTS.—Each private entity shall make such reports and submissions of financial and utilization data as the Secretary may require taking into account standard commercial practices.

''(7) PROPOSAL FOR ALTERNATIVE COINSURANCE AMOUNT.—

''(A) SUBMISSION.—Each private entity may submit a proposal for increased Government cost-sharing for generic prescription drugs, prescription drugs on the private entity's formulary, or prescription drugs obtained through mail order pharmacies.

''(B) CONTENTS.—The proposal submitted under subparagraph (A) shall contain evidence that such increased cost-sharing would not result in an increase in aggregate costs to the Account, including an analysis of differences in projected drug utilization patterns by beneficiaries whose cost-sharing would be reduced under the proposal and those making the cost-sharing payments that would otherwise apply.

''(8) OTHER REQUIREMENTS.—Each private entity shall meet such other requirements as the Secretary may specify.

''(e) PHARMACY PARTICIPATION AGREEMENTS.—

''(1) IN GENERAL.—A pharmacy that meets the requirements of this subsection shall be eligible to enter an agreement with a private entity to furnish covered prescription drugs and pharmacists' services to enrolled individuals residing in the service area.

''(2) TERMS OF AGREEMENT.—An agreement under this subsection shall include the following terms and requirements:

''(A) LICENSING.—The pharmacy and pharmacists shall meet (and throughout the contract period will continue to meet) all applicable State and local licensing requirements.

''(B) LIMITATION ON CHARGES.—Pharmacies participating under this part shall not charge an enrolled individual more than the negotiated price for an individual drug as established under subsection (d)(1), regardless of whether such individual has attained the benefit limit under section 1860B(b), and shall not charge an enrolled individual more than the individual's share of the negotiated price as determined under the provisions of this part.

''(C) PERFORMANCE STANDARDS.—The pharmacy shall comply with performance standards relating to—

''(i) measures for quality assurance, reduction of medical errors, and participation in the drug utilization review program described in subsection (d)(3)(A);

''(ii) systems to ensure compliance with the confidentiality standards applicable under subsection (d)(5)(A); and

''(iii) other requirements as the Secretary may impose to ensure integrity, efficiency, and the quality of the program.

''(f) FLEXIBILITY IN ASSIGNING WORKLOAD AMONG PRIVATE ENTITIES.—During the period after the Secretary has given notice of intent to terminate a contract with a private entity, the Secretary may transfer responsibilities of the private entity under such contract to another private entity.

''(g) SPECIAL ATTENTION TO RURAL AND HARD-TO-SERVE AREAS.—

''(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries have access to the full range of pharmaceuticals under this part, and shall give special attention to access, pharmacist counseling, and delivery in rural and hard-to-serve areas (as the Secretary may define by regulation).

''(2) SPECIAL ATTENTION DEFINED.—For purposes of paragraph (1), the term 'special attention' may include bonus payments to retail pharmacists in rural areas, extra payments to the private entity for the cost of rapid delivery of pharmaceuticals, and any other actions the Secretary determines are necessary to ensure full access to rural and hard-to-serve beneficiaries.

''(3) GAO REPORT.—Not later than 2 years after the implementation of this part the Comptroller General of the United States shall submit to Congress a report on the access of medicare beneficiaries to pharmaceuticals and pharmacists' services in rural and hard-to-serve areas under this part together with any recommendations of the Comptroller General regarding any additional steps the Secretary may need to take to ensure the access of medicare beneficiaries to pharmaceuticals and pharmacists' services in such areas under this part.

''(h) INCENTIVES FOR COST AND UTILIZATION MANAGEMENT AND QUALITY IMPROVEMENT.—The Secretary is authorized to include in a contract awarded under subsection (c) such incentives for cost and utilization management and quality improvement as the Secretary may deem appropriate, including—

''(1) bonus and penalty incentives to encourage administrative efficiency;

''(2) incentives under which private entities share in any benefit savings achieved;

''(3) risk-sharing arrangements related to benefit payments; and

''(4) any other incentive that the Secretary deems appropriate and likely to be effective in managing costs or utilization.

''EMPLOYER INCENTIVE PROGRAM FOR EMPLOYMENT-BASED RETIREE DRUG COVERAGE

''SEC. 1860H. (a) PROGRAM AUTHORITY.—The Secretary is authorized to develop and implement a program under this section called the 'Employer Incentive Program' that encourages employers and other sponsors of employment-based health care coverage to provide adequate prescription drug benefits to retired individuals and to maintain such existing benefit programs, by subsidizing, in part, the sponsor's cost of providing coverage under qualifying plans.

''(b) SPONSOR REQUIREMENTS.—In order to be eligible to receive an incentive payment under this section with respect to coverage of an individual under a qualified retiree prescription drug plan (as defined in subsection (f)(3)), a sponsor shall meet the following requirements:

''(1) ASSURANCES.—The sponsor shall—

''(A) annually attest, and provide such assurances as the Secretary may require, that the coverage offered by the sponsor is a qualified retiree prescription drug plan, and will remain such a plan for the duration of the sponsor's participation in the program under this section; and

''(B) guarantee that it will give notice to the Secretary and covered retirees—

''(i) at least 120 days before terminating its plan; and

''(ii) immediately upon determining that the actuarial value of the prescription drug

benefit under the plan falls below the actuarial value of the insurance benefit under this part.

''(2) OTHER REQUIREMENTS.—The sponsor shall provide such information, and comply with such requirements, including information requirements to ensure the integrity of the program, as the Secretary may find necessary to administer the program under this section.

''(c) INCENTIVE PAYMENT.—

''(1) IN GENERAL.—A sponsor that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall have payment made by the Secretary on a quarterly basis (to the sponsor or, at the sponsor's direction, to the appropriate employment-based health plan) of an incentive payment, in the amount determined as described in paragraph (2), for each retired individual (or spouse) who—

''(A) was covered under the sponsor's qualified retiree prescription drug plan during such quarter; and

''(B) was eligible for but was not enrolled in the insurance program under this part.

''(2) AMOUNT OF INCENTIVE.—The payment under this section with respect to each individual described in paragraph (1) for a month shall be equal to ⅔ of the monthly premium amount payable by an enrolled individual, as set for the calendar year pursuant to section 1860D(a)(2).

''(3) PAYMENT DATE.—The incentive under this section with respect to a calendar quarter shall be payable as of the end of the next succeeding calendar quarter.

''(d) CIVIL MONEY PENALTIES.—A sponsor, health plan, or other entity that the Secretary determines has, directly or through its agent, provided information in connection with a request for an incentive payment under this section that the entity knew or should have known to be false shall be subject to a civil monetary penalty in an amount up to 3 times the total incentive amounts under subsection (c) that were paid (or would have been payable) on the basis of such information.

''(e) PART D ENROLLMENT FOR CERTAIN INDIVIDUALS COVERED BY EMPLOYMENT-BASED RETIREE HEALTH COVERAGE PLANS.—

''(1) ELIGIBLE INDIVIDUALS.—An individual shall be given the opportunity to enroll in the program under this part during the period specified in paragraph (2) if—

''(A) the individual declined enrollment in the program under this part at the time the individual first satisfied section 1860C(a);

''(B) at that time, the individual was covered under a qualified retiree prescription drug plan for which an incentive payment was paid under this section; and

''(C)(i) the sponsor subsequently ceased to offer such plan; or

''(ii) the value of prescription drug coverage under such plan became less than the value of the coverage under the program under this part.

''(2) SPECIAL ENROLLMENT PERIOD.—An individual described in paragraph (1) shall be eligible to enroll in the program under this part during the 6-month period beginning on the first day of the month in which—

''(A) the individual receives a notice that coverage under such plan has terminated (in the circumstance described in paragraph (1)(C)(i)) or notice that a claim has been denied because of such a termination; or

''(B) the individual received notice of the change in benefits (in the circumstance described in paragraph (1)(C)(ii)).

''(f) DEFINITIONS.—In this section:

''(1) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term 'employment-based retiree health coverage' means health insurance or other coverage of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

''(2) EMPLOYER.—The term 'employer' has the meaning given to such term by section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of 2 or more employees).

''(3) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' means health insurance coverage included in employment-based retiree health coverage that—

''(A) provides coverage of the cost of prescription drugs whose actuarial value to each retired beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the program under this part; and

''(B) does not deny, limit, or condition the coverage or provision of prescription drug benefits for retired individuals based on age or any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

''(4) SPONSOR.—The term 'sponsor' has the meaning given the term 'plan sponsor' by section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

''APPROPRIATIONS TO COVER GOVERNMENT CONTRIBUTIONS

''SEC. 1860I. (a) IN GENERAL.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Prescription Drug Insurance Account, a Government contribution equal to—

''(1) the aggregate premiums payable for a month pursuant to section 1860D(a)(2) by individuals enrolled in the program under this part; plus

''(2) one-half the aggregate premiums payable for a month pursuant to such section for such individuals by former employers.

''(b) APPROPRIATIONS TO COVER INCENTIVES FOR EMPLOYMENT-BASED RETIREE DRUG COVERAGE.—There are authorized to be appropriated to the Prescription Drug Insurance Account from time to time, out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary for payment of incentive payments under section 1860H(c).

''PRESCRIPTION DRUG DEFINED

''SEC. 1860J. As used in this part, the term 'prescription drug' means—

''(1) a drug that may be dispensed only upon a prescription, and that is described in subparagraph (A)(i), (A)(ii), or (B) of section 1927(k)(2); and

''(2) insulin certified under section 506 of the Federal Food, Drug, and Cosmetic Act, and needles, syringes, and disposable pumps for the administration of such insulin.''.

(b) STUDY OF ANNUAL OPEN ENROLLMENT.—

(1) STUDY.—During 2002 and 2003, the Secretary shall conduct a study on the feasibility and advisability of establishing an annual open enrollment period for the program under part D (as added by subsection (a)). Such study shall reflect data reported by private entities administering benefits under such part and shall include—

(A) a review of the costs, effectiveness, and administrative feasibility of an annual open enrollment period for beneficiaries who—

(i) previously declined enrollment; or

(ii) who previously disenrolled and desire to reenroll;

(B) an evaluation of a premium penalty for late enrollment based on actuarially determined costs to the program of late enrollment; and

(C) a projection of the costs if open enrollment was allowed without a penalty.

(2) REPORT.—The Secretary shall prepare a report setting forth the outcome of the study and may include in the report a recommendation as to whether an annual open enrollment period should be implemented under such part.

(c) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO FEDERAL SUPPLEMENTARY HEALTH INSURANCE TRUST FUND.—Section 1841 of the Social Security Act (42 U.S.C. 1395t) is amended—

(A) in the last sentence of subsection (a)—

(i) by striking ''and'' after ''section 201(i)(1)''; and

(ii) by inserting before the period the following: '', and such amounts as may be deposited in, or appropriated to, the Prescription Drug Insurance Account established by section 1860F'';

(B) in subsection (g), by inserting after ''by this part,'' the following: ''the payments provided for under part D (in which case the payments shall come from the Prescription Drug Insurance Account in the Supplementary Medical Insurance Trust Fund),'';

(C) in the first sentence of subsection (h), by inserting before the period the following: ''and section 1860D(b)(4) (in which case the payments shall come from the Prescription Drug Insurance Account in the Supplementary Medical Insurance Trust Fund)''; and

(D) in the first sentence of subsection (i)—

(i) by striking ''and'' after ''section 1840(b)(1)''; and

(ii) by inserting before the period the following: '', section 1860D(b)(2) (in which case the payments shall come from the Prescription Drug Insurance Account in the Supplementary Medical Insurance Trust Fund)''.

(2) PRESCRIPTION DRUG OPTION UNDER MEDICARE+CHOICE PLANS.—

(A) ELIGIBILITY, ELECTION, AND ENROLLMENT.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended—

(i) in subsection (a)(1)(A), by striking ''parts A and B'' inserting ''parts A, B, and D''; and

(ii) in subsection (i)(1), by striking ''parts A and B'' and inserting ''parts A, B, and D''.

(B) VOLUNTARY BENEFICIARY ENROLLMENT FOR DRUG COVERAGE.—Section 1852(a)(1)(A) of such Act (42 U.S.C. 1395w–22(a)(1)(A)) is amended by inserting ''(and under part D to individuals also enrolled under that part)'' after ''parts A and B''.

(C) ACCESS TO SERVICES.—Section 1852(d)(1) of such Act (42 U.S.C. 1395w–22(d)(1)) is amended—

(i) in subparagraph (D), by striking ''and'' at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(F) the plan for prescription drug benefits under part D guarantees coverage of any specifically named covered prescription drug for an enrollee, when prescribed by a physician in accordance with the provisions of such part, regardless of whether such drug would otherwise be covered under an applicable formulary or discount arrangement.''.

(D) PAYMENTS TO ORGANIZATIONS.—Section 1853(a)(1)(A) of such Act (42 U.S.C. 1395w–23(a)(1)(A)) is amended—

(i) by inserting ''determined separately for benefits under parts A and B and under part

D (for individuals enrolled under that part)'' after ''as calculated under subsection (c)'';

(ii) by striking ''that area, adjusted for such risk factors'' and inserting ''that area. In the case of payment for benefits under parts A and B, such payment shall be adjusted for such risk factors as''; and

(iii) by inserting before the last sentence the following: ''In the case of the payments for benefits under part D, such payment shall initially be adjusted for the risk factors of each enrollee as the Secretary determines to be feasible and appropriate. By 2006, the adjustments would be for the same risk factors applicable for benefits under parts A and B.''.

(E) CALCULATION OF ANNUAL MEDICARE +CHOICE CAPITATION RATES.—Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting ''for benefits under parts A and B'' after ''capitation rate'';

(ii) in paragraph (6)(A), by striking ''rate of growth in expenditures under this title'' and inserting ''rate of growth in expenditures for benefits available under parts A and B''; and

(iii) by adding at the end the following new paragraph:

''(8) PAYMENT FOR PRESCRIPTION DRUGS.—The Secretary shall determine a capitation rate for prescription drugs—

''(A) dispensed in 2002, which is based on the projected national per capita costs for prescription drug benefits under part D and associated claims processing costs for beneficiaries under the original medicare fee-for-service program; and

''(B) dispensed in each subsequent year, which shall be equal to the rate for the previous year updated by the Secretary's estimate of the projected per capita rate of growth in expenditures under this title for an individual enrolled under part D.''.

(F) LIMITATION ON ENROLLEE LIABILITY.—Section 1854(e) of such Act (42 U.S.C. 1395w–24(e)) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR PROVISION OF PART D BENEFITS.—In no event may a Medicare+Choice organization include as part of a plan for prescription drug benefits under part D a requirement that an enrollee pay a deductible, or a coinsurance percentage that exceeds 50 percent.''.

(G) REQUIREMENT FOR ADDITIONAL BENEFITS.—Section 1854(f)(1) of such Act (42 U.S.C. 1395w–24(f)(1)) is amended by adding at the end the following new sentence: ''Such determination shall be made separately for benefits under parts A and B and for prescription drug benefits under part D.''.

(H) PROTECTIONS AGAINST FRAUD AND BENEFICIARY PROTECTIONS.—Section 1857(d) is amended by adding at the end the following new paragraph:

''(6) AVAILABILITY OF NEGOTIATED PRICES.—Each contract under this section shall provide that enrollees who exhaust prescription drug benefits under the plan will continue to have access to prescription drugs at negotiated prices equivalent to the total combined cost of such drugs to the plan and the enrollee prior to such exhaustion of benefits.''.

(3) EXCLUSIONS FROM COVERAGE.—

(A) APPLICATION TO PART D.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended in the matter preceding paragraph (1) by striking ''part A or part B'' and inserting ''part A, B, or D''.

(B) PRESCRIPTION DRUGS NOT EXCLUDED FROM COVERAGE IF APPROPRIATELY PRESCRIBED.—Section 1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)) is amended—

(i) in subparagraph (H), by striking ''and'' at the end;

(ii) in subparagraph (I), by striking the semicolon at the end and inserting '', and''; and

(iii) by adding at the end the following new subparagraph:

''(J) in the case of prescription drugs covered under part D, which are not prescribed in accordance with such part;''.

SEC. 102. MEDICAID BUY-IN OF MEDICARE PRESCRIPTION DRUG COVERAGE FOR CERTAIN LOW-INCOME INDIVIDUALS.

(a) STATE OPTION TO BUY-IN DUALLY ELIGIBLE INDIVIDUALS.—

(1) COVERAGE OF PREMIUMS AS MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended in the second sentence of the flush matter at the end by striking ''premiums under part B'' the first place it appears and inserting ''premiums under parts B and D''.

(2) STATE COMMITMENT TO CONTINUE PARTICIPATION IN PART D AFTER BENEFIT LIMIT REACHED.—Section 1902(a) of such Act (42 U.S.C. 1396a) is amended—

(A) by striking ''and'' at the end of paragraph (64);

(B) by striking the period at the end of paragraph (65)(B) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(66) provide that in the case of any individual whose eligibility for medical assistance is not limited to medicare or medicare drug cost-sharing and for whom the State elects to pay premiums under part D of title XVIII pursuant to section 1860E, the State will purchase all prescription drugs for such individual in accordance with the provisions of such part D, without regard to whether the benefit limit for such individual under section 1860B(b) has been reached.''.

(b) MEDICARE COST-SHARING REQUIRED FOR QUALIFIED MEDICARE BENEFICIARIES.—Section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by inserting ''and'' at the end; and

(C) by adding at the end the following new clause:

''(iii) premiums under section 1860D.''; and

(2) in subparagraph (D)—

(A) by inserting ''(i)'' after ''(D)''; and

(B) by adding at the end the following:

''(ii) The difference between the amount that is paid under section 1860B and the amount that would be paid under such section if any reference to '50 percent' therein were deemed a reference to '100 percent' (or, if the Secretary approves a higher percentage under such section, if such percentage were deemed to be 100 percent).''.

(c) MEDICARE DRUG COST-SHARING REQUIRED FOR MEDICARE-ELIGIBLE INDIVIDUALS WITH INCOMES BETWEEN 100 AND 150 PERCENT OF POVERTY LINE.—

(1) DEFINITIONS OF ELIGIBLE BENEFICIARIES AND COVERAGE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

''(x)(1) The term 'qualified medicare drug beneficiary' means an individual—

''(A) who is entitled to hospital insurance benefits under part A of title XVIII (including an individual entitled to such benefits pursuant to an enrollment under section 1818, but not including an individual entitled to such benefits only pursuant to an enrollment under section 1818A);

''(B) whose income (as determined under section 1612 for purposes of the supplemental security income program, except as provided in subsection (p)(2)(D)) is above 100 percent but below 150 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; and

''(C) whose resources (as determined under section 1613 for purposes of the supplemental security income program) do not exceed twice the maximum amount of resources that an individual may have and obtain benefits under that program.

''(2) The term 'medicare drug cost-sharing' means the following costs incurred with respect to a qualified medicare drug beneficiary, without regard to whether the costs incurred were for items and services for which medical assistance is otherwise available under the plan:

''(A) In the case of a qualified medicare drug beneficiary whose income (as determined under paragraph (1)) is less than 135 percent of the official poverty line—

''(i) premiums under section 1860D; and

''(ii) the difference between the amount that is paid under section 1860B and the amount that would be paid under such section if any reference to '50 percent' therein were deemed a reference to '100 percent' (or, if the Secretary approves a higher percentage under such section, if such percentage were deemed to be 100 percent).

''(B) In the case of a qualified medicare drug beneficiary whose income (as determined under paragraph (1)) is at least 135 percent but less than 150 percent of the official poverty line, a percentage of premiums under section 1860D, determined on a linear sliding scale ranging from 100 percent for individuals with incomes at 135 percent of such line to 0 percent for individuals with incomes at 150 percent of such line.

''(3) In the case of any State which is providing medical assistance to its residents under a waiver granted under section 1115, the Secretary shall require the State to meet the requirement of section 1902(a)(10)(E) in the same manner as the State would be required to meet such requirement if the State had in effect a plan approved under this title.''.

(2) STATE PLAN REQUIREMENT.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(A) in clause (iii), by striking ''and'' at the end; and

(B) by adding at the end the following new clause:

''(v) for making medical assistance available for medicare drug cost-sharing (as defined in section 1905(x)(2)) for qualified medicare drug beneficiaries described in section 1905(x)(1); and''.

(3) 100 PERCENT FEDERAL MATCHING OF STATE MEDICAL ASSISTANCE COSTS FOR MEDICARE DRUG COST-SHARING.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph:

''(7) except in the case of amounts expended for an individual whose eligibility for medical assistance is not limited to medicare or medicare drug cost-sharing, an amount equal to 100 percent of amounts as expended as medicare drug cost-sharing for

qualified medicare drug beneficiaries (as defined in section 1905(x)); plus''.

(d) MEDICAID DRUG PRICE REBATES UNAVAILABLE WITH RESPECT TO DRUGS PURCHASED THROUGH MEDICARE BUY-IN.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended by adding at the end the following new subsection:

''(l) DRUGS PURCHASED THROUGH MEDICARE BUY-IN.—The provisions of this section shall not apply to prescription drugs purchased under part D of title XVIII pursuant to an agreement with the Secretary under section 1860E (including any drugs so purchased after the limit under section 1860B(b) has been exceeded).''.

(e) AMENDMENTS TO MEDICARE PART D.—Part D of title XVIII of the Social Security Act (as added by section 2) is amended by inserting after section 1860D the following new section:

''SPECIAL ELIGIBILITY, ENROLLMENT, AND COPAYMENT RULES FOR LOW-INCOME INDIVIDUALS

''SEC. 1860E. (a) STATE AGREEMENTS FOR COVERAGE.—

''(1) IN GENERAL.—The Secretary shall, at the request of a State, enter into an agreement with the State under which all individuals described in paragraph (2) are enrolled in the program under this part, without regard to whether any such individual has previously declined the opportunity to enroll in such program.

''(2) ELIGIBILITY GROUPS.—The individuals described in this paragraph, for purposes of paragraph (1), are individuals who satisfy section 1860C(a) and who are—

''(A)(i) eligible individuals within the meaning of section 1843; and

''(ii) in a coverage group or groups permitted under section 1843 (as selected by the State and specified in the agreement); or

''(B) qualified medicare drug beneficiaries (as defined in section 1905(v)(1)).

''(3) COVERAGE PERIOD.—The period of coverage under this part of an individual enrolled under an agreement under this subsection shall be as follows:

''(A) INDIVIDUALS ELIGIBLE (AT STATE OPTION) FOR PART B BUY-IN.—In the case of an individual described in subsection (a)(2)(A), the coverage period shall be the same period that applies (or would apply) pursuant to section 1843(d).

''(B) QUALIFIED MEDICARE DRUG BENEFICIARIES.—In the case of an individual described in subsection (a)(2)(B)—

''(i) the coverage period shall begin on the latest of—

''(I) January 1, 2002;

''(II) the first day of the third month following the month in which the State agreement is entered into; or

''(III) the first day of the first month following the month in which the individual satisfies section 1860C(a); and

''(ii) the coverage period shall end on the last day of the month in which the individual is determined by the State to have become ineligible for medicare drug cost-sharing.

''(b) SPECIAL PART D ENROLLMENT OPPORTUNITY FOR INDIVIDUALS LOSING MEDICAID ELIGIBILITY.—In the case of an individual who—

''(1) satisfies section 1860C(a); and

''(2) loses eligibility for benefits under the State plan under title XIX after having been enrolled under such plan or having been determined eligible for such benefits;

the Secretary shall provide an opportunity for enrollment under the program under this part during the period that begins on the date that such individual loses such eligibility and ends on the date specified by the Secretary.

''(c) DEFINITION.—For purposes of this section, the term 'State' has the meaning given such term under section 1101(a) for purposes of title XIX.''.

(f) REMOVAL OF SUNSET DATE FOR COST-SHARING IN MEDICARE PART B PREMIUMS FOR CERTAIN QUALIFYING INDIVIDUALS.—

(1) IN GENERAL.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv))is amended to read as follows—

''(iv) subject to section 1905(p)(4), for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(ii) for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds the income level established by the State under section 1905(p)(2) and is at least 120 percent, but less than 135 percent, of the official poverty line (referred to in such section) for a family of the size involved and who are not otherwise eligible for medical assistance under the State plan;''.

(2) RELOCATION OF PROVISION REQUIRING 100 PERCENT FEDERAL MATCHING OF STATE MEDICAL ASSISTANCE COSTS FOR CERTAIN QUALIFYING INDIVIDUALS.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)), as amended by subsection (c)(3), is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

''(8) an amount equal to 100 percent of amounts as expended as medicare drug cost-sharing for individuals described in section 1903(a)(10)(E)(iv); plus''.

(3) REPEAL OF SECTION 1933.—Section 1933 is repealed.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2002.

SEC. 103. CATASTROPHIC PRESCRIPTION DRUG COVERAGE BENEFIT.

(a) RECOMMENDATIONS WITH RESPECT TO A MEDICARE CATASTROPHIC DRUG BENEFIT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Commerce of the House of Representatives detailed recommendations on structuring a catastrophic drug benefit for medicare beneficiaries.

(2) RECOMMENDATIONS DESCRIBED.—The recommendations under paragraph (1) shall—

(A) ensure coverage of the costs of prescription drugs above a specified level of out-of-pocket expenditures;

(B) conform to the administrative structure established in this Act;

(C) have a projected cost that does not exceed the amounts described in subsection (b)(3)(A); and

(D) take effect no later than January 1, 2003.

(3) FINAL REGULATIONS.—

(A) IN GENERAL.—If legislation of a medicare catastrophic drug benefit is not enacted that meets the requirements of paragraph (2) by June 1, 2001, the Secretary of Health and Human Services shall promulgate final regulations containing such standards no later than January 1, 2002.

(B) CERTIFICATION BY OMB AND HCFA.—A final regulation promulgated by the Secretary under subparagraph (A) shall not take effect unless the Director of the Office of Management and Budget and the Chief Actuary of the Health Care Financing Administration certify that aggregate Federal expenses incurred in providing the catastrophic drug benefit under this section will not exceed $50,000,000,000 between fiscal years 2003 and 2010. If either certification is not provided, the Secretary shall submit a revised recommendation on structuring a catastrophic drug benefit to the appropriate committees of Congress under paragraph (1) no later than 30 days after the Secretary receives a notification that such certification will not be provided.

(b) CATASTROPHIC PRESCRIPTION DRUG COVERAGE RESERVE FUND.—

(1) ESTABLISHMENT OF RESERVE FUND.—There is established a reserve fund which shall be known as the ''Catastrophic Prescription Drug Coverage Reserve Fund'' (in this subsection referred to as the ''Reserve Fund'').

(2) AMOUNTS IN RESERVE FUND.—Subject to subparagraph (B), the Reserve Fund shall consist of such amounts as are appropriated to the Reserve Fund under paragraph (3).

(3) APPROPRIATION TO RESERVE FUND.—

(A) IN GENERAL.—

(i) FISCAL YEARS 2003 THROUGH 2010.—There are appropriated to the Reserve Fund for the period beginning with fiscal year 2003 and ending with fiscal year 2010, $50,000,000,000.

(ii) SUBSEQUENT FISCAL YEARS.—There are authorized to be appropriated to the Reserve Fund for each subsequent fiscal year, such sums as may be necessary to carry out the provisions of this section.

(B) AVAILABILITY.—Sums appropriated under subparagraph (A)(i) shall remain available, without fiscal year limitation, until expended.

SEC. 104. COMPREHENSIVE IMMUNOSUPPRESSIVE DRUG COVERAGE FOR TRANSPLANT PATIENTS.

(a) REVISION OF MEDICARE COVERAGE FOR IMMUNOSUPPRESSIVE DRUGS.—

(1) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) (as amended by section 227(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended by striking '', to an individual who receives'' and all that follows before the semicolon at the end and inserting ''to an individual who has received an organ transplant''.

(2) CONFORMING AMENDMENTS.—

(A) Section 1832 of the Social Security Act (42 U.S.C. 1395k) (as amended by section 227(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b).

(B) Subsections (c) and (d) of section 227 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–355), as enacted into law by section 1000(a)(6) of Public Law 106–113, are repealed.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to drugs furnished on or after the date of enactment of this Act.

(b) EXTENSION OF CERTAIN SECONDARY PAYER REQUIREMENTS.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Medicare Expansion

for Needed Drugs (MEND) Act of 2000, this subparagraph shall be applied without regard to any time limitation.''.

SEC. 105. GAO STUDY AND BIENNIAL REPORTS ON COMPETITION AND SAVINGS.

(a) ONGOING STUDY.—The Comptroller General of the United States shall conduct an ongoing study and analysis of the prescription drug benefit program under part D of the medicare program under title XVIII of the Social Security Act (as added by this title), including an analysis of—

(1) the extent to which the competitive bidding process under such program fosters maximum competition and efficiency; and

(2) the savings to the medicare program resulting from such prescription drug benefit program, including the reduction in the number or length of hospital visits.

(b) INITIAL REPORT.—Not later than September 1, 2001, the Comptroller General shall submit to Congress a report on the extent to which the competitive bidding process under the prescription drug benefit program under part D of the medicare program under title XVIII of the Social Security Act (as added by this title) is expected to foster maximum competition and efficiency.

(c) BIENNIAL REPORTS.—Not later than January 1, 2004, and biennially thereafter, the Comptroller General of the United States shall submit to Congress a report on the results of the study conducted under this section, together with any recommendations for legislation that the Comptroller General determines to be appropriate as a result of such study.

SEC. 106. MEDPAC STUDY AND ANNUAL REPORTS ON THE PHARMACEUTICAL MARKET, PHARMACIES, AND BENEFICIARY ACCESS.

(a) ONGOING STUDY.—The Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6) shall conduct an ongoing study and analysis of the prescription drug benefit program under part D of the Social Security Act (as added by this title), including an analysis of the impact of the prescription drug benefit program on—

(1) the pharmaceutical market, including costs and pricing of pharmaceuticals, beneficiary access to such pharmaceuticals, and trends in research and development;

(2) franchise, independent, and rural pharmacies; and

(3) beneficiary access to prescription drugs, including an assessment of—

(A) out-of-pocket spending;

(B) generic and brand-name utilization; and

(C) pharmacists' services.

(b) REPORT.—Not later than January 1, 2004, and annually thereafter, the Medicare Payment Advisory Commission shall submit to Congress a report on the results of the study conducted under this section, together with any recommendations for legislation that such Commission determines to be appropriate as a result of such study.

TITLE II—ENHANCED MEDICARE PREVENTION PROGRAM

SEC. 201. MEDPAC BIENNIAL REPORT.

(a) IN GENERAL.—Section 1805(b) of the Social Security Act (42 U.S.C. 1395b–6(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''and'' at the end;

(B) in subparagraph (D), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(E) by not later than January 1, 2002, and biennially thereafter, submit the report to Congress described in paragraph (7).''; and

(2) by adding at the end the following new paragraph:

''(7) EVALUATION OF ACTUARIAL EQUIVALENCE OF MEDICARE AND PRIVATE SECTOR BENEFIT PACKAGES.—

''(A) EVALUATION.—The Commission shall—

''(i) evaluate the benefit package offered under the medicare program under this title; and

''(ii) determine the degree to which such benefit package is actuarially equivalent to that offered by health benefit programs available in the private sector to individuals over age 65.

''(B) REPORT.—The Commission shall submit a report to Congress that shall contain—

''(i) a detailed statement of the findings and conclusions of the Commission regarding the evaluation conducted under subparagraph (A);

''(ii) the recommendations of the Commission regarding changes in the benefit package offered under the medicare program under this title that would keep the program modern and competitive in relation to health benefit programs available in the private sector; and

''(iii) the recommendations of the Commission for such legislation and administrative actions as it considers appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 202. NATIONAL INSTITUTE ON AGING STUDY AND REPORT.

(a) STUDIES.—The Director of the National Institute on Aging shall conduct 1 or more studies focusing on ways to—

(1) improve quality of life for the elderly;

(2) develop better ways to prevent or delay the onset of age-related functional decline and disease and disability among the elderly; and

(3) develop means of assessing the long-term development of cost-effective benefits and cost-savings benefits for health promotion and disease prevention among the elderly.

(b) REPORT.—Not later than January 1, 2006, the Director of the National Institute on Aging shall submit a report to the Secretary regarding each study conducted under subsection (a) and containing a detailed statement of research findings and conclusions that are scientifically valid and are demonstrated to prevent or delay the onset of chronic illness or disability among the elderly.

(c) TRANSMISSION TO INSTITUTE OF MEDICINE.—Upon receipt of each report described in subsection (b), the Secretary shall transmit such report to the Institute of Medicine of the National Academy of Sciences for consideration in its effort to conduct the comprehensive study of current literature and best practices in the field of health promotion and disease prevention among the medicare beneficiaries described in section 204.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal years 2001 through 2006 to carry out the purposes of this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until September 30, 2005.

SEC. 203. INSTITUTE OF MEDICINE 5-YEAR MEDICARE PREVENTION BENEFIT STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the Institute of Medicine of the National Academy of Sciences to conduct a comprehensive study of current literature and best practices in the field of health promotion and disease prevention among medicare beneficiaries including the issues described in paragraph (2) and to submit the report described in subsection (b).

(2) ISSUES STUDIED.—The study required under paragraph (1) shall include an assessment of—

(A) whether each covered benefit is—

(i) medically effective; and

(ii) a cost-effective benefit or a cost-saving benefit;

(B) utilization of covered benefits (including any barriers to or incentives to increase utilization); and

(C) quality of life issues associated with both health promotion and disease prevention benefits covered under the medicare program and those that are not covered under such program that would affect all medicare beneficiaries.

(b) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every fifth year thereafter, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains a detailed statement of the findings and conclusions of the study conducted under subsection (a) and the recommendations for legislation described in paragraph (2).

(2) RECOMMENDATIONS FOR LEGISLATION.—The Institute of Medicine of the National Academy of Sciences, in consultation with the Partnership for Prevention, shall develop recommendations in legislative form that—

(A) prioritize the preventive benefits under the medicare program; and

(B) modify preventive benefits offered under the medicare program based on the study conducted under subsection (a).

(c) TRANSMISSION TO CONGRESS.—

(1) IN GENERAL.—On the day on which the report described in subsection (b) is submitted to the President, the President shall transmit the report and recommendations in legislative form described in subsection (b)(2) to Congress.

(2) DELIVERY.—Copies of the report and recommendations in legislative form required to be transmitted to Congress under paragraph (1) shall be delivered—

(A) to both Houses of Congress on the same day;

(B) to the Clerk of the House of Representatives if the House of Representatives is not in session; and

(C) to the Secretary of the Senate if the Senate is not in session.

SEC. 204. FAST-TRACK CONSIDERATION OF PREVENTION BENEFIT LEGISLATION.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and is deemed a part of the rules of each House of Congress, but—

(A) is applicable only with respect to the procedure to be followed in that House of Congress in the case of an implementing bill (as defined in subsection (d)); and

(B) supersedes other rules only to the extent that such rules are inconsistent with this section; and

(2) with full recognition of the constitutional right of either House of Congress to change the rules (so far as relating to the procedure of that House of Congress) at any time, in the same manner and to the same extent as in the case of any other rule of that House of Congress.

(b) INTRODUCTION AND REFERRAL.—

(1) INTRODUCTION.—

(A) IN GENERAL.—Subject to paragraph (2), on the day on which the President transmits the report pursuant to section 203(c) to the House of Representatives and the Senate, the recommendations in legislative form transmitted by the President with respect to such report shall be introduced as a bill (by request) in the following manner:

(i) HOUSE OF REPRESENTATIVES.—In the House of Representatives, by the Majority Leader, for himself and the Minority Leader, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader.

(ii) SENATE.—In the Senate, by the Majority Leader, for himself and the Minority Leader, or by Members of the Senate designated by the Majority Leader and Minority Leader.

(B) SPECIAL RULE.—If either House of Congress is not in session on the day on which such recommendations in legislative form are transmitted, the recommendations in legislative form shall be introduced as a bill in that House of Congress, as provided in subparagraph (A), on the first day thereafter on which that House of Congress is in session.

(2) REFERRAL.—Such bills shall be referred by the presiding officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of 2 or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(c) CONSIDERATION.—After the recommendations in legislative form have been introduced as a bill and referred under subsection (b), such implementing bill shall be considered in the same manner as an implementing bill is considered under subsections (d), (e), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

(d) IMPLEMENTING BILL DEFINED.—In this section, the term ''implementing bill'' means only the recommendations in legislative form of the Institute of Medicine of the National Academy of Sciences described in section 203(b)(2), transmitted by the President to the House of Representatives and the Senate under section 203(c), and introduced and referred as provided in subsection (b) as a bill of either House of Congress.

(e) COUNTING OF DAYS.—For purposes of this section, any period of days referred to in section 151 of the Trade Act of 1974 shall be computed by excluding—

(1) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of Congress sine die; and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

Mr. KENNEDY. Mr. President, Senator DASCHLE, Senator MOYNIHAN, and I, and the majority of the members of our caucus are introducing legislation to provide prescription drug coverage under Medicare. It is a program supported not only by the Senate Democrats but by House Democrats and the President as well. Senior citizens deserve prescription drug coverage under Medicare. Democrats are committed to providing it and providing it this year.

It is long past time for Congress to mend the broken promise of Medicare. Medicare is a guarantee of affordable health care for every senior citizen, but that promise is being broken every day because Medicare does not cover prescription drugs. The need is urgent. Too many elderly citizens face an impossible choice between food on the table and medicine they need to stay healthy or to treat their illnesses. They take half the pills their doctors prescribe, or do not even fill a needed prescription at all because they cannot afford the high cost of the prescription.

They pay twice as much for the drugs they need because they pay full price, while almost everyone with private insurance pays less because of negotiated discounts. Too many seniors end up in the hospital at immense cost to Medicare because they cannot afford the drugs they need, or can't afford to take them correctly.

Opponents say we cannot afford this coverage, in spite of the budget surplus. The issue is priorities. Health care for the elderly is more important than new tax breaks for the wealthy.

Others say this coverage should be available only to the elderly who are poor. But senior citizens want Medicare, not welfare. They should not be forced into poverty in order to obtain the medications they need.

The ongoing revolution in health care makes this coverage more essential now than ever. Coverage of prescription drugs under Medicare is as critical today as coverage of hospital and doctor care. Senior citizens need help now. The President knows it, Democrats and the House and Senate know it, senior citizens know it, and so do their children and grandchildren.

Congress should listen to their choices. The time for excuses is over. The time for action is now.

I will take a few moments of the Senate's time to review where we are on the issue of Medicare and Medicare coverage. This chart shows the number of senior citizens who have prescription drug coverage.

Senior citizens lack affordable, reliable, quality coverage.

The only group of senior citizens who have coverage today that is reliable, affordable, and dependable are the 4 million seniors covered under Medicaid. Today, we have 12 million senior citizens who effectively have no coverage at all; that is a third of all of our senior citizens. Eleven million seniors have employer sponsored coverage, and I will come back to that because employer sponsored coverage is disappearing.

Three million seniors have coverage under Medicare HMOs, 4 million are covered under Medigap—and we will examine that particular phenomenon—4 million under Medicaid, and 3 million now switched plans during the year or have other coverage.

We have a about a third who have no coverage whatsoever. Another third have employer-sponsored coverage, but we are finding that this coverage is declining rapidly. Medicare HMO coverage is also declining, and Medigap coverage is often unaffordable. That is the current situation. Let's look a little further. If we look at the income of senior citizens, what we see is that 57 percent of senior citizens have incomes under $15,000; 21 percent have incomes above $15,000 but under $25,000. If you add those together, obviously 78 percent are below $25,000. Elderly people in our country have very modest means—very, very modest means.

The average income for a person over 65 is just above $13,000. The cost of coverage is going up. I just showed a chart of the different types of coverage we had, pointing out one-third of our senior citizens have no coverage, and another third have health coverage that is related to their former job. The next chart shows firms offering retiree health coverage.

The chart indicates coverage ''drops 25 percent.''

There was a 25-percent drop in employers covering prescription drugs for their retirees in the 3 years from 1994 to 1997. This is a dramatic reduction in coverage.

Remember I showed the other chart that said a third had coverage through employer sponsored retiree benefits? This shows that the number of firms offering retiree health benefits is dropping absolutely dramatically.

We saw there were a number of our senior citizens, about 4 million, who had coverage through Medicare HMOs. Look at what is happening to Medicare HMO coverage. It is inadequate and unreliable.

First of all, the drug benefit is offered only at the option of HMOs, so some HMOs offer coverage and others do not. More than 325,000 Medicare beneficiaries lost their HMO coverage this year. That is because the HMOs moved out of the areas where those seniors live. Seniors lost their coverage. Look at this: 75 percent of Medicare HMOs will limit prescription drug coverage to less than $1,000 this year. That is an increase of 100 percent in the number of HMOs capping coverage since 1998. And 32 percent of Medicare HMOs have imposed caps of less than $500 this year. So even though you have 4 million Americans who have prescription drug coverage through Medicare HMOs, what you find out is there is a cap on the amount of prescription drugs they are able to receive. After that, they pay for all prescription drugs themselves.

What the trend is, the dramatic trend, is that the dollar cap is going down and down, with a third of HMOs

having a cap of $500. Many seniors in Medicare HMOs will exceed the cap. What we find is that Medicare HMO prescription drug coverage is increasingly inadequate and increasingly unreliable.

There is a dramatic reduction in the number of employers providing coverage for retirees, and a dramatic increase in the amount of money that individual seniors are paying out-of-pocket, even if they have some coverage under their HMO.

The third group I pointed out were those who had Medigap coverage, drug coverage which basically is unaffordable. These are sample Medigap premiums for a 75-year-old. In Delaware, just over $2,600; just under $2,000 in New York and Iowa; and just under $2,400 in Maine and Mississippi.

Against that background, what has been happening to the cost of drugs? The average seniors income is just above $13,500. A third of all of our seniors have no coverage; another third are losing it dramatically. We find that 4 million of the remaining have increasingly limited coverage due to caps, so they are paying more and more out of pocket. Medigap, which is another way they are able to get some coverage, is going right up through the roof. So they are being hard-pressed, and all at a time that 78 percent of all the elderly people have incomes below $25,000.

Let's see what is happening to the cost of prescription drugs. Since 1995, drug costs have been growing at double-digit rates. On this chart: Percent increases in drug costs. Let's look at the increase in the cost of the drugs: almost 10 percent in 1995, 10 percent in 1996, 14 percent in 1997, almost 16 percent in 1998, 16 percent in 1999.

Let's compare that to the Consumer Price Index for all goods. It is 2.5 percent in 1995, it is 3.3 percent in 1996, 1.7 percent in 1997—1.7 percent cost-of-living increase and look at the cost of the prescription drugs— 14 percent. In 1998 it is 1.6, and 2.7 in 1999, and look at the cost of these drugs.

This is not just a peripheral issue for our seniors. When we passed the Medicare program in 1964, as we heard so eloquently today from both our leader on this side, Senator DASCHLE, and Congressman GEPHARDT, we had a lot of the same kinds of criticisms that are being made now against this program: This is the beginning of a takeover by the Federal Government; this is the beginning of socialism.

Of course, they were wrong then and we were right because the Medicare program has worked. But one area we did not take care of was prescription drugs because private coverage at that time did not provide for drug coverage. I daresay prescription drugs are as necessary for our senior citizens today as hospital care or doctor care.

Prescription drugs coverage is necessary for elderly people. Yet it is left out. In a very important way, our Medicare system is not living up to its guarantee—for the men and women who fought in the wars and brought this country out of the depths of the Depression and have educated their children—to live their golden years with a degree of security and peace with respect to their health care needs under Medicare. We are now finding now with that major gap—today, more than 95 percent of the private sector provides prescription drug coverage although they are dropping it for retirees—that Medicare does not provide prescription drug coverage. It is a major gap.

We are saying: Let's fill that gap; let's meet our commitment to our seniors; let's include under Medicare a program that is going to be worthy of our names and which is absolutely essential if we are going to have our seniors—our parents and grandparents—live in the peace, dignity, and security they deserve.

That is why we believe the program ought to be voluntary, there ought to be coverage for all, it ought to provide basic coverage and have catastrophic coverage, and it ought to be affordable.

The President has embraced and endorsed the program, and it is endorsed by the overwhelming majority of our caucus in the Senate and in the House of Representatives, and it is strongly supported by our leader and Mr. GEPHARDT.

The President in the Rose Garden today asked our Republican friends to join in this effort to pass this legislation this year. We have to pass something that is going to be meaningful and worthy of our efforts. He invited our Republican friends to join us in this effort and outlined the program and spelled out the details as well as the cost of this program.

When we pass this program and send it to the President's desk, we in the Congress will say: Why did it take us so long? Every day we delay passing this program, millions of our fellow citizens are being asked to make decisions about their very lives which they should not have to make. That is wrong. We ought to respond. We know how to do it. The question is whether we have the will.

We are going to insist this Senate and House of Representatives address this issue in this Congress. We give those assurances to the American people, and we invite our friends on the other side of the aisle to join us in meeting our responsibilities to our senior citizens.

Mr. BIDEN. Mr. President, I am pleased today to join Senator DASCHLE and 31 of my colleagues in introducing the Medicare Expansion for Needed Drugs Act. This important legislation would expand the Medicare program to provide outpatient prescription drug coverage for seniors and other Medicare beneficiaries.

This bill is long overdue, one might say 35 years overdue. When Medicare was first crafted in the mid 1960's, lifesaving medicine tended to be focused on surgical procedures: appendectomy, mastectomy, and so forth. Medications were being increasingly used to treat serious medical conditions, such as antibiotics to treat infections. However, for most illnesses, the medicine cabinet contained few options.

The advances that have been made in the past 4 decades in the use of pharmaceuticals are nothing short of phenomenal. Diseases that were incurable by any means are now cured by drugs alone. For example, in 1965, childhood leukemia was inevitably fatal. Now, thanks to new medicines, it is almost always curable.

In addition, in many instances new medications have enabled us to avoid the need for surgical treatment altogether. In 1965, intractable pain from stomach ulcers was a common indication for surgery. In 2000, we have highly effective medications to cut down on stomach acid, which have virtually eliminated the need for that kind of surgery. Not only that, but since we have discovered that most stomach ulcers are really due to a bacterium, we can cure the condition entirely with antibiotics.

However, all too often, the elderly and disabled cannot take advantage of these major advances in drug treatment because the Medicare program does not pay for outpatient prescription drugs. How ridiculous is that?: that the group in our society that is the sickest, that could benefit most from these medications, is the one group that is denied access to them.

You would be hard pressed to name another health program in this country that doesn't pay for outpatient prescription drugs. Virtually all private health plans do. Even looking at the Federal government: Medicaid, Tricare, the VA, the Federal Employees Health Benefits Program, they all pay for prescription drugs. Only Medicare, the medical program for the elderly and disabled, is singled out for special limitations.

What is the consequence of this Medicare limitation? Just two weeks ago, the New York Times had a cover story on the plight of Albert Russell, a retiree who lives on an $832 Social Security check. Mr. Russell is nearly blind from glaucoma, a condition in which the pressure inside the eye is too high. When the new drug Xalatan was released in 1996, Mr. Russell's eye doctor tried it and found that it was just what Mr. Russell needed; it reduced the pressure in his eyes better than the alternatives. The problem was the cost of the drug: $1 per day. After several years on the medicine, Mr. Russell could no longer afford the cost, so he had to stop taking the medicine. Of course, Medicare would not pay for

such an outpatient prescription drug. In an attempt to save Mr. Russell's vision, his eye doctor recommended an alternative: an expensive eye surgery. For Mr. Russell, the surgery would not be as effective as the medication, but there was one big factor in its favor: Medicare would have no reluctance about paying for the surgery. So, as compared to surgery, the medication would be better and easier for Mr. Russell, and probably cheaper in the long run for the taxpayer, but under the current Medicare situation, this common sense solution is out-of-bounds. This situation must be changed.

So what's in this bill for consumers? The bill makes prescription drug coverage voluntary and available to all Medicare beneficiaries. There is no deductible required, and there is an out-of-pocket cap that puts an absolute maximum limit on how much one person will have to pay for drugs in any given year. Participants pay a monthly premium, and the government splits the cost of drugs 50/50 with the beneficiary (up to a gradually increasing limit). There is absolutely no question that this bill is an important improvement for the health of our seniors.

I think it is important to keep in mind what this bill is not. First, it is not perfect. The coverage for prescription drugs is not in parity with coverage for alternative medical treatments, such as surgery. This difference reflects cost constraints, but I am optimistic that this aspect can be addressed in future legislation.

Second, this bill is not for everyone. Individuals who have better coverage of prescription drugs than is afforded in this bill, perhaps through an employer-sponsored retiree health plan, can keep that coverage. In fact, employers will be offered subsidies to encourage them to maintain prescription drug coverage for their retirees.

Third, this bill is not a prelude to price controls on drugs. The legislation makes no mention of or need for price controls, and it is not our intention to propose or implement price controls. This bill deals primarily with access to pharmaceuticals, not their cost. The high cost of medications is a concern to many of us in this country, but that is a very complex problem that is not, and should not be, addressed in this bill.

Finally, this bill is not the comprehensive overhaul of the Medicare program that we all agree is needed. The 1965 program needs to be brought up to new millennium standards to make it easier for the program to keep up with rapid future advances in medical technology. The benefit package (including enhanced preventive measures), the financing of graduate medical education, the provider payment mechanisms; these are all items that must be addressed. But not in this bill. Seniors need help now with prescription drugs, and they cannot wait the months or years that it will take to complete the needed comprehensive revision of Medicare.

Mr. President, I encourage all of my colleagues on both sides of the aisle to work together to enact this legislation and to make sure that our Medicare beneficiaries aren't relegated to a second class health care system.

Mr. ROBB. Mr. President, I wanted to say a few words about the Medicare Expansion for Needed Drugs, or MEND Act, which our leader, Senator DASCHLE introduced today. The MEND Act an important first step toward modernizing Medicare through the creation of a voluntary, affordable, universal prescription drug benefit.

While the bill has many elements that I support, I am also interested in looking at ways that we might create a prescription drug bill that distributes its benefits for senior citizens in a more targeted way. I am working with several of my colleagues on the Finance Committee to create such a bill, and hope to introduce it in the next two weeks. With it, we will have two strong options for giving our seniors the help they so desperately need with the skyrocketing costs of prescription drugs.

Mr. President, I applaud the minority leader for his determination in working to help our nation's seniors with the high cost of prescription drugs, and for his efforts in bringing this bill to the floor.

ADDITIONAL COSPONSORS

S. 345

At the request of Mr. GREGG, his name was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 515

At the request of Mr. AKAKA, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 515, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 662

At the request of Mr. L. CHAFEE, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 664

At the request of Mr. L. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1976 to provide a credit against income tax individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 818

At the request of Mr. DEWINE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 890

At the request of Mr. WELLSTONE, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units of irregular forces in Laos.

S. 1053

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1163

At the request of Mr. BENNETT, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alabama (Mr. SHELBY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Mr. ABRAHAM), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1163, a bill to amend the Public Health Service Act to provide for research and services with respect to lupus.

S. 1368

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1368, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as ancient forests, roadless areas, watershed protection areas, special areas, and Federal boundary areas where logging and other intrusive activities are prohibited.

S. 1747

At the request of Mr. BENNETT, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1747, a bill to amend the Federal Election Campaign Act of 1971 to exclude certain Internet communications from the definition of expenditure.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits to aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1886

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1886, a bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control releases of methyl tertiary butyl ether from underground storage tanks, and for other purposes.

At the request of Mr. INHOFE, the name of the Senator from Ohio (Mr. VOINOVICH) was withdrawn as a cosponsor of S. 1886, supra.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans memorial of a plague to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1933

At the request of Mr. THOMPSON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1933, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 2031

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2031, a bill to amend the Fair Labor Standards Act of 1938 to prohibit the issuance of a certificate for subminimum wages for individuals with impaired vision or blindness.

S. 2044

At the request of Mr. CAMPBELL, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act provide families and disabled children with the opportunity to purchase coverage under the medical program for such children.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2311

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2320

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2320, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs, and for other purposes.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. THURMOND), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2386

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2460

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2460, a bill to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2514

At the request of Mr. GRAMS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2514, a bill to improve benefits for members of the reserve components of the Armed Forces and their dependents.

S. 2526

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2526, a bill to amend the Indian Health Care Improvement Act to revise and extend such Act.

S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Missouri (Mr. ASHCROFT), the Senator from Kansas (Mr. ROBERTS), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Arizona (Mr. MCCAIN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), the Senator from Minnesota

(Mr. WELLSTONE), the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. CLELAND), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

S. RES. 247

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

BOND AMENDMENT NO. 3145

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Act of 1965; as follows:

At the end of Title X—General Provisions, insert the following section:

SEC. . DIRECT CHECK PILOT PROGRAM.

(a) SHORT TITLE.—This part may be cited as the ''Direct Check for Education Pilot Program''.

(b) FINDINGS.—Congress finds that—

(1) education should be a national priority but must remain a local responsibility;

(2) the Federal Government's competitive grant regulations and involvement often create barriers and obstacles to local creativity and reform;

(3) parents, teachers, and local school districts must be allowed and empowered to set local education priorities; and

(4) schools and education professionals must be accountable to the people and children served.

(c) DEFINITION.—

(1) COMPETITIVE GRANTS.—The term ''competitive grants'' means programs in which local school districts apply directly to the Department of Education and which funding is determined and distributed by the Department to local school districts. This does not include formula funds.

(d) DIRECT AWARDS TO LOCAL EDUCATIONAL AGENCIES.—

(1) DIRECT AWARDS.—From amounts appropriated for competitive grant programs included in this Act and provided for under paragraph (3), the Secretary shall make direct awards to not more than 50 local educational agencies in amounts determined under paragraph (3) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(A) Priority consideration shall be given by the Secretary to the first applicant from each State that is eligible. Sixty days after the application deadline for this section as set by the Secretary, the Secretary may make funding available to multiple local educational agencies within a State as long as the total number of participating local educational agencies does not exceed fifty.

(2) FUNDING.—From amounts appropriated on an annual fiscal year basis for competitive grant programs included in this act, with the exclusion of Title II, the Secretary shall provide an amount from these funds available as determined under paragraph (3).

(3) DETERMINATION OF AMOUNT.—

(A) PER CHILD AMOUNT.—The Secretary, using the information provided under subsection (e), shall determine a per child amount for a year by dividing the total amount appropriated under subsection (d)(2) for the year, by the average daily attendance of kindergarten through grade 12 students in all States for the preceding year.

(B) LOCAL EDUCATIONAL AGENCY AWARD.—The Secretary, using the information provided under subsection (e), shall determine the amount provided to each local educational agency under this section for a year by multiplying.—

(i) the per child amount determined under subparagraph (A) for the year; by

(ii) the average daily attendance of kindergarten through grade 12 students that are served by the local educational agency for the preceding year.

(e) CENSUS DETERMINATION.—

(1) IN GENERAL.—Each local educational agency shall conduct a census to determine the average daily attendance of kindergarten through garde 12 students served by the local educational agency not later than December 1 of each year.

(2) SUBMISSION.—Each local educational agency shall submit the number described in paragraph (1) to the Secretary not later than March 1 of each year.

(f) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (e) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under subsection (e).

(g) DISBURSAL.—The Secretary shall disburse the amount awarded to a local educational agency under this section for a fiscal year not later than July 1 of each year.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

ROBB AMENDMENT NO. 3146

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him the bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place, insert the following:

OPERATION AND MAINTENANCE, NAVY

Out of any money in the Treasury not otherwise appropriated, there is appropriated for the fiscal year ending September 30, 2000, for expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $220,000,000: *Provided*, That the amount made available by this heading shall be available for ship depot maintenance; *Provided further*, That the entire amount made available by this heading is designated as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

• Mr. ROBB. Mr. President, tomorrow I intend to offer an amendment (No. 3146) to address our critical ship maintenance shortfalls in fiscal year 2000 as part of the military construction appropriations bill for fiscal year 2001. I am filing this amendment tonight.•

NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled ''Phony IDs And Credentials On The Internet.'' This Subcommittee hearing will focus on the widespread availability of false identification documents and credentials on the Internet and the criminal uses to which such identification is put.

The hearing will take place on Friday, May 19, 2000, at 9:00 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Lee Blalack of the Subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, May 10, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 10, 2000, at 2 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, May 10, 2000, at 9:30 a.m., for a hearing to consider the nominations of Anna Blackburne-Rigsby, Thomas Motley, and John Mott to be Associate Judges

of the Superior Court of the District of Columbia.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 10, 2000, at 9:30 a.m., to conduct a hearing on draft legislation to reauthorize the Indian Health Care Improvement Act. A business meeting on pending business will precede the hearing—agenda to be announced. The hearing will be held in the committee room, 485 Russell Senate Building.

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

COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, May 10, 2000, at 2 p.m., in SD226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 10, 2000 at 2:30 p.m. to hold a closed hearing.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 10, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's proposed regulations governing National Forest Planning.

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

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on International Operations be authorized to meet during the session of the Senate on Wednesday, May 10, 2000 at 10:30 a.m. to hold a hearing.

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

PRIVILEGES OF THE FLOOR

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that two members of my staff, John Sparrow, a Presidential management intern, and Jerome Pannullo, a legislative fellow, be granted access to the Senate floor for the duration of the debate on H.R. 434.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Kurt Kovarik, a member of my staff, be given privileges of the floor this afternoon.

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

APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 106–173, appoints the following individuals to serve as members of the Abraham Lincoln Bicentennial Commission: the Senator from Illinois (Mr. DURBIN), and Dr. Jean T.D. Bandler of Connecticut.

MEASURE READ THE FIRST TIME—H.R. 4386

Mr. BROWNBACK. Mr. President, I understand that H.R. 4386, which has just been received from the House, is at the desk. I ask for its first reading.

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

The legislative clerk read as follows:

A bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

Mr. BROWNBACK. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. Under the rule, the bill will be read the second time the following day.

ORDERS FOR THURSDAY, MAY 11, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, May 11. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the conference report to accompany H.R. 434, the African Growth and Opportunity Act. I further ask unanimous consent that the scheduled cloture vote occur at 10 a.m. on Thursday, with the time until 10 a.m. equally divided in the usual form.

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

PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, tomorrow from 9:30 a.m. until 10 a.m., the Senate will debate the conference report to accompany the African trade/Caribbean trade initiative. At 10 a.m., the Senate will proceed to a cloture vote on that legislation. If cloture is invoked, it is hoped a short time agreement can be made so a final passage vote can take place at a reasonable time. On Thursday, the Senate is also expected to begin consideration of the military construction appropriations bill. Therefore, additional votes will occur during tomorrow's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DASCHLE and Senator EDWARDS.

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

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 2541 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

AFRICAN-CARIBBEAN TRADE

Mr. EDWARDS. Mr. President, I rise today to oppose the conference report on the Trade and Development Act of 2000, the so-called African-Caribbean trade bill.

When we debated this bill last October, I expressed my concerns about it, and what has happened is the fruition of what I was concerned about at that time. A bill that was bad when it left the Senate last October has become worse. This bill creates enormous risks for American textile businesses and American textile workers, with very little in the way of offsetting benefits.

Let me speak for a couple of minutes about what I think is wrong with this bill and what kind of risk I think it creates for American workers. When we negotiate trade agreements, in my judgment, there are certain fundamental principles that should always be adhered to: First, they must be negotiated and multilateral; that is, both sides give up something; second, that they create a fair and enforceable system so the trade agreements don't become an empty shell but in fact there is a real and meaningful mechanism for enforcing the trade agreements; third, they must have adequate labor and environmental protections; and, fourth, they must have real, tangible, and provable benefits for U.S. businesses and U.S. workers.

These bills do not meet those basic principles that ought to be complied with on every single trade agreement.

Senator FEINGOLD spoke very eloquently about the lack of adequate labor and environmental protections in these bills.

There are two other principles that have been violated in these bills. First is the requirement that they be multilateral and negotiated, the simple proposition being that if the American people and we as a country are going to lower our barriers, we ought to get something in return. That ''something'' is that the other countries that are subject to these trade agreements lower their barriers. That simply has not happened here.

What is happening is we are lowering our trade barriers while these other Caribbean and African nations are keeping their trade barriers completely in place. Their tariffs remain just as they were. There is no set of circumstances under which that kind of arrangement is equitable for American business or equitable for American workers.

Second, there has to be a real and meaningful mechanism for enforcing these provisions. One of the things that happened to this bill when it left the Senate is there was a complex set of enforcement mechanisms and provisions put in place. When the bill left the Senate, we had what was called yarn and fabric forward provisions, which basically said, as a matter of equity, we would allow the trade barriers to be lowered for those African and Caribbean nations that used yarn and fabric from the United States so that our workers and our businesses benefited.

Well, when the bill got to conference with the House bill, those provisions were changed. Now there are many African nations that are not required to use American yarn or American fabric. Secondly, they are allowed to use regional yarn and fabric; that is, yarn and fabric from that area.

So those are two significant changes in the bill since it left the floor of the Senate which have real and meaningful impact on American business and American workers.

Probably the more dangerous situation, though, is that created by the potential for transshipment. We talked about this on the floor of the Senate when this bill was debated the first time, and my colleagues are aware of this problem.

Transshipment, basically, is a situation where a country, such as China, which I think has the greatest potential for taking advantage of transshipment, ships their fabric and their goods through Africa only for the purpose of having a button sewn on or some other minor change in the product, and then the product is shipped to the United States.

The antitransshipment provisions of this bill are simply not adequate for a variety of reasons. One of the two most important is that the enforcement mechanism relies upon African countries for enforcement. The reality is—and all of us know it—that these African nations are not going to be able to enforce the provisions about transshipment. And we are going to have—at least there is real potential for—a massive transshipment by China and Chinese textile businesses through Africa to the United States. Transshipment has a real and devastating effect on American workers and American businesses, and we have seen some of those effects over the last 8 to 10 years.

I have some specific examples of this. In North Carolina, my home State, during 1999, these were the jobs that were lost as a result of cheap textile goods coming into the United States:

At Pluma, Inc., a plant located in Eden, NC, a small community, 500 jobs were lost when the plant was closed. Jasper closed a plant in Whiteville, NC, in September and 191 jobs were lost. Whiteville Apparel in Whiteville, NC, closed a plant in August and 396 jobs were lost. Stonecutter Mills in Rutherford and Polk in western North Carolina closed a plant in June—800 jobs lost. Dyersburg in Hamilton, NC, closed a plant in May—422 jobs lost. Levi Straus closed a plant in Murphy—382 jobs lost.

Remember that we are only talking about 1999 at this point.

Burlington Industries, in January, closed plants in Cramerton, Forest City, Mooresville, Raeford, Oxford, and Statesville—2,600 jobs lost as a result; all of those occurring in 1999.

In 1999 alone, the South lost 55,000 textile and apparel jobs.

This is not an abstract position for the families and employees whose lives are devastated as a result of these cheap goods coming into the United States.

A perfect example is Margie Brown. You heard me talk about Whiteville, NC, which was one of the areas in eastern North Carolina hardest hit by this flow of cheap goods into the United States. Margie Brown is 47 years old. She had a good job working at Jasper Textiles in Whiteville, NC. She made just under $200 a week. She depended on it. Her family depended on the income from that job. It is what she was trained to do; It is what she knew how to do; and she felt good about what she did.

As a result of that plant being closed down, the reality exists all over North Carolina. In many cases there is no work for these folks; they have no comparable employment. There is nothing they can do with the education and the job training they have.

So she had nowhere to go. Today, instead of having a job she is proud of, being able to support her family, feeling good about going to work every day and doing the things that made her productive as an American citizen, she is on unemployment and she gets $51 a week.

My point is that these are real people. These are real families, and the impact on them is devastating. We can't turn our heads on this. This is not hypothetical. This is not some theoretical thing we are talking about. It is all well and good for us to talk abstractly on the floor of the Senate about trade being good, about, in this case, this having some diffuse benefit to our country as a whole, but there are real people whose lives are being devastated by these trade agreements, real people who have nowhere to go to work tomorrow, who have no way of taking care of their families and who have lost all semblance of self-esteem.

These people, who oftentimes worked in textile mills for 20, 30, or 40 years—I do have to say at this point my dad worked in a cotton mill basically his whole life. During the summers, in high school and college, and then in law school, I saw firsthand the people who spent their whole lives in these textile mills and these cotton mills. They do not know anything else.

We can talk about the technological world we now live in and how these people have to make a transition because the world is changing. The reality is, many of them are 50 or 60 years old and have spent their whole life working in the mill. They have nowhere to go. They have no idea what to do about their families. They are put on the street after working every day for the last 30 or 40 years. What do they say to their kids? What do they say to their spouses about what they are going to do?

My point is that these trade agreements have a real impact on real people's lives, and we all have to recognize it. In fact, this particular agreement is going to do nothing but accelerate the problem. The Margie Browns I just described will be all over North Carolina and the southern United States.

The reason is very simple: The average apparel wage in the United States is $8 an hour.

Of some of the countries that are covered by this agreement: In Mexico the average wage is 85 cents an hour; the Dominican Republic, 69 cents an hour; El Salvador, 59 cents an hour; Guatemala, 65 cents an hour; and, Honduras, 43 cents an hour.

You don't have to be a mathematical wizard to figure out that there is no way for American workers under these circumstances to compete, and there is no way they are going to keep their jobs.

What will happen is China is going to ship goods through Africa. In all likelihood, there will be massive transshipping with no way to stop it, no way to detect it, and no way to enforce the antitransshipment provisions of this bill. As a result, people all over North

Carolina and the United States are going to lose their jobs.

We are playing with fire. I said this when we debated the bill last fall. I say it again. The only thing that has changed is the fire has gotten hotter. It has gotten more dangerous.

There are more American workers whose jobs are going to be lost, and this conference report it does not meet the fundamental principles of equity, the principles that ought to apply to every trade agreement, the principles that are needed to protect our businesses and our textile workers in the United States.

They are perfectly willing to compete. They just want the chance to compete on a level playing field. The other countries aren't lowering their barriers. We are. We know there are going to be goods transshipped through Africa from China and other places. And there is no way to prepare for that. The net result is this is not an abstract thing. Real people, real families, lives and jobs are about to be changed.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, thank you very much. I ask unanimous consent that I be allowed to speak in morning business for up to 15 minutes.

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

Mr. GRAMS. Thank you very much, Mr. President.

PARK SERVICE SNOWMOBILE BAN

Mr. GRAMS. Mr. President, I want to take a few minutes today to talk about the Department of Interior's recent decision to ban snowmobiling in most units of the National Park System.

While the Interior Department's recent decision will not ban snowmobiling in Minnesota's Voyageurs National Park, it will impact snowmobiling in at least two units of the Park System in my home state—Grand Portage National Monument and the St. Croix National Scenic Riverway. In addition, this decision will greatly impact Minnesotans who enjoy snowmobiling, not only in Minnesota, but in many of our National Parks, particularly in the western part of our country.

When I think of snowmobiling in Minnesota, I think of families and friends. I think of people who come together on their free time to enjoy the wonders of Minnesota in a way no other form of transportation allows them. I also think of the fact that in many instances snowmobiles in Minnesota are used for much more than just recreation. For some, they're a mode of transportation when snow blankets our state. For others, snowmobiles provide a mode of search and rescue activity. Whatever the reason, snowmobiles are an extremely important aspect of commerce, travel, recreation, and safety in my home state.

Minnesota, right now, is home to over 280,000 registered snowmobiles and 20,000 miles of snowmobile trails. According to the Minnesota United Snowmobilers Association, an association with over 51,000 individual members, Minnesota's 311 snowmobile riding clubs raised $264,000 for charity in 1998 alone. Snowmobiling creates over 6,600 jobs and $645 million of economic activity in Minnesota. Minnesota is home to two major snowmobile manufacturers—Arctic Cat and Polaris. And yes, I enjoy my own snowmobiles.

People who enjoy snowmobiling come from all walks of life. They're farmers, lawyers, nurses, construction workers, loggers, and miners. They're men, women, and young adults. They're people who enjoy the outdoors, time with their families, and the recreational opportunities our diverse climate offers. These are people who not only enjoy the natural resources through which they ride, but understand the important balance between enjoying and conserving our natural resources.

Just three years ago, I took part in a snowmobile ride through a number of cities and trails in northern Minnesota. While our ride didn't take us through a unit of the National Park Service, it did take us through parks, forests, and trails that sustain a diverse amount of plant and animal species. I talked with my fellow riders and I learned a great deal about the work their snowmobile clubs undertake to conserve natural resources, respect the integrity of the land upon which they ride, and educate their members about the need to ride responsibly.

The time I spent with these individuals and the time I've spent on my own snowmobiles have given me a great respect for both the quality and enjoyment of the recreational experience and the need to ride responsibly and safely. They've also given me reason to strongly disagree with the approach the Park Service has chosen in banning snowmobiles from our National Parks.

I was stunned to read of the severity of the Park Service's ban and the rhetoric used by Assistant Secretary Donald J. Barry in announcing the ban. In the announcement, Assistant Secretary Barry said, ''The time has come for the National Park Service to pull in its welcome mat for recreational snowmobiling.'' He went on to say that snowmobiles were, ''machines that are no longer welcome in our national parks.'' These are not the words of someone who is approaching a sensitive issue in a thoughtful way. These are the words of a bureaucrat whose agenda has been handwritten for him by those opposed to snowmobiling.

The last time I checked, Congress is supposed to be setting the agenda of the federal agencies. The last time I checked, Congress should be determining who is and is not welcome on our federal lands. And the last time I checked, the American people own our public-lands—not the Clinton Administration and certainly not Donald J. Barry.

In light of such brazenness, it's amazing to me that this Administration, and some of my colleagues in Congress, question our objections to efforts that would allow the federal government to purchase even larger tracts of private land. If we were dealing with federal land managers who considered the intent of Congress, who worked with local officials, or who listened to the concerns of those most impacted by federal land-use decisions, we might be more inclined to consider their efforts. But when this Administration, time and again, thumbs its nose at Congress and acts repeatedly against the will of local officials and American citizens, it is little wonder that some in Congress might not want to turn over more private land to this Administration.

I can't begin to count the rules, regulations, and executive orders this Administration has undertaken without even the most minimal consideration for Congress or local officials. It has happened in state after state, to Democrats and Republicans, and with little or no regard for the rule or the intent of law. I want to quote Interior Secretary Bruce Babbitt from an article in the National Journal, dated May 22, 1999. In the article, Secretary Babbitt was quoted as saying:

> When I got to town, what I didn't know was that we didn't need more legislation. But we looked around and saw we had authority to regulate grazing policies. It took 18 months to draft new grazing regulations. On mining, we have also found that we already had authority over, well, probably two-thirds of the issues in contention. We've switched the rules of the game. We're not trying to do anything legislatively.

In other words, an end run of Congress, which is an end run of the American people.

That is a remarkable statement by an extremely candid man, and his intent to work around Congress is clearly reflected in this most recent decision. Clearly, Secretary Babbitt and his staff felt the rules that they've created allow them to ''pull the welcome mat for recreational users'' to our national parks.

As further evidence of this Administration's abuse of Congress—and therefore of the American people—Environmental Protection Agency Administrator Carol Browner was quoted in the same article as saying:

> We completely understand all of the executive tools that are available to us—And boy do we use them.

So it is handy for them to avoid the legislative route, to avoid coming through Congress; they do it through executive orders and mandates.

While Ms. Browner's words strongly imply an intent to work around Congress, at least she did not join Secretary Babbitt in coming right out and admitting it.

I for one am getting a little sick and tired of watching this Administration force park users out of their parks, steal land from our states and counties, impose costly new regulations on farmers and businesses without scientific justification, and force Congress to become a spectator on many of the most controversial and important issues before the American people.

It's getting to the point where I'm not sure what to tell my constituents. I've been on the phone with snowmobilers in Minnesota and they ask what can be done. I start to explain that because of the filibuster in the Senate and the President's ability to veto, it will be difficult for Congress to take any action. I've found myself saying that a lot lately. Whether it's regulations on Total Maximum Daily Loads, efforts to put 50 million acres of forests in wilderness, or new rules to regulate a worker's house should they choose to work at home, this Administration just doesn't respect the legislative process or the role of Congress. Nor does this Administration respect the jobs, traditions, cultures, of lifestyles of millions of Americans. If you're an American who has yet to be negatively impacted by the actions of this Administration, just wait your turn because you were evidently at the end of the list. Sooner or later, if they get their way in the next few months, they're going to kill your job, render your private property unusable, and ban you from accessing public lands that have been accessible for generations.

Regrettably, many of us in Congress are now left with the proposition of telling our constituents that we must wait for a new Administration. I have to tell them that this Administration is on its way out the door and they're employing a scorched earth exit strategy. And I have to warn them that the situation could get worse if a certain Vice President finds himself residing at 1600 Pennsylvania Avenue next year.

I have to admit, there's nothing pleasurable about telling your constituents to wait until next year. I think it's important to remember that, as Senators, we are the representatives of every one of our constituents. When I have to tell a constituent that Congress has lost its power to act on this matter, I'm actually telling that constituent that he or she has lost their power on this matter. When I have to tell a snowmobiler that the Administration doesn't care what Congress has to say about snowmobiling in national parks, I am really telling him or her that the Administration doesn't care what the American people have to say about snowmobiling in national parks. Congress did not get a chance to debate it or to represent the people back home. I doubt any of us could've said that any better than Donald J. Barry said it himself.

When forging public policy, those of us in Congress often have to consider the opinions of the state and local officials who are most impacted. If I'm going to support an action on public land, I usually contact the state and local officials who represent the area to see what they have to say. I know that if I don't get their perspective, I might miss a detail that could improve my efforts. I also know that the local officials can tell me if my efforts are necessary or if they're misplaced. They can alert me to areas where I need to forge a broader consensus and of ways in which my efforts might actually hurt the people I represent. I think that is a prudent way to forge public policy and a fair way to deal with state and local officials.

I know, however, that no one from the Park Service ever contacted me to see how I felt about banning snowmobiling in Park Service units in Minnesota. I was never consulted on snowmobile usage in Minnesota or on any complaints that I might have received from my constituents. While I've not checked with every local official in Minnesota, not one local official has called me to say that the Park Service contacted them. In fact, while I knew the Park Service was considering taking action to curb snowmobile usage in some Parks, I had no idea the Park Service was considering an action so broad, and so extreme, nor did I think they would issue it this quickly. I do not think any local officials thought this would happen. I know those involved in the snowmobile industry had no idea, while talking with this administration, this was going to come down. It was a shot out of the blue.

I believe this quick overreaching by the Park Service was unwarranted. It did not allow time for Federal, State, or local officials to work together on this issue. It did not bring snowmobile users to the table to discuss the impact of this decision on them. It did not allow time for Congress and the administration to look at all of the available options or to differentiate between parks with heavy snowmobile usage and those with occasional usage. This decision stands as a dramatic example of how not to conduct policy formation and formulation. It is an affront to the consideration American citizens deserve from their elected officials.

I would like to repeat that. This decision stands as a very dramatic example of how not to conduct policy formulation and is an affront to the consideration that I believe American citizens deserve from their elected officials.

I hope we take a hard look at this decision and call the administration before Senate committees for hearings. I believe there has been one scheduled. Senator CRAIG THOMAS, I believe, will be holding such a hearing on May 25 to try to bring some administration officials before Congress and to ask some very simple questions: Why was this action taken? I have long believed we can have an impact on these matters by holding strong oversight hearings and by forcing the administration to be accountable for their actions. We cannot, however, simply stand by and watch as this administration continues its quest, in its final, waning days, for even greater power, power that will come at the expense of the deliberative, legislative process envisioned by the founders of this country.

Secretary Babbitt, Administrator Browner, and Donald J. Barry may believe they are above working with this Congress. But only we can make sure that they are reminded, and we can do it in the strongest possible terms, that when they neglect Congress they are neglecting the American people.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, stands adjourned until 9:30 a.m., Thursday, May 11, 2000.

Thereupon, the Senate, at 6:32 p.m, adjourned until Thursday, May 11, 2000, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, May 10, 2000*

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 10, 2000.

I hereby appoint the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Joe F. Hayes, Jr., Brevard First Baptist Church, Brevard, North Carolina offered the following prayer:

Father God, who spoke the heavens and earth into existence, thank You for first loving us and sending Your Son, Jesus Christ, that we might have a full and meaningful life. Forgive our many sins against You and against other people. Help us live at peace with our neighbors and in obedience to Your will as set forth in the Bible.

Gathered here today are leaders who have given their lives to serve others. Help them to love You first, their families second, and other people third, because without You first in our lives, without loving families, and without love for all peoples, we cannot expect this Nation to be great.

In the name of the Lord Jesus Christ we pray, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H. Con. Res. 277. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 314. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit.

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

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

WE SHOULD NOT TRUST CHINA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, once again I rise to discuss the serious national security concerns associated with granting Permanent Normal Trade Relations status to China.

Just yesterday, it was reported that only 2 years after President Clinton allowed the sale of civilian nuclear technology to China, the Chinese government now refuses to keep its promise that it will not resell the nuclear technology to rogue nations. Instead, China has and continues to actively assist Pakistan and other nations with their nuclear programs using U.S. technology.

Mr. Speaker, these are actions that are unacceptable. We cannot and should not allow U.S. nuclear technology to be simply given away to rogue nations. And yet the Clinton administration wants to reward China for this conduct by expanding their trade status. Mr. Speaker, let us not make this same mistake twice. It is obvious that we cannot trust China.

I yield back the administration's PNTR request, which jeopardizes our national security and the security of all peace-loving nations.

TRIBUTE TO THE CORRECTIONAL HEALTH CARE PROGRAM CREATED BY BAYSTATE HEALTH SYSTEM, SPRINGFIELD, MASSACHUSETTS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, this is National Hospital Week, when communities across the country celebrate the people that make hospitals the special places they are. This year's theme sums it up nicely, Touching the Future With Care. It recognizes the health care workers, volunteers, and other health professionals who are there 24 hours a day, 365 days a year curing and caring for their neighbors who need them.

An example of this dedication is the Correctional Health Care Program created by Baystate Health Systems of Springfield, Massachusetts. The program won the National Hospital Association's prestigious NOVA award, which recognizes hospitals' innovative and collaborative efforts to improve the health care of their communities.

The Correctional Health Care Program is a joint effort by Baystate Health Systems and the Hampden County Correction Center to improve the state of inmate health care. Inmates serve an average of 14 months and then return to the community with whatever disease or problems they had when they entered. Failing to improve this health care, puts the inmates, their families, and the public at risk once they are released.

Baystate and Hampden County saw this public health care opportunity and developed a model which has had amazing results. Recurrence of incarceration at the Hampden County Correctional Center is only 4 percent, dramatically below the national average of 40 percent. Program supporters say this extremely low rate is a direct result of correctional health care programs like this.

The program gives inmates the chance to control their own health, helps them gain an element of self-respect and, in most cases, keeps them from returning to a life of crime in jail. In addition, it helps save public health dollars while fighting the spread of communicable diseases.

Mr. Speaker, I congratulate the Baystate Health Care System and the

Hampden County Correctional Facility for this award-winning program.

CONGRATULATIONS ON OPENING OF JUVENILE RESIDENCE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Here's Help on the grand opening of the Debbie Wasserman-Schultz, Alex Villalobos, and Ron Silver Juvenile Residence.

This facility, named after the Florida State legislators who pushed for its establishment, will help teenagers overcome their difficult struggle with substance abuse.

The ravages of dependence too often destroy the lives of young people. And future leaders are often cast aside or lost under a pile of social service paperwork.

Special thanks go to Miami's Y–100's ''Footy,'' also known as John Kross, for his efforts as CEO of Here's Help. And to Dave Ross, manager of Clear Channel.

Others helped: Florida Governor Jeb Bush, who provided funding to furnish this home and renovate older facilities. Thanks also to Dan Marino and Emilio and Gloria Estefan.

I am heartened to see organizations like Here's Help trying to stem this tide of human suffering with community efforts, especially with the Friday opening of its new juvenile residency facility. I ask my congressional colleagues to join me in paying tribute to Miami Y–100's ''Footy'' and to Here's Help for the wonderful work they have accomplished and for the lives they have saved in this new juvenile residency hall.

EDUCATION

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, yesterday we celebrated National Teachers Day and paid tribute to some of our Nation's most important citizens, our teachers. Today, I rise to discuss school construction, an issue which is very important to the teachers in my district.

In my hometown of Las Vegas, Nevada, we have the fastest growing school age population in the United States. We have to build a school a month in order to keep up with the unprecedented growth. We have 1,200 students for every school in southern Nevada. That is twice the national average.

We have 210,000 people in our school district. Too many of these students, as many as 22,000, are being educated in trailers, being educated in portables. This is not an appropriate place for our students to be educated in. It is not an appropriate environment for our teachers to teach in.

The teachers in my district need school construction so that they can teach smaller classes and help their students learn better. I urge my colleagues to pass fair, common sense legislation that will help our teachers and benefit all of America's students. Let us pass school construction.

WHISTLEBLOWERS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, why does the media seem to like some whistleblowers and dislike others? I will mention three names, three of the most famous whistleblowers from recent history.

In 1974, Karen Silkwood blew the whistle on the Cimarron Nuclear Facility in Oklahoma, claiming unsafe practices. Karen Silkwood died in a car accident that November while on her way to meet with a New York Times reporter. They say her death was not an accident and that documents she had in the car with her disappeared from the scene of the crash.

In 1995, Dr. Jeffrey Wigand broke with a big tobacco company to criticize that industry's practices. In a famous episode, his interview with 60 Minutes was taken off the air because of pressure from tobacco company lawyers.

Karen Silkwood and Jeffrey Wigand have both been lionized by Hollywood in movies starring Meryl Streep and Russell Crowe. Both names are synonymous in the media with persons who have been punished for telling the truth.

How about the third whistleblower? Linda Tripp blew the whistle on the most powerful person in America. She told the truth, a truth we might never have known had she not spoken up. And, yet, instead of a movie contract, Ms. Tripp faces the possibility of being the only player in the scandal to be convicted of a crime.

How is that for American justice?

CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, something does not add up. China is taking $80 billion a year out of our economy now in trade surpluses, and reports say that China is buying tanks, planes, submarines and missiles with our cash. There are also reports that further say, my colleagues, that with our cash they are pointing their missiles, that we bought, at America.

And after all this, if that is not enough to bust your balsam, Presidents Ford and Carter endorsed President Clinton's plan to grant China Most Favored Nation trade status, now called normal. Normal, my two pairs.

Beam me up, my colleagues. Ford, Carter and Clinton will not get it until there is a Chinese missile shoved right up their assets.

I yield back whatever they are smoking at their press conferences.

OPENING DOORS TO THE PEOPLE OF CHINA

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, we have an opportunity to encourage change in China. PNTR for China will provide the Chinese people with access to western influence and ideas by forcing China to open their society to bring about positive economic and social changes.

George W. Bush recently commented on Ronald Reagan's ''forward strategy for freedom.'' The Reagan adage, as espoused by the Texas governor, is that ''the case for trade is not just monetary, but moral. Economic freedom creates habits of liberty. And habits of liberty guarantee expectations of democracy. There are no guarantees, but there are good examples from Chile to Taiwan. Trade freely with China and time is on our side.''

I also agree with Prime Minister Margaret Thatcher, who predicts that democracy will move steadily up the scale from the village to the province and, ultimately, to the highest national level.

We cannot achieve these goals through economic isolationism. Wang Dan, a student leader at Tiananmen Square, said ''the west should not try to isolate the Communist regime. Economic change does influence political change.'' Let us support PNTR and allow free trade to open doors to the people of China.

TEACHER APPRECIATION WEEK

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, in honor of National Teachers Appreciation Week, I rise to pay tribute to our teachers. I would like to recognize Mike Weddle, a teacher from Waldo Middle School in Salem, Oregon, who was recently awarded one of the three Milken awards for his exceptional work as a teacher in Oregon.

Mr. Weddle was chosen to receive this award because of his constant efforts to go above and beyond the required duties providing the best possible education for the children of Oregon. Mike Weddle is just one example

of the thousands upon thousands of teachers out there determined to make a difference in a student's life.

In cities and towns across my district, teachers arrive to greet their overcrowded classes of 25, 30 and sometimes 35 students. Many teach in less than ideal environments, in schools that many of us would not work in. But they come back, day after day, dedicated to teaching our children.

There are few things that are more important to the people in my district than the education of our children. However, we often take our teachers for granted and forget to say thank you for all the tireless work that they do. I am here today to say thank you. Thank you for working to ensure that every child has the opportunity to learn and to achieve his or her fullest potential.

Let us really say thank you to our teachers by passing the school construction bill.

□ 1045

AMERICAN TAXPAYERS DESERVE BUDGET THAT ELIMINATES WASTE, FRAUD AND ABUSE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, since 1995, Republicans have been working hard here in Congress to restore common sense to our Government. One of the ways we have done that is by declaring war on waste, fraud and abuse. American taxpayers work hard for their money; and when they send a portion of it here to Washington, the least we can do is spend it responsibly.

Our House Committee on the Budget has a website where the American people can report on examples that they have seen of taxpayer money being spent wastefully.

One such example is a company here in Washington, D.C., that was awarded a $6.6 million grant to find jobs for 1,500 welfare recipients. Nine months, $1 million later, this company had found only 30 jobs. This contract has since been terminated. But this is just one example. And, unfortunately, there are hundreds more.

Last year's budget contained a .38 across the board budget cut aimed at eliminating waste, fraud and abuse. I hope this is something we can build on this year in Congress. American taxpayers deserve to have their money spent responsibly. They deserve a budget that eliminates waste, fraud and abuse.

CONGRESS MUST PASS BIPARTISAN SCHOOL CONSTRUCTION LEGISLATION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this Congress to pass bipartisan school construction legislation to help improve our education for our children.

This week is the 15th annual Teachers Appreciation Week, and yesterday we celebrated National Teacher Day. As the father of a fourth grade teacher, I commend the House on passing this bipartisan resolution supporting our teachers.

But Congress must do more than pass nonbinding resolutions. To make real progress in education, Congress must pass substantive legislation to improve our schools so every child has an opportunity and none are left behind. We must take action to help make sure every neighborhood school in this country works to provide our children with a decent education. We must work in a bipartisan manner to help pass common sense solutions to the challenges facing our schools.

The first bill we should pass is the bipartisan Johnson-Rangel school construction bill. This compromise bill contains elements of my own construction bill to help local communities build new schools, relieve overcrowding, reduce class sizes, and help teachers give students the individual attention they need and deserve.

I am proud to be an original cosponsor of this common sense bill that will make a difference in our community schools. I urge the House leadership to bring this important bill to the floor immediately so Congress can have an opportunity to do more to improve our schools.

PROVIDING FOR CONSIDERATION OF H.R. 3709, INTERNET NONDISCRIMINATION ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 496 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 496

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed two hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Ohio (Mr. HALL) pending which I yield myself such time as I may consume. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 496 is an open rule providing for consideration of H.R. 3709, the Internet Nondiscrimination Act. H. Res. 496 provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives points of order against consideration of the bill for failure to comply with clause 4(a) of rule 13, which requires a 3-day layover of the committee report.

H. Res. 496 makes in order the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any point and provides that the amendment process shall not exceed 2 hours.

The rule allows the chairman of the Committee of the Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

The rule also allows the chairman of the Committee of the Whole to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question providing that voting time on the first in any series of questions is not less than 15 minutes.

Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, as one who supports reducing the overall tax burden on American families, I wholeheartedly support this bill and the rule that brings it before us.

The high-tech revolution has changed the way that every American works and lives and has provided Americans with more freedom and prosperity. The high-tech sector accounted for 35 percent of the Nation's real economic growth from 1994 to 1998.

In Atlanta alone, according to the Metro-Atlanta Chamber of Commerce, we have more than 9,000 technology-related companies employing more than 165,000 technology workers. The high-tech sector is the engine of our current economic prosperity and has created thousands of new jobs and opportunities for our constituents, and we must ensure that excessive government intervention through discriminatory taxes and regulation does not threaten the future of the high-tech industry.

H.R. 3709 honors our pledge to ensure that barriers to future innovation, competition and growth in the high-tech sector do not discriminate against electronic commerce. The bill before us fulfills the promises made in 1998, when the 105th Congress unanimously passed the Internet Tax Freedom Act.

As my colleagues may recall, this important law prohibited for 3 years any taxes on the Internet access charges levied by service providers or any multiple or discriminatory taxes on Internet commerce.

The Internet Tax Freedom Act also created a commission to study if and how e-commerce should be taxed. The commission reported back to Congress after months of considering the complexities of tax law as it relates to the emerging e-commerce sector.

While the commission was not able to agree on a new format for dealing with this difficult challenge, a majority of the members did agree on one thing, the need to extend the moratorium. Under current law, the 3-year moratorium on Internet taxation is set to expire on October 21, 2001, and can only be extended by Congress. I supported the moratorium when it was proposed, and I continue to support it now.

There has been some confusion about the effect of the language of the moratorium, and I want to take a brief moment to mention that this moratorium does not affect the larger issue of States and localities collecting taxes on sales that occur on the Internet. The bill deals only with the discriminatory taxes against the Internet, taxes that would not generally be imposed or legally collectible by a State or local government on transactions involving similar services.

Despite the fact that this bill does not affect the issues of sales taxes, I do believe that the Advisory Commission was on target in stating that the current sales and use tax system is complex and burdensome. Clearly, some nationwide consistency and fairness between Internet and Main Street retailers is necessary.

While the ultimate impact of e-commerce on traditional retailers and State revenues is far from clear, an equitable and fair tax system should not disproportionately burden any type of seller.

What H.R. 3709 does do is extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce for 5 additional years.

The Internet Tax Freedom Act was aimed simply at preventing tax discrimination on-line, not at giving a tax preference, and the Internet Nondiscrimination Act continues this sound policy. This extension would give businesses, policymakers, and the public more time to ensure that the ultimate solution to this dilemma will be comprehensive, equitable, and conducive to the growth of all sectors of the American economy.

Too often, we have rushed into making tax policy with only our good intentions, and the final product is a tax code that has dozens of loopholes, hundreds of giveaways, and thousands of pages that even our best policy analysts do not understand. We cannot afford to do the same with the Internet. We can do better with America's money.

I congratulate the Committee on the Judiciary for their hard work on this legislation. This is a fair rule that allows all germane alternatives to be considered. I urge my colleagues to support it so that we may proceed with general debate and consideration of this bipartisan bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, this is a modified open rule which will allow for the consideration of H.R. 3709, a bill to extend, what we have heard, for 5 years the current moratorium on State and local taxes on Internet access.

As my colleague has explained, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule will permit all Members on both sides of the aisle to offer germane amendments. However, the rule places a time cap of only 2 hours for the amendment process.

Like the railroads in the 19th century, the Internet has revolutionized our way of doing business and has spurred our national economy to great heights. And like the railroads, the Federal Government has a significant role in encouraging and assisting and providing a legal framework for the growth of the Internet. With that role is the responsibility to make sure that we do not take any action to stifle this productive force.

The bill before us today and the process that brought us here does not give me confidence that we are taking that responsibility seriously. The bill is simple enough, but it has generated great controversy. It imposes an unfunded mandate on State and local governments.

The administration opposes the bill. It is opposed by 39 governors, Democrats and Republicans, including the governor of my own State of Ohio. It is opposed by the National Conference of State Legislators, the National League of Cities, the National Retail Federation, and others.

Some Members have accused the bill of trampling on the 10th amendment.

Despite the controversy surrounding the bill, the House is rushing headlong toward its passage. The Committee on the Judiciary held a markup with only one day's notice. The report to accompany the bill was only filed on Monday, requiring the Committee on Rules to waive the House rule requiring a 3-day layover for committee reports.

There were no hearings on the bill. I understand the Committee on the Judiciary is planning hearings later this month. This draws to mind the Lewis Carroll line from Alice's Adventures in Wonderland: ''Sentence first, verdict afterwards.''

In the case of this bill, we have passage first, hearings afterwards. And now we have this rule with time caps that could restrict the ability of House Members to go offer amendments.

Mr. Speaker, I point out these facts not to oppose the bill. There are certainly merits behind this measure. Rather, I wish to make the case that a bill this important and this controversial deserves more careful deliberation than the House is providing.

The current moratorium does not expire until October 2001, a year and a half from now. There is no rush. We have the time to do this properly and responsibly.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT).

□ 1030

Mr. DOGGETT. I thank the gentleman for yielding me this time.

Mr. Speaker, from the travel industry to the food industry, Internet commerce has spurred growth in all sectors

of our economy. I believe we should encourage this new economy by minimizing regulation and maximizing the freedom to innovate on the Internet. The bill that we will have before us through this rule, the Internet Nondiscrimination Act, furthers that purpose. The bill extends the Internet tax moratorium which was too short as originally approved in this Congress, and it eliminates the grandfather clause of the Internet Tax Freedom Act that has enabled a dozen States, including my own State of Texas, to impose access charges on the Internet.

I believe that access to the Internet must be free, that we must prevent discriminatory taxes from being imposed now or in the future that would impede the ability of individuals and of businesses to gain access to the Internet and access to electronic commerce. Electronic commerce is still very much in its infancy, and if we burden it with regulations, if we overburden it with taxes, it will not be able to expand and achieve its full potential.

As a strong supporter of the Internet Tax Freedom Act when it was approved in 1998, I realized then that, while 3 years was all we could get approved in this Congress, it was insufficient to do the job of exploring the complexities of how any taxation in the future of this type of commerce would be achieved. That became particularly apparent in the overpoliticized atmosphere of the Advisory Commission on Electronic Commerce, which we asked to look objectively at this issue, but which was not able to resolve this and make a recommendation to the Congress.

Now, if this Congress were, as my colleague has just indicated, to do what this particular House this year and last year has demonstrated that it is most experienced in, and that is, doing nothing or next to nothing, we would not incur any additional burden on electronic commerce this year, because the current moratorium does not expire until October of 2001. So if there is inaction, nothing will occur that would be disadvantageous.

It is, however, an election year, and so this measure has been rushed through the Congress in the manner that was described, and that is unfortunate, because it would be good if we could have a dispassionate, objective, bipartisan review of these issues.

Our Republican colleagues have found it necessary continually to bring up measures to try to drive a wedge between the new economy, the high technology portion of our economy, and the Democratic Party. That is unfortunate, because I believe that only if we move in a bipartisan fashion are we going to be able to resolve these issues.

The State of Texas is one of those that has had the highest access charges, and I am pleased that we can provide a tax cut through this measure to the people of the State of Texas. The Texas Legislature would have been the better avenue for accomplishing that. They could have done it last year. It is unfortunate they did not.

The minority leader, the gentleman from Missouri, has spoken out in favor of an extension of the moratorium. He suggested 2 years. Naturally being an election year, the Republicans have come in and said, no, make it 5. If the gentleman from Missouri had suggested 5 years, they would have come in and said, no, make it 10. This is not the kind of process that is going to lead to a bipartisan addressing of these issues and eventually resolving how any commerce that transpires on the Internet, the goods and services that are sold over it, might be taxed so that we are not faced with virtual public schools and virtual fire departments instead of the real thing in the future if we see the total erosion of the State and local tax base.

So I would prefer a more deliberate process than this, but I think it is important to have some extension of the moratorium. The Senate will have an opportunity to look and craft this measure more carefully and see what the appropriate time limits are.

The much greater danger to the Internet that this bill does not address the problem that is raised by the gentleman from Georgia's bill to impose a 59.5 percent sales tax not as a State and local source of revenue, but as a Federal source of revenue, something about which I and other Members of our high tech advisory group as Democrats have strongly approved.

We feel that using electronic commerce as a source of Federal sales tax revenue poses a much greater potential burden, which this moratorium does not really reach. There is a lingering danger that Republicans, in their dogmatic zeal to junk the income tax code, will impose a new sales tax on all electronic commerce that adds 60 percent to the price of every purchase made online. We must both reject that bad idea and extend this moratorium.

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

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

I will just comment on the gentleman's comments who previously spoke about a 60 percent or 59.5 percent sales tax just to point out his own Democrat staff on the Committee on Ways and Means estimates that the next year tax, revenue neutral, to be about 24 percent. He will pick the worst scenario.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

UNFUNDED MANDATE POINT OF ORDER

Mr. CONYERS. Mr. Speaker, I have a point of order that I would like to make about the bill that is pending.

The SPEAKER pro tempore (Mr. SUNUNU). Since the Chair is about to declare the House resolved into Committee of the Whole, the gentleman is recognized to state his point of order.

Mr. CONYERS. Mr. Speaker, pursuant to section 425 of the Congressional Budget and Impoundment Control Act of 1974, I make a point of order against the consideration of the bill, H.R. 3709, the Internet Nondiscrimination Act of 2000. Section 425 states that a point of order lies against legislation which imposes an unfunded mandate in excess of $50 million annually against State or local governments. Page 2, lines 24 and 25 of H.R. 3709 contains a violation of section 425. Therefore, I make a point of order that this measure may not be considered pursuant to section 425.

The SPEAKER pro tempore. The gentleman from Michigan makes a point of order that the bill violates section 425(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman has met his threshold burden to identify the specific language of the bill on which he predicates the point of order.

Under section 426(b)(4) of the Act, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after that debate, the Chair will put the question of consideration, to wit: Will the House now consider the bill in Committee of the Whole?

The gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes and the gentleman from Pennsylvania (Mr. GEKAS) will also be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

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

Mr. Speaker, I have made this point of order because it is necessary that we obtain additional information regarding the impact that the bill's unfunded mandate will have on State and local governments before we approve the bill. This is absolutely necessary. I would submit that not a Member of this body has any clear idea regarding how much this legislation will cost the States. The reason is, is because we have not had a single day or even a single minute of hearings on the legislation. We are flying totally blind. The Congressional Budget Office has taken a brief look at the issue and they have merely told us that it will cost the States upward of $50 million a year. But they have not told us how much more it will really cost.

I can tell my colleagues that the National Governors Association, led by

Republican Governor Leavitt of Utah, has estimated that a single provision in the bill eliminating the current grandfather clause concerning Internet access taxes will cost the States $85 million in the first year alone. In Texas alone, the provision will cost $50 million this year, and $200 million by the year 2004. This could translate into 4,000 lost teachers and police officers in Texas alone.

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

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

The issue at hand, the point of order, is one that involves, as has been stated, the so-called unfunded mandates. The purpose of the rule that we have adopted for ourselves on unfunded mandates, the procedure, is one to inform the Members, to let them know that what they are about to consider and eventually cast votes concerning contains unfunded mandates. So that the procedure will follow its natural course, then when it comes time to consider the bill, the Members can vote up or down on the bill, keeping in mind and considering and placing weight as they deem fit, placing weight on the fact that there are unfunded mandates contained in the bill.

For that reason, we have already adopted the rule, we ought to proceed with the debate on the bill, and the Members will decide by voting on the bill finally whether or not unfunded mandates has anything to do with their final decision on the vote.

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

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

Could I ask the gentleman from Pennsylvania if he can tell us how much this bill will cost the States?

I yield to the gentleman from Pennsylvania for this purpose.

Mr. GEKAS. Yes, the gentleman can ask that.

Mr. CONYERS. Yes. Can the gentleman answer it?

Mr. GEKAS. The gentleman has no answer. The question is one that could be answered by saying, more than a few dollars.

Mr. CONYERS. I thank the gentleman for as precise an answer as he can muster at the moment. Could I also further inquire of the gentleman, have we had any hearings to help us with this particular problem?

Mr. GEKAS. If the gentleman will yield further, the gentleman has in his possession, I assume, because it is in the report, the CBO estimates concerning the subject. I cannot improve on the work of the CBO, much as I would like to.

Mr. CONYERS. The problem is really, have we heard from the governors of any of these States that will be affected in the course of the committee process?

I think that this point of order should lie ahead of time, Mr. Speaker, not after the vote. That is the whole point of a point of order under section 425, because it lies against legislation which imposes an unfunded mandate in excess of $50 million annually against State or local governments.

The cost of deferring consideration of the larger issue of the State tax simplification, which this bill effectively does, has been estimated as creating a State revenue loss of $20 billion per year, to say nothing of the private sector cost of complying with the complex State tax system. All of this lost revenue is going to have to come from somewhere, either in the form of reduced services such as police, fire and education, or increased income and property taxes. Neither is a very desirable policy outcome.

□ 1045

Now, I do not know if any of these estimates are correct or not, but I do know that we owe it to ourselves as legislators to learn the facts and determine the costs of the measure before we vote on it. Clearly, there is no rush concerning this matter. The current moratorium does not expire until October 21, 2001, 17 months from today.

I need not remind the Members that it was the majority party which passed the unfunded mandates legislation in the first place as the very first measure in the Contract With America during the 104th Congress. We were told with much fanfare that the Republican Party was going to stop passing mandates on the State, or, at the very least, we would be aware of the cost of a mandate before they enacted them.

Today, we will have an opportunity to see whether the majority will remain true to its promise to the States and the American people and uphold my point of order. We ought to look before we leap, and we certainly ought to know how much a bill will cost the States before we pass it.

Mr. Speaker, I urge Members to vote ''no'' on any effort to disregard this point of order and proceed with the consideration of the bill before us. I urge that the point of order be supported.

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

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is, Will the House now consider the bill in the Committee of the Whole?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. 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 271, nays 129, not voting 34, as follows:

[Roll No. 154]

YEAS—271

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Cunningham
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Morella
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp

Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—129

Abercrombie
Ackerman
Andrews
Baird
Baldwin
Bentsen
Berkley
Berry
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Dicks
Doggett
Dooley
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Holden
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McNulty
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Moore
Moran (KS)
Murtha
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Peterson (MN)
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Slaughter
Stark
Stenholm
Stupak
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand

NOT VOTING—34

Allen
Baca
Baldacci
Barcia
Campbell
Capps
Collins
Cubin
Deutsch
Dingell
Engel
Fattah
Fossella
Gephardt
Green (TX)
Hinchey
Houghton
Kanjorski
Kilpatrick
Lewis (GA)
Lucas (OK)
Mascara
Meek (FL)
Moakley
Moran (VA)
Myrick
Oberstar
Pallone
Rush
Turner
Waxman
Wise
Woolsey
Wynn

□ 1114

Ms. McCARTHY of Missouri, Ms. SANCHEZ, Ms. BERKLEY, Ms. CARSON, Ms. MILLENDER-McDONALD, and Messrs. CRAMER, MORAN of Kansas, and CROWLEY changed their vote from ''yea'' to ''nay.''

Mr. HINOJOSA and Mr. HOEKSTRA changed their vote from ''nay'' to ''yea.''

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SUNUNU). The House will consider the bill in the Committee of the Whole.

Stated for:

Mr. PALLONE. Mr. Speaker, on rollcall No. 154, I was not present, due to a meeting called by the President at the White House. Had I been present, I would have voted "yea."

Mrs. CAPPS. Mr. Speaker, I was unavoidable detained earlier today and missed rollcall vote No. 154. Had I been here I would have voted "yea."

Stated against.

Mr. BACA. Mr. Speaker, I was unavoidably detained for rollcall vote No. 154. Had I been here, I would have voted no.

□ 1115

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. 3709.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

INTERNET NONDISCRIMINATION ACT OF 2000

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 496 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3709.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet, with Mr. SUNUNU in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that I may claim the time designated to the gentleman from Illinois (Mr. HYDE) as the proponent of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the 105th Congress, we passed a piece of legislation that led to this day. The purport of that Internet Tax Freedom legislation of that Congress denoted that a study would have to be performed in order to determine the future of our new world of Internet.

One of the strongest recommendations made by the commission, the report to Congress being embodied in this beautiful blue book which I now place before the Chair, one of the strongest commendations there and recommendations was for the extension of the moratorium that the first bill, the one to which I just alluded, included and which does not expire now until October 1, 2001.

The extension of the moratorium then is the core of the bill that is before us. It calls for a 5-year extension of the current moratorium. Why? Because that is what the commission recommended. Why did they recommend it? Because they were split on what different facets of the Internet world are going to carry with respect to access charges and all the other complexities having to do with Internet interstate commerce.

So the best of all worlds is to give the Congress and industry and business and telecommunications, to give them all time to sort this out.

Mr. Chairman, one thing that should be said to clear up things in anticipation of the debate that is to follow, this does not impact sales taxes as they now exist across the Nation. What we are talking about is a moratorium on Internet access charges, more than any other single facet of what is happening in the Internet world.

What might happen to sales taxes and other problems that are fomented at the outer edges of the Internet world will be topics of hearings that we will be conducting in the Committee on the Judiciary in the weeks to follow, even in this session.

So we are going to cover all the complexities that exist in this whole new world of exchange. But in the meantime, we are pressing for the main stem of this bill, which is a moratorium to extend 5 years beyond the current one.

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

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this measure, the Internet Nondiscrimination Act, is not really what it seems, because it merely addresses the most trivial of the Internet tax issues, the extension of the tax moratorium, and kicks the can down the road, so to speak, on the real issues, State simplification and the defining of what activity creates the necessary nexus for sales tax under the Supreme Court decision in Quill rendered in 1992.

By extending the current moratorium for 6 years, more than two presidential elections from today, there is far less of an incentive for the States and Congress to deal with these far more important simplification issues. Indeed, there is a real risk that by 2006, many interests will become so dependent on the current system that it will

become impossible to ever revisit the issue of State tax simplification.

There can be no doubt that the present State system, which this legislation totally ignores, is a serious problem. First, the complexity of the system is daunting. There are over 6,500 taxing jurisdictions in this country. The jurisdictions generally require separate collection, have developed overlapping definitions of goods and services subject to tax, specifying different sets of exemptions and audit systems.

Any retailer with a physical nexus to a State is subject to a myriad of confusing and complex State and local taxes.

The second point that needs to be made is that the legal uncertainty of the present system can be quite harmful, even for remote sellers because of the many questions left unresolved in the Quill decision. For example, would the mere presence of a computer server in a particular State constitute a substantial physical presence for State tax purposes? I do not know. How are purely electronic sales of books, movies, and sound recordings to be treated? We are not sure. Would the existence of a kiosk to place sales ordered through the Internet or a physical return facility constitute the type of physical nexus needed to establish sales tax collection authority? Who knows?

All of these issues can and should be addressed as a part of a comprehensive tax simplification effort, yet this will be far less likely to occur if we extend the present system to 2006.

I would also note that the process by which the bill has been considered is neither serious nor credible. There have been no Committee on the Judiciary hearings to obtain input from the interested or affected parties. Instead, our markup was scheduled on one day's notice, the bear minimum required under the House and committee rules.

This bill has been rushed to the floor waiving House rules specifying a 3-day layover requirement and against unfunded intergovernmental mandates.

So in my view, the entire process appears to have been more the result of partisan political considerations than sound policy, because why else would the Majority Leader announce the legislation is slated for floor consideration before the committee had heard from a single witness, or even scheduled a subcommittee full markup?

The majority appears to be using this legislation in a desperate effort to create the appearance of a serious high-tech agenda, even while they postpone and defer considerations of the larger issues.

It is ironic that the majority could claim to be a champion of the tax-free Internet at the same time that the chairman of the Committee on Ways and Means is proposing a new 30 percent Federal tax on sales transactions, including all electronic sales consummated over the Internet.

Later today, I will plan to support the Delahunt-Thune amendment, which extends the moratorium until the year 2003. Now, this approach will keep pressure on the Congress to deal with the more pressing problems of E-commerce and ensure that taxing authorities are not creating too many unwise toll booths on the Internet highway.

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

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, sometimes I am not certain around here whether we are making progress or not, but we certainly are working on a very, very important issue. The other side, the minority, at times criticizes us for not working enough. Yet, today we are being accused of rushing legislation to the floor. I disagree with that viewpoint.

I think we are all aware of the Internet and its importance to the country. I think if we look at the record, Republicans have, in fact, been stalwart leaders in trying to bring the Nation as a whole into the Internet economy.

Mr. Chairman, I rise in support of H.R. 3709, the Internet Nondiscrimination Act. The Internet is the engine that has fueled this massive expansion in our Nation's economy. This is the ''Internet Age'' and America is leading the way in innovation and development of this vital sector of our economy.

This bill is important because it tells the government: ''Keep your hands off the Internet.'' All too often we have seen the Federal Government stifle innovation and new technologies through heavy taxation and overburdensome regulation. We could cite the Justice Department's heavy hand in the Microsoft case, which is obviously causing serious tremors on Wall Street and is causing millions of Americans to lose a substantial part of their retirement savings because the equity values have been driven down because of the fear that innovation and technology improvements to society will be challenged by this Justice Department.

This bill will prevent States and localities from imposing access charges to the Internet. Many in this Chamber have received calls and letters from our constituents urging us not to tax the access to the Internet. This is in response to those thousands of e-mails and letters we have received from our constituents.

Allowing every taxing authority across the country to tax access to the Internet is the quickest way to destroy it, and certainly that is something that no one here wants.

I am concerned, however, about the effects this bill will have on the ability of States to collect sales tax revenue. My State of Florida is heavily dependent on sales tax receipts, as it does not have a State income tax. And I congratulate our State for not having an income tax.

Mr. Chairman, please understand, I do not favor taxes, sales or otherwise, that discriminate against the Internet. I supported the 1998 Internet Tax Freedom Act because I felt it was important at the time to give the Internet some room to grow absent the heavy hand of government. However, today we are facing a situation where businesses in my district and all across America are being discriminated against. If a person can evade sales taxes by making a purchase on-line, the small business on the street corner that sells that same product will, in fact, suffer.

The Internet is now thriving, and it is unfair to continue an unlevel playing field which gives Internet companies an advantage over the ''brick-and-mortar'' corner stores all across America. It is my hope that we can reach a compromise on this particular issue; however, I support the main intent of this bill, which is preventing the taxation of Internet access.

Mr. Chairman, I congratulate the gentleman from Pennsylvania (Chairman GEKAS) for his leadership.

□ 1130

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. NADLER), who is the ranking member on the Committee on the Judiciary.

Mr. NADLER. Mr. Chairman, today we consider a matter of vital importance to our Nation's future: how to nurture the development of the Internet commerce; how to provide a clear and predictable environment for e-commerce, free from multiple and discriminatory taxes, while at the same time protecting our local communities which need revenues to fund schools, to fund emergency services, such as fire and police, and hospitals, and so forth.

I take that balance very seriously. In New York Silicon Alley, which I am proud to represent, emerging high-tech firms are on the cutting edge of the new economy. They provide a vital new engine for economic growth and innovation. We need to foster that innovation and ensure its future.

For that reason, as the ranking member on the subcommittee, I took a leading role in seeking enactment 2 years ago of the Internet Tax Freedom Act, which provided for a moratorium on various taxes on the Internet and established a commission to recommend a rational, fair and predictable system of taxation that placed e-commerce on an equal footing with similar businesses.

The purpose was to ensure that the new economy not be stifled by multiple or unfair or discriminatory taxes, and

that economic decisions in the private sector, insofar as possible, be made on economic, not tax avoidance grounds so as to maximize economic efficiency productivity, growth and fairness.

Mr. Chairman, unfortunately, the commission dropped the ball and could not agree on any approach. Rather than taking the time to deal with this important responsibility ourselves, we are faced today with a rushed piece of legislation that extends the moratorium, but fails to address the important questions of fair, nondiscriminatory taxation that will protect the new economy for multiple taxes, discriminatory taxes and other unfair burdens that could undermine the ability of the Internet to grow, prosper and continue as an engine for economic growth.

In fact, as was mentioned, the bill was rushed through the Committee on the Judiciary so quickly, on orders from the House Republican leadership, that we will not have time to hold any hearings until next week, after this vote is taken. First you vote on the bill, then you have hearings to find out what you are talking about. Is that any way to deal with something this important? Shoot first and ask questions later?

Are we doing e-commerce or our communities any favors by acting so rash and irresponsible a manner? There are 16 months left in the current tax moratorium. I think we could have taken a day or two to hear from the industry and other interested parties and experts to craft more comprehensive legislation before voting.

It did not have to be this way. Instead of pushing through a bill that will not provide predictability and long-term protection for e-commerce that ducks the major issue, Congress today punts by simply extending the moratorium and dodging the important questions.

These issues will not go away. State and local governments will need clear rules on what they can and cannot tax. E-commerce companies will need to know what their future situation will be. Main Street businesses need to know that they will not be placed at a competitive disadvantage. If we fail to address these issues, as this bill does, we may very well face years of complex and costly litigation before the courts straighten it out.

But we are not doing that today, we are voting on a press release today instead of legislation that would take some responsibility for the future of the Internet.

We need to deal with the sales tax issue, the nexus issue and the access issue once and for all. We do no one any favors by avoiding the hard questions as this bill does. That future is too important to play politics with. While I am disappointed with the incomplete legislation we have before us today, I am also determined to move the process forward in the hope when the time comes to vote on a conference report, the bill will address these important issues.

Mr. Chairman, I will vote for this bill today, knowing it is a terribly flawed product, hoping that before we have a conference report it will deal with the issues we are dodging today. If the conference report does not, a lot of us will have a lot of difficulty supporting such a flawed product.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I rise in support of this important legislation. Let me share some interesting statistics with my friends and colleagues. One-third of all economic growth today results in the new economy based on technology. High-tech wages are 77 percent higher on average than the other private sector jobs; 37 million Americans access the Internet every day. Clearly, the new economy offers great opportunity for all Americans.

Mr. Chairman, I am proud to say that Illinois is a high-tech State. Illinois ranks fourth today in technology employment. We rank third in technology exports. This issue is important to the people of Illinois, and it is a simple bill. We are just saying, no new taxes on e-commerce. No new taxes; pretty simple message.

The U.S. Department of Commerce estimates that the number of new websites and Internet users doubles every 100 days. This issue is whether or not we impose any new taxes on Internet and e-commerce sales.

Let us remember traditionally that government has always been very creative in finding new ways to tax. We are just saying no new taxes.

At a time when the new economy is growing so strongly, creating one-third of all the new jobs, we want to keep it growing. I am proud that Illinois has been leading the way. I am proud that Illinois made the statement 2 years ago that it will not tax Internet access charges subjecting them to the State's sales tax, the telecommunications tax.

Illinois has already led the way, and we are following the lead of States like Illinois, because Illinois wants a growing new economy. The new economy is growing today because we have a simple agenda here in this Congress. The majority wants a tax-free, regulation-free, trade barrier-free new economy and because of that, it is growing, creating new opportunity for millions of Americans.

There is no excuse for delay. We are hearing lots of excuses because some people want to tax the Internet. No more excuses; no new taxes. No new taxes on the economy. Let us vote aye.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. WATT), a member of the subcommittee.

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking member of the Committee on the Judiciary for yielding me the time.

Mr. Chairman, let me be clear that I originally supported the appointment of a commission and the original moratorium, because I thought the whole issue of how we tax Internet sales was a very, very complicated issue which had substantial implications for commerce, as well as substantial implications for local governments and their ability to support initiatives at the local level.

I thought that we could not in the Committee on the Judiciary make a quick judgment about how to create a level playing field between brick and mortar stores and e-commerce sales.

The Commission has failed in my estimation, and I think we do need some kind of extension of the moratorium. I do not think that 5 years is an appropriate extension. I think it is way too long to extend this moratorium, because what we have in addition, related to the moratorium itself, is a companion issue which deals with how we create a level playing field between retailers and other businesses that are operating in brick and mortar stores and people who are selling over the Internet.

Right now, brick and mortar stores are at a competitive disadvantage because they have to collect local sales taxes. In many cases, e-commerce is able to evade those local sales taxes, and that puts brick and mortar stores at a competitive disadvantage.

So if we are going to create a level playing field for both e-commerce and brick and mortar local retailers, we need to deal with how we do that at the same time we deal with the extension of the moratorium. To delay how we create that level playing field for 5 or 6 more years, actually 6 more years, not just the 5-year extension, because this 5-year extension does not pick up until a year from now, we are talking about a 6-year extension of a moratorium that really puts in place an unlevel playing field for that 6-year period.

I think that is terribly unfair to our existing brick and mortar stores in our communities. It is terribly unfair to local governments who rely on the ability to tax to support their activities.

So I hope my colleagues will oppose this bill and support the Delahunt amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, the beauty of the Internet economy is that there is almost no limit to what one can accomplish if one has access to it. E-commerce offers every citizen the chance to be an entrepreneur and to pursue the American dream. It puts

David on a level playing field with Goliath, giving the smallest mom and pop business the opportunity to reach the same customers as the industry giants.

Our responsibility as elected leaders is to knock down any barrier that unfairly denies Americans the chance to participate in this new economy, whether it is access charges or double taxation of on-line purchases or the ancient sales and use tax laws that some want to resurrect for Internet sales.

The measure before us would provide a 5-year extension of the moratorium on new taxation of the Internet. This moratorium is America's first line of defense against unnecessary government intrusion in the new economy. It is essential to preserving the evolution of the Internet and making it accessible to every citizen.

Mr. Chairman, no one can say with certainty where the Internet will lead us or which opportunities it will yield. But we do know the Internet is working for America, and we know it is that freedom that is what is making the Internet work.

I urge my colleagues to support this bipartisan bill.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Subcommittee on Commercial and Administrative Law. No one has worked harder on this than him.

Mr. DELAHUNT. Mr. Chairman, last year, in 1999, State and local governments lost $525 million in anticipated sales tax revenues on e-commerce or so-called Internet sales. Researchers from the University of Tennessee estimate that on-line sales will grow to $200 billion by 2003. Unless there is a system that is in place that enables the States and local governments to require out of State merchants to collect taxes on their sales to in-State residents, they will lose more than $20 billion annually by 2003.

This chart on my right lists all 50 States in their projected sales tax revenue losses for the single year of 2003. Some examples are instructive. Florida will lose $1.4 billion in sales tax revenue. Texas will lose more than $1.7 billion in revenue.

It is important to note, by the way, that Florida relies upon the sales tax for 57 percent of its total revenue, and Texas relies upon the sales tax for 51 percent of its total revenue.

It is easy to imagine how these kinds of losses affect a State or local government's ability to provide for basic services such as police and fire protection or a viable educational system. They will either be compelled to cut back these services or more likely raise income taxes and/or property taxes. No way will this underlying bill cut taxes. It is important to be clear about that. At best, it will only shift them.

Now, how do we get to this point, where the States are forced to deal with ever-increasing shortfalls in anticipated sales tax income? Well, in 1992, the Supreme Court ruled that a State could not compel an out-of-State business to collect the sales tax for a product or service sent into that State. This inability to collect from out-of-State merchants coupled with the dramatic but very recent explosive growth of e-commerce has created a serious fiscal problem for State and local governments.

Furthermore, this issue is not just about declining sales tax revenues to State and local governments, it disadvantages small business as well. Those merchants in our neighborhoods and communities that make up our local Chamber of Commerces, how can they compete when there is no sales tax parity.

□ 1145

One can imagine deserted shopping malls and empty storefronts downtown. The digital divide should not be extended to American business or to those who patronize them. We will have two classes of American consumers and two classes of American business and no level playing field for either.

The States understand these issues, and by their own initiative, have formed the so-called streamlined sales tax project. Let us leave it to the States.

Mr. Chairman, later on, I will submit an amendment that will reduce the 5-year underlying proposal to 2 years.

Mr. GEKAS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this sales tax debate is very interesting. In fact, we are going to continue that debate with hearings in the Committee on the Judiciary soon. But as far as this legislation today is concerned, it is nothing more than a red herring attempt to divert the attention of this Congress and the American people from the task we have at hand today, which is to protect folks like the young students that were at our E-contract 2000 press conference with the majority leader a little while ago, who themselves, 15-year-old kids, said do not put taxes on access to the Internet.

That is what this bill is about, keeping some of the most unfair, most regressive taxes, taxes that hurt the lowest income Americans from being imposed on the Internet and denying those people the opportunity to participate in the information age, the educational opportunity, the opportunity to shop on-line. When we allow States or other entities to impose those taxes, they hurt the lowest income people the most, but they hurt the Internet, which is benefitting the United States as well.

It is vitally important that we take a very, very cautious approach towards allowing taxes of any kind on the Internet, because the Internet is the engine causing our economy to grow. Nearly half of the growth in our economy is attributable to the high-tech industry, and the Internet is the engine that is driving that growth.

We have, so far, been very successful in encouraging 135 nations around the world, members of the World Trade Organization, from restraining this impulse to put more and more taxes onto the Internet. And that is what we are trying to do today, is to set an example for the States, but, even more importantly, for the rest of the world; that as this economy grows, we not tax it to death.

There is a saying here in Washington that when government sees something moving, they try to regulate it to death. If it keeps moving, they try to tax it to death. And then, of course, if it stops moving, well, then they subsidize it. That is not the model for the Internet. We have been able to keep it free of taxes, we need to continue in that direction.

This is a great first step in that direction, and I urge my colleagues to reject amendments that would shorten this extension of the moratorium of 5 years and to reject amendments that would eliminate the provisions in this bill that take out the grandfathered States.

Let us be fair to everybody and let us reject the idea that this has anything to do with the States collecting their sales taxes. It does not. It is simply a way for us to protect American citizens from unfair and discriminatory taxes on the Internet.

I urge my colleagues to support this legislation and reject these amendments that are going to be offered.

Mr. Chairman, I submit the following letter to the Speaker from the Governor of Virginia in the RECORD:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, May 9, 2000.

Re: H.R. 3709

Hon. J. DENNIS HASTERT, Speaker of the House of Representatives, Office of the Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: Thank you for your efforts in moving H.R. 3709 to a floor vote tomorrow. You and Majority Leader Armey are to be commended for the leadership you have demonstrated in moving the Advisory Commission on Electronic Commerce's recommendations from concept to swift legislative action. The people of the United States can be proud of your efforts on their behalf.

Please extend to your colleagues in the House my encouragement to vote for H.R. 3709 in its current form. Congressman Cox and Congressman Goodlatte have crafted a bill that will protect millions of women and men who use the information from unfair and discriminatory tax burdens and from taxes on their monthly Internet access charges.

The extension of the moratorium against ''multiple and discriminatory'' taxes targeted at the Internet is necessary to protect the Internet from tax and regulatory burdens that will inhibit full growth of the Internet. In the words of President Reagan, ''The government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it.'' What's moving in the Internet Economy are bits and bytes and electrons of Internet through cables and wireless satellite connections—and the moratorium presented in H.R. 3709 is necessary to protect government's inherent appetite for more revenues even during times, such as we enjoy today, of economic plenty.

The prohibition against taxes on monthly Internet access fees is necessary to reduce the financial burden on working men and women and families who want to log on the Internet. This is crucial for several reasons. First, America's policy should be to encourage all Americans to log on the Internet and empower their lives with access to all of the social, educational and economic opportunities located on the world wide web. Second, a prohibition against taxes on Internet access would reduce the price of Internet access and thereby help close the ''digital divide.'' Third, Americans already pay a tremendous tax load to log on the Internet because of the taxes they pay on telephone and cable lines they use to connect to the Internet.

Moreover, these basic tax protections are necessary if the people of the United States are to realize all of the social and economic benefits promised by the Internet and if the United States is to maintain its economic dominance in the Information Economy.

For all of these reasons, I encourage the House to pass H.R. 3709 tomorrow.

Very truly yours,

JAMES S. GILMORE III,
Governor of Virginia.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK), a real States' Righter.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding me this time.

I have had a personal computer on my desktop for over 15 years, using it daily, watching it become an important part of work, of entertainment, of information gathering, of finding out the news, of doing research. I use it constantly. And I hear people say, well, do not tax the Internet. Okay, that is fine. I do not want to tax the Internet. But I do not hear those same people saying do not tax telecommunications, do not tax department stores, do not tax clothing stores. Where is the principle of fairness and consistency?

If we tell businesses that by hooking up with the Internet they gain exemption from taxes, competitive pressure means all businesses will work through the Internet to exempt themselves from taxes. But we are not talking about Federal taxes that we are deciding. We are taking away the ability of our States and our communities to have the tax base that pays for schools, that pays for roads, that pays for police, that pays for fire protection.

Do not tell me to not tax the Internet unless we want to also say we will not tax telecommunications. Get rid of all of them. My cable modem at home comes through our cable TV provider. There is a tax on it. Do we say we will grandfather that one in, but if California or somebody else wants to do the same thing, they cannot do it? There is no principle of fairness, no principle of equality.

We have traditional businesses. They have been in our communities. They have sponsored little league teams, they have picked up trash by the side of the road. They have helped with the PTA and school plays. But we say we do not care about them because there is a new kid in town that looks mighty attractive to us and we only care about them.

Now, I realize this bill purposefully evades the big issue, which is equal treatment of collecting sales taxes. And people say, oh, well, we will worry about that later. Yeah, after 5 more years, on top of another year and a half to go. Justice delayed is just denied. Decisions delayed are decisions denied.

Mr. Chairman, we need the principle of fairness, and we should not take the easy decision. We are going to eat our dessert, but we are never going to deal with eating our vegetables. Let us put the decisions all in one, as we did in telecommunications reform, as we did in financial services reform. We should not put off the tough decisions.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I just want to say that I have gotten more mail on this issue than any other, other than satellite television, in the last 16 months, and this is a classic letter:

''Dear Mr. Walden, I am a registered Oregon voter who uses this service of long-distance e-mail often, and I do not think it is right for the U.S. Postal Service, telephone companies, or any other entity to tamper with a person's right to free Internet e-mail. I am posting my no vote with you, my State representative. Thank you, sincerely, Mrs. Marilyn D. Icenbice of Klamath Falls, Oregon.''

She is right. We are going to stop that and prevent that from occurring.

And let me talk a minute about temporary taxes. There is a temporary tax on our phone right now that was put in place to fund the Spanish-American War. Like my colleague from Oklahoma just talked about some of these taxes, we are going to get rid of that one, later this month, hopefully.

So a temporary tax never goes away. And if we allow the Internet to get caught up in that, we are in real trouble. Because the Internet and high-tech has been the economy that is fueling what is going on in terms of growth in America. Not in all sectors, but certainly an important sector. And we can do the best to expand the Internet into rural areas, like my district, by keeping it tax free.

I urge my colleagues to support this moratorium.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the subcommittee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank those who have come to the floor to debate this issue because it requires debate.

In fact, I would have wanted us to have deliberative hearings in the Committee on the Judiciary, as the Committee on Commerce has proceeded in hearings, to really answer the questions and concerns that are expressed about the Internet by the proponents of this legislation and to address the crucial issues as evidenced by those who oppose.

I listened to a previous speaker who indicated that there are 37 million individuals who access the Internet every day. Well, there are 17 million citizens, approximately, in the State of Texas who are not able to speak for themselves when this legislation will cause them to lose $50 million a year in Internet access taxes, or almost 51 percent of their revenue with the loss of $1.7 billion.

Mr. Chairman, I do not understand why we would move so precipitously to pass this legislation when there is still 18 months left on the present moratorium and to eliminate States, such as Montana and Ohio and Texas, those people who depend upon that revenue for education and health care services, that we would eliminate their opportunity to continue their structure of taxation.

In fact, Texas has stopped, or at least Texas has exempted the first $25 per month in access fees from taxation. They have structured their own taxation structure. But yet we come, without any hearings, to eliminate the opportunity for those States to continue to assess those fees and to receive revenue.

I would argue that we are way beyond where we should be. We realize that the Internet can be expected to generate $350 billion a year within the next 2 years for electronic sales. That is the reason why we must do a measured and decided study on what we do.

I support the Delahunt amendment. I have an amendment to include the grandfathered States. This is a bad bill the way it is. We are moving too quickly and we are hurting a lot of people.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Chairman, this is indeed a defining moment. We are really separating ourselves into two different camps here.

On one hand, we see those who see a digital divide. On the other hand, we see those who see a world of digital opportunities. On one hand, we see people who think the world is all about a zero-sum game of stagnation and redistribution. On the other hand, we see people who understand the world is about growth, development, innovation, jobs, new products and new discoveries in our life.

Mr. Chairman, the fact of the matter is every State, every municipality in America knows that high-tech America is a world of digital opportunity, where there is economic growth, there is a new firm every day, there is a new idea every day, there is a new product every day, and every one of these communities, all flush with cash, are offering digital America whatever tax concessions they can to come locate in their State, come locate in their city.

They promise a tax break because they know what economic growth, increased jobs will do to improve their schools, to improve their community. Clean economic growth. High-tech members of the community. Good citizens all. Every one of our States wants them. But, as soon as the States then turn their attention to milking that cash cow that they worked so hard to bring, then they say, well, we really have a zero-sum game here. Now we need to have discriminatory taxation against this very same institution called high-tech America.

This Congress says we are for growth. We are for development. We are for the increased job opportunities and the better community that every one of these communities seeks when they go to a high-tech firm and they say come locate here. And my colleagues all know we do it.

Now, one final point. Mr. Chairman, I am from Texas, and Texas was grandfathered in for sales taxes. And I am in support of this bill, even with the removal of the grandfathering States. Why? Because Texas is better served by growth, economic development, expansion, invention, creativity, innovation, discovery and the wonder that comes with high-tech America than they are served with the paltry little bit of sales tax increase they can get by applying discriminatory taxation to the driving engine of the American economy.

□ 1200

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT.)

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the economic dream of America is still alive and well in Central Texas. A business can begin in a dormitory room, as Dell Computer did, or in a garage, as hundreds of start-ups in our community have done, and can grow into a multi-million dollar publicly traded corporation.

This is an old principle of America that has now been applied in what we call the ''new economy''. And if these start-ups, some of which are very small, struggling companies before they become big prosperous companies, are overburdened with having to file tax returns as thick as a telephone directory in some 30,000 jurisdictions across the country, we will stifle the growth of this new economy.

That is why I was an early supporter of the Internet Tax Freedom Act and why I will vote for this Internet Nondiscrimination Act.

I also believe that there is great merit in permanently banning all forms of taxation that could be imposed on use of the Internet itself, on getting on the Web. We have seen that the Europeans have slowed the growth of electronic commerce in their countries because it costs too much and they get taxed too much even to get access to the World Wide Web. Let's ''free the web'' of taxes throughout America.

I believe that a tax-free zone on the Internet will encourage the growth and stimulation of this new economy and all the innovation, the associated creativity that holds so much promise for the future of America.

But I also know that our new economy has boomed in Central Texas, largely because of entrepreneurial skill, an educated workforce, and a quality of life with some secure neighborhoods, and environmental awareness. If we do not have the local tax base to provide a police department, if we have to rely on a virtual fire department, if we cannot get the resources to upgrade our workforce and our public education system, then our new economy will suffer just as much as if we are overburdened with taxation.

Texas has some of the highest access charges in the country. I do not know why some of our State Republican leaders, who have offered so much pro-technology rhetoric, have not worked to repeal those taxes, but they have not. And, so, we are doing that in this bill.

The Internet Tax Freedom Commission failed in its responsibility to balance these conflicting concerns.

In short, what I would say today is that a good concept is being applied in this bill in a bad way, it is being rushed through not to help the Internet but to help in the next election. The desire is to mislabel Democrats as being pro-tax and anti-tech. That is wrong.

We should be coming together to resolve this issue, not having the kind of electoral grandstanding that is occurring here.

Further, there is a danger that an extended moratorium will open the door to the 59.5 percent Federal sales tax that the gentleman from Georgia (Mr. LINDER), who was just out here, and too many Republicans have been advocating.

Republicans are advocating replacing the Income Tax Code with a 60 percent tax on every Internet transaction. That would be a real setback.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS) for giving me this opportunity and for his leadership on this issue.

Mr. Chairman, we have just heard a lot of rhetoric. And that is what it is. It is rhetoric. It is not fact.

E-commerce is a vital building block in America's future. We are being told that the changes in the next decade will quickly overshadow the changes of the 1990s. Think about that. We are going to overshadow this progress that we have made in the last decade in a couple years. And it has been hard for me to fathom the changes that we have seen in just the last few years.

What should we do? My father was an 8th-grade-educated steelworker but wise beyond his formal education. When I got in government, he said to me, Son, when you get in government, first do no harm. Do not get in the way. Do not stop progress. Do not let government overregulate, control, or tax success that is the major force in growing our quickly changing economy in this society.

If we want something to slow up, tax it. If we want something to stop growing, tax it some more. If we want something to go away, tax it again and regulate it.

What should we do? Well, I was a bricks-and-mortar retailer for 26 years. We heard their defense today. If I were a retailer today, I would be using e-commerce to expand my business, not for defense.

By using the Internet, every American entrepreneur has the chance to go to a global marketplace without building further infrastructure. We must try to get everyone to understand the potential of the Internet, that is where we need to put our time, and teach them how it use it, promote access, and make sure they all have the fast pipeline, that they can use the Internet in the most efficient way.

Let me tell my colleagues what we have not heard enough talk about is adjusting our educational system to the high-tech society of today. We are not preparing the workforce of today for the technology jobs of today. Hundreds of thousands, if not millions, of jobs are going begging in this country, good paying jobs, because we are not up to speed with the technology changes.

So let us keep government out of the way, what we are doing with this legislation; let us not promote and allow further taxation to stop this growth; let us have incentives to educate the public so they understand how to use it

and benefit from it, incentives to expand the pipeline so everybody has the high-speed pipeline; and last, but not least, drastically look at our educational system and expand technology education in this country by big numbers, because the academic system we have is not training people for the high-tech jobs of today, and the companies that are growing and paying the taxes that will fund our governments need high-tech workers that we need to make sure are available for their future.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, in October of 1998, we overwhelmingly passed the Internet Tax Freedom Act, a law to keep the heavy-handed government taxes off the Internet. We passed this law because we all know that if we overburden e-commerce by taxing it, it will never achieve its full economic potential.

This 3-year moratorium has worked. Over the past years, the growth of Internet use has been tremendous. The number of Internet users doubles every 100 days according to the U.S. Department of Commerce and accounts for 15 percent of our total economic growth.

Many of us are talking about closing the digital divide. What better way to make the Internet more affordable for everyone than by extending this tax moratorium.

With the rapid growth of the Internet and the economic benefits that it brings, use of the Internet should not be restricted by multiple and discriminatory taxes. That is why this legislation to extend the Internet tax moratorium for 5 years is so important.

I urge my colleagues to support this important legislation.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, the Internet is the most empowering invention since the printing press. It allows individuals now when they go to buy things to have the buying power that was once reserved for retailers.

Mere students at the elementary school level can now have access to information that was once reserved for educational elites and kings and princesses. This will empower people to make better decisions and help their own lives.

Yet, we still have a digital divide in this country where too many people do not have access to the Internet, their kids do not have access. The challenge to us is that this gap between the rich and poor, which has been widening, will not widen further with the growth of technology.

This moratorium is an effort to bridge this digital divide by saying we are not going to put taxes on this and people who cannot afford this today are not going to be priced out of the market by excessive governmental taxation. That is all this does. And for 5 years it gives us the opportunity for businesses to make their plans over that time.

It does not address the sales tax issue. That is a constitutional issue. It was raised in Quill v. North Dakota. This Congress can address that any time it wants to come back, or it can be addressed through the courts. But it does say that we are not going to have over 7,000 different local taxes and fees relating to the Internet all over this country, that we are not going to do the usual philosophy that if it moves, we tax it, if it keeps moving we regulate it, and when it stops moving we subsidize it.

We are going to allow the entrepreneurs and the businesses that have built this Internet and that have programmed the software that has made this available to the average citizen's fingertips, we are going to allow them to keep on doing what they have been doing and grow the economy.

There is no question we are due for a tax overhaul in this country. The information revolution changes the whole paradigm in terms of how people make wealth. At the local level, it is still measured in property taxes. I spent 15 years in local government. The property tax no longer gives us the financial ability in many jurisdictions to raise the money for education and public safety and the like.

Wealth has moved into knowledge, and this is something for over the long term as we address our IRS Tax Code. That is why I move that we try to scrap the Tax Code and rethink how we tax people. But this is a signal to all of the entrepreneurs and businesses out there in making their plans that the Internet is off limits for State and local governments over the next 5 years.

They are already getting increased receipts as a result of the development of the Internet. Every new phone line that comes in, there are access charges related to that. Phone bills that go in, those are Internet fees. They are paying that to State and local government. Sales of equipment. My colleagues do not think they have sales taxes on the sales of equipment and the like? Electric bills. The new employees that are created pay all different kinds of taxes.

Revenues are up at the State and local level, and a lot of this is because of the Internet. If we put a tax on top of this, it not only hurts us domestically but it hurts us across the globe.

America is 5 percent of the world's consumers. Ninety-five percent of the world's population lives outside the United States. If we start taxing it here, we start talking about destroying the goose that laid the golden egg. That is the end of American dominance of the world economy on the Internet.

Mr. Chairman, I rise today as an original sponsor and enthusiastic supporter of H.R. 3709, the Internet Nondiscrimination Act. With Internet use and global electronic commerce growing at an astronomical pace, it is inarguable that the Internet is emerging as the most unique and the fastest-growing tool of communication known to mankind. The Internet facilitates not only economic growth but the easy dissemination of ideas and information from almost any spot in the world. We are at the tip of the iceberg in terms of the potential that the Internet can offer both cheaply and quickly.

Yet an ever-present concern plagues many of us who understand the need to foster the Internet's continued growth: the government interference in the electronic marketplace—whether it be through regulation or tax policy—will create barriers that interfere with the transformation of the Internet into the repository of global communications and commerce for the 21st century.

Two years ago, we recognized that state and local taxation in electronic commerce would require a thorough analysis before we could formulate a balanced and restrained federal policy on the taxation of goods and services sold over the Internet. While most of us agree that regulation of the Internet would hinder technological innovation and economic growth, we also understand the legitimate needs of state and local governments who use sales tax revenue to fund services for their citizens. We enacted a 3-year moratorium on Internet access taxes and multiple and discriminatory taxes on goods and services sold over the Internet. We also created the Advisory Commission on Electronic Commerce to begin that process and identify all of the integrated issues that arise in the context of taxation and the Internet Economy.

As we all know, the Commission reported its findings and proposals last month. While the Commissioners could not agree on a way to resolve the thornier issues of sales and use taxes and Internet access charges, among others, they did provide a critical basis for us to continue discussing how we prevent Internet taxation from discouraging every American's access to the Internet and inhibiting electronic commerce. And among their recommendations was a proposal—supported by a majority, 11 out of the 19 Commissioners—to extend the current moratorium on those types of taxes for another 5 years.

I understand that some of my colleagues believe the moratorium should not last as long as 5 years and others believe that we have to address this important issue in a comprehensive manner. To the latter concern, I wholeheartedly agree—this issue needs to be resolved in a methodical and holistic manner. But we need to implement a realistic time frame that will allow us to resolve each and every layer of the problems presented by taxation in a digital world.

This problem cannot be about politics. It cannot be about one side fighting at all costs for victory over another. 56 percent of U.S. companies will sell their products online by 2000. The Internet Economy now accounts for 2.3 million jobs. Global Internet commerce has generated nearly $145 billion in revenue since

1998. The U.S. not only has the fastest-growing number of Internet users, but the largest proportion of e-commerce consumers.

How we address Internet taxation without hindering Internet access and expansion is one of the most important long-term economic policy decisions that our nation will make. That is why a 5-year moratorium is critical. I want to congratulate my colleague, Congressman COX for his steadfast and outstanding leadership on this issue. I urge all of my colleagues to support H.R. 3709 and oppose any amendments that weaken the extension of the Internet tax moratorium.

Mr. Chairman, I urge adoption of this bill.

Mr. CONYERS. Mr. Chairman, how much time remains on each side, please?

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining. The gentleman from Pennsylvania (Mr. GEKAS) has 10½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I include for the RECORD the following editorial from the Washington Post dated today, May 10, 2000:

A DEMAGOGIC BILL

The House is scheduled to vote today on a five-year extension of the current ''moratorium'' on Internet taxation. The extension is deceptive legislation that in the short run doesn't do what most people think and that in the long run could do real harm. The measure does not ban state sales taxes on e-commerce—transactions over the Internet. But it sounds as if it does, which suits the sponsors just fine.

They pose as champions not just of a tax haven but of a technology in which America leads the world (and of an industry that has become a major source of campaign donations). Not to worry that the electronic commerce they embrace poses a serious threat to the sales tax base of the states whose interests they also profess to champion. That is another day's problem.

Not all members were prepared to join in the grandstanding. ''When it's convenient, we all give lip service to the 10th Amendment, pledging allegiance to local and state government rather than federal control,'' Rep. Ernest Istook said in a letter addressed mainly to his fellow Republicans. ''Yet this week there is a rush to trample that 10th Amendment, hoping to buy favor with a select few groups.'' ''Who will educate the Internet entrepreneurs of tomorrow, if the state and local tax base is destroyed,'' he asked. ''The Internet should not be singled out to be taxed, nor to be freed from tax.''

What the bill actually imposes is a moratorium not on electronic sales taxes but on taxation of access to the Internet, the monthly changes from AOL and similar providers. States remain free to levy taxes on Internet sales. Their problem is that they often can't collect them. The Supreme Court has ruled that they can't require out-of-state sellers to do the collecting for them in the same way they do in-state merchants. The threat, as more and more commerce shifts to the Internet, is not just that the states will lose revenue but that traditional merchants will be placed at a competitive disadvantage. The disadvantage could have the effect of accelerating the shift to the Internet, in which case the process will feed on itself.

The answer is for the states to make their tax codes more uniform—not the rates, but the definitions: what constitutes food, for example, which is often exempt. Then Congress should authorize an interstate compact, under which sales taxes on e-commerce could easily be collected and remitted by computer. The National Governors Association is working toward such a result, which the Supreme Court would likely countenance. Instead of a show vote such as this, implying that it opposes such an outcome, the House should cast a vote in favor of it. The harm in this legislation is not what it actually does but in the commitment it implies—that the Internet will be tax free. Mr. Istook asked the relevant question. If his colleagues persist in undercutting the sales tax, are they ''ready to replace it with some form of federal revenue sharing for states and communities?'' No is the answer. No should be the answer to this demagogic bill as well.

Mr. Chairman, I also include the following letters for the RECORD:

April 12, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, The Capitol, Washington, DC.
Hon. RICHARD A. GEPHARDT,
Minority Leader, House of Representatives, The Capitol, Washington, DC.

DEAR SENATOR LOTT, SENATOR DASCHLE, SPEAKER HASTERT, AND REPRESENTATIVE GEPHARDT: We are writing to urge support for a fair and equitable system to ensure that all Main Street retail stores and Internet commerce can compete on a level playing field and to ensure that all Americans can join us in supporting the Internet as part of our new economy. Unfortunately, the Advisory Commission on Electronic Commerce (ACEC) proposal that was included in the Internet Tax-Freedom Act (ITFA) commission report, but failed to attain the two-thirds majority required by the Act, does the opposite. Instead of addressing the requirements laid out in the law to recommend a new state and local sales tax system to provide for fairness and balance, the proposal chose to use this opportunity to seek a host of new and expensive special tax breaks. We urge you to reject the report.

As stated in the duties section of the legislation the commission was to ''conduct a thorough study of federal, state, local, and international taxation and tariff treatment of transactions using the Internet and Internet access and other comparable intrastate, interstate, or international sales activities.'' The commission proposal did not focus on Internet transactions, but instead made a recommendation that would reduce other existing state and local tax revenues by over $25 billion per year.

Not only would the proposal eliminate existing sales tax on such items as books, movies, music, and magazines that are sold in local ''bricks and mortar stores'' but also would substantially reduce existing state corporate income and property taxes. The proposal, with a revenue loss of that magnitude, would disrupt the financing of state and local services and likely devastate education funding, which represents over 35 percent of the average state budget. Furthermore, instead of creating a level playing field for all sellers, it would put the federal government in the position of both picking winners and losers and also making the current digital divide more severe.

The most important reason for us to oppose this proposal is that it would substantially interfere with state sovereignty. The U.S. Constitution was very clear in both ensuring state sovereignty and creating a critical balance between federal and state authority. For well over 200 years the federal government has respected state sovereignty and has been extremely careful not to interfere with the states' ability to independently raise revenues. This proposal would dramatically undercut this precedent.

It is hard to think of any more fundamental responsibility of governments and elected officials in our nation than that of determining which taxes and fees are utilized to pay for the services that our citizens want and need. State and local governments rely on sales, property, and income taxes—no two the same, reflecting the enormous diversity of our nation. This proposal would intrude very deeply into the rights and responsibilities of state and local governments.

Sincerely,

Michael O. Leavitt, Chairman, Utah; Parris N. Glendening, Vice Chairman, Maryland; Thomas R. Carper, Delaware; Christine Todd Whitman, New Jersey, Paul E. Patton, Kentucky; James B. Hunt, Jr., North Carolina; Jim Geringer, Wyoming; Bill Graves, Kansas; Don Sundquist, Tennessee; Jane Dee Hull, Arizona; Mike Huckabee, Arkansas; John Engler, Michigan; Tommy G. Thompson, Wisconsin; Frank O'Bannon, Indiana; Kenny Guinn, Nevada; Dirk Kempthorne, Idaho; John A. Kitzhaber, M.D., Oregon; Carl T.C. Gutierrez, Guam; Cecil H. Underwood, West Virginia; Mike Foster, Louisiana; Benjamin J. Cayetano, Hawaii; Jesse Ventura, Minnesota; George H. Ryan, Illinois; William J. Janklow, South Dakota; Tom Vilsack, Iowa; Angus S. King, Jr., Maine; Pedro Rosselló, Puerto Rico; Gary Locke, Washington; Lincoln Almond, Rhode Island; Bob Taft, Ohio; Ronnie Musgrove, Mississippi; Mike Johanns, Nebraska; Marc Racicot, Montana; Howard Dean, M.D., Vermont; Tom Ridge, Pennsylvania; Tony Knowles, Alaska.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, PA, April 12, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.
Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, The Capitol, Washington, DC.

DEAR SENATOR LOTT AND SPEAKER HASTERT: I understand that Congress may soon consider proposals addressing the Internet Tax Moratorium set to expire next year. Technology has been a central focus of my administration since I took office 5 years ago. From education to public safety, our commitment to information technology is helping Pennsylvania to remain competitive in the global economy and preserve the high quality of life in the Commonwealth. Internet based commerce is changing the face of how we do business in Pennsylvania and providing rapid access to a whole new world of information.

To foster the electronic boom I support an extension of the current Moratorium on access, multiple, or discriminatory taxes. The

Internet has been growing at a record pace and I believe the moratorium has facilitated that process by assuring that commerce over the Internet is not singled out and taxed in new and creative ways. That is why I proposed and the Legislature approved a repeal of Pennsylvania sales taxes on computer services as well as a tax prohibition on Internet access charges. More recently, in my 2001 budget, I have proposed a Sales Tax Holiday for Commonwealth residents who buy personal computers.

Pennsylvania is rather unique because we continue to manufacture goods. Thus, technological advances are often applied to many of those goods produced in Pennsylvania. Decisions on the taxation on Internet commerce therefore, are very complex and must balance the needs of both Internet and Main Street based businesses.

The report submitted by the ACEC Business Caucus to the Advisory Commission on Electronic Commerce acknowledged that ''In addressing whether and how the Internet should be subject to taxation, a major priority should be reducing or removing access barriers to perhaps the most advanced and useful medium of communication and commerce yet devised''. I concur.

I also agree with the Caucus position that the system taxation of remote sales should be simplicity, efficiency and fairness—and that ''(o)ur system of federalism mandates that the burden to produce such a system falls on the states''.

My concerns with the report include their preemption of the state role, albeit for allegedly a period of five years, during which time the Caucus recommends that Congress pass laws preempting state sovereignty. We, state and local elected officials, are best suited to reach a consensus on what changes need to be made to our sales and property taxes without creating a competitive disadvantage for *any* of our businesses. The magnitude of the undertaking is only equaled by its importance. States must work with local governments and its stakeholders—consumers, telecommunication and other remote businesses as well as our Main Street business to address these challenges.

As Congress considers legislation on Internet taxation, I hope that a guiding principle will be fair competition between Main Street businesses and Internet businesses. An extension of the Moratorium will provide us more time to assess the situation and ensure that we do no harm to either side. I strongly urge that when considering the impact of electronic commerce on our economy, any changes to the state tax structure should be done gradually and with consultation of all stakeholders.

Sincerely,

TOM RIDGE,
Governor.

STATE OF NORTH DAKOTA,
OFFICE OF THE GOVERNOR,
Bismarck, ND, April 7, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House, Rayburn House Office Building, Washington, DC.

DEAR SPEAKER HASTERT: I am concerned about the current dialogue on taxation of e-commerce and the recent report of the Advisory Commission on Electronic Commerce.

I do not know of a single Republican governor who wants to raise taxes. At the same time, I agree with Governor Leavitt and others who oppose any of the commission's findings that would allow Congress to infringe on a state's sovereignty or mandate tax exemptions for certain goods.

Yet, I am equally concerned about the need for a simplified and equitable tax structure. It is complex, I know: We should avoid doing anything to stifle the growth of the Internet and the new economy, and yet I refuse to put my Main Street businesses at a competitive disadvantage.

States and Congress will doubtlessly need to work together to address these issues, which is why the Commission was established. It is clear to me that these issues have not been resolved, and Congress should not consider a piecemeal approach at the expense of states' autonomy.

I look forward to working with you as we make our way through this complicated and important issue.

Sincerely,

EDWARD T. SCHAFER,
Governor.

OFFICE OF THE GOVERNOR,
Santa Fe, NM, April 12, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.

Hon. THOMAS A. DASCHLE,
Minority Leader, U.S. Senate, The Capitol, Washington, DC.

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

Hon. RICHARD A. GEPHARDT,
Minority Leader, House of Representatives, The Capitol, Washington, DC.

DEAR SENATOR LOTT, SENATOR DASCHLE, SPEAKER HASTERT AND REPRESENTATIVE GEPHARDT: I are writing to urge support for a fair and equitable system to ensure that all Main Street retail stores and Internet commerce can compete on a level playing field and to ensure that all Americans can join us in supporting the Internet as part of our new economy, and to urge you to reject the Advisory Commission on Electronic Commerce (ACEC) report. Instead of proposing a means addressing the requirements laid out in the law to recommend a new state and local sales tax system to ensure a level playing field and to protect the sovereignty of states, the report proposes unprecedented interference into the rights and responsibilities of the citizens of New Mexico and their ability to determine how they want to finance vital public services and infrastructure.

The new economy offers incredible opportunities. It imposes a great responsibility on all of us to enhance electronic commerce, but not at the expense of our small, Main Street businesses. In a world like this, if remote sales over the Internet are taxed differently than intra state sales, we will have a system based upon a tangle of legal maneuvering that will create separations between local merchant and their Internet counterparts, and a playing field that will be viewed as inherently unfair. Such unfairness, if left to fester, will bring contempt and non-compliance. It is hard to argue with the need for an enormous simplification of state and local sales taxes that can pave the way toward a level playing field that does not discriminate between methods of access. Congress needs to ensure we in New Mexico can move toward a level playing field. It needs to make sure the federal government does not act in a way that permanently discriminates against our small businesses and retailers.

The most important reason I oppose this proposal is that it would substantially interfere with state sovereignty. The U.S. Constitution was very clear in both ensuring state sovereignty and creating a critical balance between federal and state authority. For well over 200 years the federal government has respected state sovereignty and has been extremely careful not to interfere with the states' ability to independently raise revenues. This proposal would dramatically undercut this precedent.

It is hard to think of any more fundamental responsibility of governments and elected officials in our nation than that of determining which taxes and fees are utilized to pay for the services that our citizens want and need. It is my responsibility, working with our state legislature, to determine what taxes to cut in New Mexico—not anyone else's. Our state relies primarily on sales, property, and income taxes—all areas proposed for mandated federal cuts by the report. Such a proposal would intrude very deeply into the rights and responsibilities of our state and local governments.

Sincerely,

GARY E. JOHNSON,
Governor.

STATE OF ALABAMA,
OFFICE OF THE GOVERNMENT,
Montgomery, AL, April 11, 2000.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.

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

DEAR SENATOR LOTT AND SPEAKER HASTERT, I am writing to express my grave concerns regarding the Advisory Commission on Electronic Commerce (ACEC) proposal that was included in the Internet Tax Freedom Act (ITFA). I believe the proposal represents an attempt by the federal government to take control of fiscal policy away from the states, and I strongly urge you to reject the report.

As Governor, I have pursued responsible, conservative fiscal policies. In some instances, targeted tax cuts are an important part of this State's over financial plan. However, these are decisions that must rest with the State, and not with Congress. As you may know, any such measure would potentially infringe on this State's ability to support public schools. Therefore, I am unequivocally opposed to any attempt by the Federal government to interfere with the states' rights to collect sales taxes.

In addition, while I appreciate the policy challenges posed by the new global economy, I have concerns with Congress establishing a series of tax breaks for a few special interests. This is particularly true when doing so would undermine a more-than 200-year tradition old of respecting states' sovereignty. Again, I ask you not to advance any effort to take control from the states and send it to Washington.

Sincerely,

DON SIEGELMAN,
Governor.

STATE CAPITOL BUILDING,
Oklahoma City, OK, April 10, 2000.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: As you prepare to consider legislation concerning taxation of sales made on the Internet, I ask that you consider these important factors:

First, I believe it is important to extend the existing moratorium on taxation of Internet transactions to allow more debate and discussion of this vital issue. We are dealing with new technologies and new forms of commerce which are still being developed

and refined. The taxation moratorium has helped stimulate that early growth, and premature action by the federal government could represent a stifling influence.

Second, Congress should not pre-empt the states on this issue. Each state has its own unique tax structure. It would be a mistake to impose a ''one size fits all'' standard on 50 separate states and the District of Columbia. We currently do not have a national sales tax; sales taxes have traditionally been the province of state and local governments, and each has chosen its own path in this regard. To suddenly impose a new national standard would contradict our party's traditional adherence to the principle of federalism.

Third, no matter what form legislation ultimately takes, it must have as a central goal the creation and preservation of a level playing field. It would simply be unfair to establish a system where one state or one region or one industry has a special advantage.

Fourth, as you will recall from our visits during my chairmanship of the Republican Governors' Association last year, GOP governors (and some Democrats) have been most active in reducing state tax burdens and in reforming and restructuring state tax systems. In Oklahoma, for example, we have won the first reduction in personal income tax rates in 50 years and capped property taxes. State-level tax reform is a work in progress; we are planning further income tax reductions and cuts in the cost of vehicle license tags, and I know other governors are doing the same. In many cases, state and local sales taxes remain a central component of the respective budgets of those jurisdictions. It is essential that the states retain the freedom to set tax rates and policies concerning those revenue sources that fund state and local government.

I appreciate the leadership you have shown on this issue and ask that your future actions and deliberations be fully informed by the needs of the states and the requirement of fairness to all.

Sincerely,

FRANK KEATING,
Governor.

Mr. Chairman, we have here a very important consideration: Are we doing too little too soon? And I think the answer is that we are.

It is important to focus, as we have not done in the Committee on the Judiciary, on how this bill affects the States that have Internet access taxes, such as Texas.

I find it interesting in Texas that, under Governor George W. Bush, there exists the largest Internet access tax in the country, estimated to raise $200 million per year. This tax is supported by Governor Bush, who has not raised a finger yet to repeal it. And yet, today the majority would substitute their judgment in place of their own nominee by repealing the Texas tax on the Internet access.

So I am very deeply concerned that we have brought a bill to the floor that violates the unfunded mandate rule that was put in place by the very majority that brings this bill to the floor.

We do not know what the cost is going to be. We have a pledge that we will hold hearings to find out the answer to this very perplexing question sometime in the future. But today we have a bill before us that is premature, a bill that does not consider fully the questions that it needs to consider, and a bill that is, therefore, ahead of its time.

Now, if we extend this moratorium through the year 2000, there is a risk that we may never get to the more important issues of State tax simplification. This undermines the principal purpose of the 1998 Internet tax legislation, which gave an advisory commission on electronic commerce the ability to consider how best to develop a more simple and rational system than exists at the present.

□ 1215

The commission threw up its hands, unable to reach consensus on this or any other related important issue. Although we do not support multiple discriminatory State taxes on the Internet, we are concerned that extending the present moratorium for 6, and if you count it completely, 7 years, would only serve to indefinitely delay the work on the real problem, an overly complex system of more than 6,500 local and State tax jurisdictions, and the potential of current law under the Quill decision to subject similarly-situated sellers to different tax collection regimes.

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

Mr. GEKAS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS) not just for yielding me this time, but also for the splendid work that he has done in bringing the legislation in timely fashion to the floor. As the author with Senator WYDEN of the original Internet Tax Freedom Act and also of this Internet Nondiscrimination Act, I am very pleased at the bipartisanship in this effort.

Senator WYDEN of course, our former colleague here in the House of Representatives, is a Democrat from Oregon. I am a Republican from California. President Clinton signed this legislation. We have been, Republicans and Democrats, working on this for a very long time with very good results. What we now find, having enacted a moratorium a few years ago, a timeout, as it were, on new taxes on the Internet, discriminatory taxes on the Internet or multiple taxation on Internet commerce, that we have nothing to fear from good policy.

Originally when Senator WYDEN and I introduced our bill, it was a permanent ban on taxes that would discriminate against the Internet, treat the Internet less favorably than Main Street, treat the Internet less favorably than brick-and-mortar enterprises. But in order to make sure that we were not short-changing State and local governments, we worked with them and fashioned a moratorium for a short while so that we could see with empirical, real-world results whether this good policy, what we knew in the abstract was good policy, worked in the real world. Now the results are in.

In my home State of California, for the most recent month, sales taxes are up some 20 percent. As a matter of fact, brick-and-mortar sales at the shopping malls of America were up 8 percent. That is a much bigger base, by the way. There is a lot more retail through brick and mortar than there is over the Internet. In fact, there is a lot more catalog sales over the telephone than there are Internet sales these days.

But brick-and-mortar sales are way up in this new economy. Sales taxes are up in this new economy at all levels of government, not just in California, but across the Nation. The Federal Government, which does not impose any sales taxes on these transactions, is benefitting hugely from the growth in this new economy through an increase in income taxes and other kinds of revenue flows that are the natural result. When more people are working, people are more productive. That is what is going on in America right now.

So by adopting a policy of not killing the goose that is laying the golden eggs, adopting a policy of moderation in taxation, we have had some great successes. Remember why we did this in the first place. Not because we wanted in any way to crimp the ability of a State or a local government or even the Federal Government to collect taxes, but rather because there was a risk that the number of taxing jurisdictions in America, the sheer number of them, some 30,000, could, if they all laid claim to their modest piece of the Internet, drown the whole thing in a sea of red tape, paper compliance and, not least of all, revenue exactions.

And so we said no, this is not something that we want to see fall victim to the tyranny of the parochial. The new economy is something that we cherish, something that gives America a competitive advantage in the world, that is creating jobs as we have never seen them created before. So let us ensure that from a policy standpoint, we look at the Internet as what it is, not just State commerce, not just local commerce, but interstate commerce subject to the jurisdiction of the Congress under Article I, section 8 of our Constitution and, indeed, global commerce.

What we are doing now today is falling short of perfection, which would be to make permanent the ban on multiple taxes on the Internet or make permanent the ban on discriminatory taxes on the Internet, but we are doing the next best thing. Because this is a legislature and we have to compromise, we are extending this moratorium for 5 years. That is at least a minimum

amount of time to give people some certainty of how to plan. People can wake up tomorrow morning and know that there is not a government effort to shake down the Net.

It is important, I think, for us to recognize specifically how brick-and-mortar people are benefiting from this new Internet economy. First of all, many of them are starting out with their own e-commerce windows on the world, so a little company locked away in some rural area that could only serve a tiny community in a tiny market of customers a few years back now through the Internet has the world's cheapest ever means of reaching customers throughout their State, throughout the country and around the world, and we are seeing a great deal of that. As a result, as I said, taxes collected by government which depends on growth of this economy are up.

Mr. Chairman, I want to emphasize for my colleagues what has been pointed out in this debate before. The sales tax debate is a very important one, but it is not this bill. This bill keeps discriminatory and multiple taxes off the Internet. There is no justification for doing otherwise. Please vote yes on the legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, let me be very clear. I, too, support the moratorium. In fact, I was one of the early cosponsors of the Cox-Wyden legislation, because it seemed to me essential that Congress provide sufficient breathing room to develop a more uniform, fair, efficient neutral system of taxation of transactions, whether it be on the Internet or whether it be out of a brick-and-mortar enterprise. And over the past 2 years, the States have made considerable headway in this effort. I see no reason why it should take them 5 more years to complete it. In fact, a 5-year extension will eliminate a major incentive for them to get the job done.

That is why the 5-year extension is opposed by the National Governors Association, the National Conference of State Legislatures, the Council on State Governments, the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the E-fairness Coalition, and scores of other business organizations.

The gentleman from California referred to the bipartisan nature of the original moratorium bill. What I would suggest, too, is that there is a bipartisan concern about what we are about to do here today with a 5-year extension. It is clear that a 5-year extension is opposed by 36 governors, Republicans and Democrats alike, including Governor Leavitt of Utah, Governor Sundquist of Tennessee, Governor Thompson of Wisconsin, Governor Ryan of Illinois, Governor Engler of Michigan, Governor Ridge of Pennsylvania and Governor Taft of Ohio, all staunch Republicans, not a tax-and-spend liberal among them.

But they are opposed to the underlying bill, because they realize that a 5-year extension will accelerate the erosion of the sales tax and diminish the ability of the States to fund vital services, States that depend on the sales tax for as much of a third of their total revenue. They also understand that small businesses will suffer the longer the underlying issues are not addressed.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I rise in support of H.R. 3709, which will extend the moratorium on taxing the Internet. However, I must point out the irony of passing this measure while continuing the Federal excise tax on telephone service.

H.R. 3709 tells the States that they cannot tax access to the Internet, a measure which I thoroughly support. But in order to access the Internet, one must have a phone line. For the past 101 years since the Spanish American War, the Federal Government has levied an excise tax on this item. As we debate limiting States' ability to tax the Internet, we should also limit the Federal Government's ability. I feel that this Congress must take responsibility for the tax it has imposed on the phone services which impact the Internet. My colleague just talked about the problem called the digital divide, the disparity between those who can afford high technology innovation such as home Internet service and those who cannot.

By eliminating this unjust Federal excise tax on the telephone, Congress takes a step forward in decreasing this gap. Mr. Chairman, the Spanish American War is truly over. Should we not repeal the tax instituted to pay for it and make Internet access cheaper for everyone? I urge my colleagues to support the Internet Nondiscrimination Act and to take the next step by repealing the phone tax.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to thank the gentleman from Pennsylvania for yielding me this time.

Mr. Chairman, I rise in support of H.R. 3709. Mr. Chairman, this is an age of unparalleled discovery, an age in which the boundaries of human knowledge are expanding at breakneck speed. Mr. Chairman, the high tech revolution that both propels and dominates this global economy is advancing so quickly that no one, no one, really knows where this wave of innovation is taking us. No one really knows how tomorrow's technology will improve our quality of life.

Mr. Chairman, no one imposed a ship tax on Ferdinand Magellan when he left Spain to sail around the world. No one put a mule tax on Lewis and Clark when they left St. Louis to explore the American west. Why on earth would we want to impose a tax on an evolving communications medium that is reshaping our world and transforming our daily lives? Why would we want to impose a tax burden that might stifle the next wave of high tech innovation? Why would we want to inhibit the very revolution that has allowed students to learn from professors half a world away? Why would we want to smother a technology that has enabled doctors to save countless lives by engaging in consultations in other continents?

Mr. Chairman, we do not know what life-enhancing fruits this high tech revolution will reap for humanity. We do not know where the high-tech roller coaster will be taking us next. All we can do is hang on and enjoy this fabulous ride. All we can do is to not place unnecessary obstacles in its path. Mr. Chairman, no taxation without knowing the destination. Let us not smother the World Wide Web. Let us extend the moratorium on Internet taxation.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

I want to capsulize some of the arguments that have been made to the effect that this piece of legislation does not affect the rights of the States to impose or to deal with sales taxes. That is a truth that must be said, stated over and over again, or else we will be led astray in the points that are going to be made during the amendment process and in the final vote on this legislation. This creates a 5-year moratorium as recommended by the very commission which our first act in the last Congress promoted, and which was the core of that piece of legislation.

So, no adverse impact on sales taxes, and the 5 years are what has been carved out by the people who delved into it through the work of the commission. These truths are self-evident, and I hope will constitute the basis for a final vote in favor of this legislation.

Mr. BACA. Mr. Chairman, I regret that a White House meeting on providing a prescription drug benefit for America's seniors prevented me from voting on the point of order to H.R. 3709, the Internet Nondiscrimination Act (rollcall number 154).

If I had not been meeting with the President, I would have voted against the point of order.

While I share the concern of the gentleman from Michigan about the impact of mandates on state and local governments, this is too important a bill to cut off debate.

The American people have demanded that we roll up our shirt sleeves and solve this issue. I have heard from hundreds of my constituents, who are concerned about the possibility that we will tax this new technology to the point where it is no longer viable.

I see science and the Internet as the key to the future of America and the Inland Empire.

We must allow Internet companies to flourish. In fact, I invite Internet-based industries to come to the Inland Empire, where we will create 15,000 new jobs through the LAMBRA enterprise zone legislation I authored. We have entered a new era of prosperity and unlimited possibilities for our children. We have a great future if we encourage Internet-based companies through bills such as H.R. 3709.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 3709, the Internet Nondiscrimination Act, which would impose a new five year moratorium on the ability of our state and local governments to collect sales taxes on commercial Internet transactions. Instead, I will be supporting the Istook amendment, which will limit this new moratorium to two years.

The growth of e-commerce has presented policy makers with a host of complex new issues over the last few years. One of the largest challenges, however, is not a new issue, but an age-old problem—taxation.

Some argue that online retail transactions should remain exempt from tax collections due to problems with defining points-of-sale in the cyber marketplace. Additionally, opponents of taxing Internet sales argue that requiring taxation will stifle growth, creativity, and innovation in this new industry. On the other hand, state and local officials view the Internet as a tide that will erode local and regional tax bases with devastating consequences to traditional brick-and-mortar retailers as well as critical state and local government functions.

To come to grips with this problem and these competing points-of-view, in 1998, Congress passed the Internet Tax Freedom Act that prohibited any new state, local, or federal taxes on electronic commerce until October 2001. In addition, it created a 19-member Advisory Commission on Electronic Commerce to study the Internet taxation issue and report its recommendations to Congress.

The Advisory Commission issued no recommendations, because of a lack of consensus on this issue. But, despite this fact, Congress is set today to vote on a bill that would extend the current moratorium for an additional five years, even though the current moratorium does not expire until October 1, 2001—a full 17 months from now. Congress should take this 17 month opportunity to hold public hearings on this issue, rather than rushing to the floor a contentious and politically motivated bill that pits traditional business against e-business.

While almost everyone agrees that there should be no new taxes or fees on Internet services or access, there is little consensus on allowing state and local governments to collect sales taxes on remote electronic commerce transactions.

The distinction between these two forms of taxation is subtle, but critical. Taxing Internet services and access would surely stifle the growth and innovation of this emerging industry. Taxing remote sales transactions, however, will not restrict this growth; rather it will ensure that all business entities—whether located on Main Street or Cyber Street—will be able to equitably and fairly compete.

Moreover, allowing state and local governments to collect sales taxes on remote transactions will ensure that critical state and local services such as education and public safety will continue to be adequately funded and controlled at the state and local level where they belong.

Mr. Chairman, this is why 34 of our nation's governors, Republican and Democrat, including Governor Bill Graves of Kansas, oppose extending this moratorium. As well, almost every municipal and county government in my district has passed resolutions opposing legislation like H.R. 3709 that erode their taxing authority. I have included one such resolution for the RECORD.

I am supporting the Istook amendment that provides a two year extension of the moratorium because I believe that Congress, our states and our municipalities need time to develop a fair, simple and equitable system that is guided by the following principles:

Fairness: Any solution should apply not only to Internet transactions, but to all remote transactions so as not to unfairly discriminate against e-commerce transactions. But we must also recognize that not taxing remote transactions, including e-commerce, unfairly discriminates against traditional face-to-face transactions.

Simplicity: The solution should not be difficult for the digital economy to apply or for local and state governments to administer.

Limited Scope: Sales should be taxed in order to provide a level of fairness to traditional brick-and-mortar businesses, but the use of the Internet itself should not. In other words, Congress should not tax data transmission, network services, or anything else that would amount to a tax on the medium itself.

Mr. Chairman, the advent of e-commerce should not be viewed as either a threat or potential windfall for state and local governments. Assessing taxes on Internet sales should, all else being equal, have no effect on state and local tax revenue. What is lost as a result of decreasing face-to-face sales should be offset by gains from increasing online sales.

Indeed, as a matter of fairness and fiscal responsibility, remote sales should not be beyond the scope of state and local tax jurisdictions. Further, those state and local jurisdictions should not have to cede their independent authority to a federally mandated flat sales tax system. The ultimate solution should use the same tools that enable e-commerce to construct an easy-to-use mechanism for businesses, consumers, and governments alike to operate in the digital economy—a software based solution that is able to identify and levy the appropriate level of sales tax based on the location of the buyer. This is a solution that is fair, simple, and limited in scope.

February 28, 2000.

Hon. DENNIS MOORE,
U.S. Representative, 3rd Congressional District, Washington, DC.

Re: Issue of Sales Tax on Internet Commerce: ''Making Commerce Fair,'' Resolution No. 2000–17.

DEAR CONGRESSMAN MOORE: We are writing to voice our concern about the issue of sales tax on Internet commerce. Please find enclosed the City of Lenexa's Resolution regarding this issue. This matter is of vital concern to Kansas cities. The existing moratorium greatly impacts the State of Kansas, our cities, and our counties, causing a loss in sales tax revenues.

The inequity in price experienced by our Lenexa brick and mortar established merchants caused by requiring them to collect taxes on the sales of goods while not requiring the collection of taxes on the sale of goods sold via internet, mail order or phone is of grave concern to our city. This practice creates a competitive disadvantage and unequal treatment between our local merchants and those who sell from electronic stores. We must protect our merchants from this unfair and unacceptable practice.

We must preserve the right of state and local governments to establish and collect legally due sales and use taxes on goods and services sold, and act to protect state and local taxing authority over all remote sales. We encourage your understanding of the importance of this issue to the City of Lenexa, Johnson County, and the State of Kansas.

Sincerely,

JOAN BOWMAN,
Mayor, City of Lenexa.

RESOLUTION NO. 2000–17

MAKING COMMERCE FAIR

Whereas, the use of new electronic technologies, including the Internet, as a way to conduct sales of goods and services is accelerating; and

Whereas, out-of-state sales of goods conducted via the Internet, mail order and phone, under many circumstances, are not subject to existing sales and use taxes imposed by the states and local governments in which the purchaser of such goods resides; and

Whereas, the inequity in price experienced by not requiring the collection of taxes on the sale of such goods, creates a competitive disadvantage and unequal treatment between merchants who sell from brick and mortar establishments and those who sell from electronic stores; and

Whereas, this migration of sales and the resulting erosion of tax revenues will restrict the ability of local governments, schools, and states to collect taxes which finance essential public services including but not limited to police, fire, emergency medical service, and education; and

Whereas, out-of-state sales have an adverse impact on local infrastructure and on the continued survival of retail businesses in our cities; and

Whereas, municipal governments have long expressed concern about the loss of municipal revenue due to out-of-state sales (originally via mail order); and

Whereas, these out-of-state sales are freely made as a voluntary business decision to expand or establish business electronically or from remote locations; and

Whereas, 99% of the goods and services purchased over the Internet are bought using electronic money transfers, as exemplified by the use of credit cards, which pre-establishes the ability to identify and collect taxes in non-discriminatory and efficient ways; and

Whereas, the primary barrier to creating a non-discriminatory collection requirement is the Supreme Court's judgment that only Congress should determine a collection requirement that would not unduly burden interstate commerce; and

Whereas, the National League of Cities, in partnership with the six national organizations representing state and local governments, has adopted a joint statement of principles for making electronic commerce fair which calls for:

1. Equal treatment of all sales transactions whether that transaction is done in person,

on the telephone, by mail, or on the Internet;

2. A federal law authorizing state and local governments to require out-of-state sales to be subject to the collection and remittance of sales and use taxes;

3. Protection from federal preemption of state and local authority to determine their own tax policies;

4. Cooperative efforts to simplify state and local sales and use tax systems and the compliance burdens those systems place on out-of-state sales; and

Whereas, the federal government has created the Advisory Commission on Electronic Commerce to examine these issues; Now therefore be it

Resolved by the governing body of the city of Lenexa, Kansas:

Section One: The City of Lenexa, Kansas, a municipal corporation, does hereby urge the Advisory Commission on Electronic Commerce to recommend that Congress enact and the President sign legislation authorizing state and local governments to establish and collect legally due sales and use taxes on goods and services sold, through any transaction medium, regardless of the actual purchaser's state, and requires states to distribute tax revenues to cities or other units of local government pursuant to precedent and applicable state law.

Section Two: The City of Lenexa, Kansas encourages the Kansas Congressional Delegation to act to protect state and local taxing authority over all remote sales including goods sold via the Internet, mail order, and phone.

Section Three: This resolution shall become effective upon passage by the Governing Body.

Passed by the Governing Body this fifteenth day of February, 2000.

Mr. POMEROY. Mr. Chairman, I am voting for this bill because I believe the American public deserves unfettered and untaxed access to the Internet—perhaps the most significant technological innovation impacting our way of life in decades. I firmly believe that Internet access must remain open to everyone. We cannot place roadblocks in the path of those eager to join this new and exciting world.

The Internet is not simply a source of entertainment or a virtual shopping mall. Today, people use this valuable tool to access a variety of information, ranging from which car to buy to reading weather and news reports to researching job opportunities or accessing college applications. The possibilities are limitless. The Internet has provided states such as North Dakota an unprecedented opportunity to overcome the traditional geographic disadvantages. We cannot stifle the growth of this fast moving virtual world.

Unfortunately, the Commission formed to address the important issue of Internet taxation failed to develop a comprehensive plan to address this matter. The bill before us does not interfere with the ability of states to collect taxes on purchases made over the Internet. Instead it is aimed at ensuring that Internet Service providers, such as AOL, do not pass additional tax burdens onto Internet users. However, we must address the taxation of items purchased on the Internet. We cannot allow our main street shops to operate at a competitive disadvantage to Internet sales. As the Internet continues to flourish, Congress must look at these issues and take careful, appropriate action to level the playing field.

Again Mr. Chairman, I believe that all Americans should have open access to the Internet, and for that reason, I rise in support of this legislation.

Ms. DEGETTE. Mr. Chairman, today I voted for H.R. 3709, the Internet Nondiscrimination Act because I believe that it is important to move this legislation forward so that Congress stays focused on the vital issue of taxation of the Internet. I supported an amendment that would have extended the moratorium for an additional two years. I believe this would have provided the needed amount of time for use to find a balance between protecting the Internet from any new discriminatory taxes and preserving the ability of states and localities to collect sales and use taxes.

Unfortunately, the two-year extension amendment failed and I therefore voted for final passage as a means of moving this legislation forward with the expectation that a compromise will be worked out between the House and the Senate to adequately address this issue.

It is important to protect the integrity of the Internet from multiple and potential discriminatory taxes. It is equally important that this be done without inhibiting the ability of states to collect the taxes they have always collected. The Internet Nondiscrimination Act does nothing to inhibit the collection of these taxes, but it also does nothing to resolve the issue of how states can continue to collect state use and use taxes as more and more people shop via the Internet.

I believe we can foster the booming technology and telecommunications industries across the country without harming our states. Congress needs to work closely with state government and the technology industry to develop a good policy that promotes growth in the technology industry without hurting local businesses across this country. We need to pursue a policy that creates a level playing field and ensures fair taxation across the board. I believe this can be done and I will work towards this end until we can come to a satisfactory resolution of this issue.

I believe the passage of this legislation is an important step in an ongoing process that will eventually produce a bill that reflects the concerns of all interested parties.

Mr. LIPINSKI. Mr. Chairman, I rise today to express my dismay that H.R. 3709 has been brought to the floor without ample time to discuss the important issue of the Internet taxation moratorium and its effects. There were no hearings held, nor time allotted for retailers, states, cities and counties to speak out on the issue. Clearly, we could have utilized the eighteen months before the October 21st, 2001 moratorium expiration for meaningful discussions on the issue.

The spirit behind the Internet Tax Freedom Act was to allow the Internet to flourish, while examining an approach to Internet sales. Adding five years to the current moratorium is not a step towards finding a permanent solution. We must work towards a solution that everyone can work with now, not three years from now, nor five years from now. If we wait, many of our country's "brick and mortar" businesses may likely be wiped out by the E-commerce that can sell for less and avoid collecting taxes. This is not fair competition.

We cannot ignore the effects that H.R. 3709 would have on our states' and localities' tax base. According to a University of Tennessee study, the revenue lost by 2003 is projected to be $20 billion per year. This is the revenue that we rely on for state and local services, as well as for education. How can the Internet and high-tech industry continue to flourish without educating our children, the future of America?

We need to find a long-term resolution to this important issue, not avoid dealing with it for nearly six years. For this reason, I will be voting against H.R. 3709 and its amendments.

Mr. STARK. Mr. Chairman, today we have before us a bill that extends the current "Internet Tax Freedom Act" moratorium on certain Internet-related state sales and use taxes. While I do respect the need to foster growth and innovation on the Internet and for technology in general, I do not believe that this bill does so in a responsible way.

The current moratorium expires in October 2001. This gives Congress over 17 months to come up with a plan to address Internet taxation. We do not need until 2006 to come up with a viable solution to Internet taxation. This gives Congress too much time to sit on its hands and place blame when a solution should be reached much sooner.

Currently, Internet merchants are not required to collect state sales and use taxes unless they have a presence in the state. This does not statutorily relieve the purchaser from remitting the state sales and use taxes due from Internet purchases. However, in reality this is not the case when there is no enforcement mechanism.

Clearly, Internet commerce has an advantage over traditional commerce if consumers are able to circumvent paying taxes on Internet purchases. Not only does this set up an unfair system for traditional commerce for having to collect the state and local taxes, thus ultimately costing the consumer more, but it also prevents state and local communities from capturing the taxes they would otherwise receive. Today's bill will hamper a state's ability to effectively tax Internet purchases, thus eroding a state's source of funding for education, health and other vital services.

Congress should not implement a tax advantage for one method of commerce over another for five years. Instead, we should figure out how to level the playing field while encouraging innovation today. For these reasons, I oppose H.R. 3709 and urge my colleagues to do the same.

Mr. BENTSEN. Mr. Chairman, I am in opposition to H.R. 3709, the "Internet Nondiscrimination Act," which extends the existing moratorium on state and local taxation of Internet access and commerce by five years and repeals the grandfather clause for existing state laws related to Internet taxation. Let me be clear, I am not advocating federal taxation of the Internet. I support a reasonable extension of the moratorium. But, I also support upholding state's rights under the 10th Amendment and ensuring equity for businesses, small as well as large.

H.R. 3709 would establish a five-year moratorium on all state and local taxes on Internet access and commerce. While this bill assumes that states would still be free to tax transactions under the U.S. Supreme Court's 1992

decision in *Quill Corp.* v. *Heitkamp*, 504 U.S. 298 (1992), the *Quill* decision only provides for the collection of sales taxes by states when companies meet the ''nexus'' test for transactions within the geographic borders of the consumer's state. Though not explicitly acknowledged, proponents of H.R. 3709 appear to be seeking an eventual ban of Internet sales taxes. Now, of course, all of us would like to see less taxes, including with respect to Internet sales. At the same time, however, as internet sales rise as a share of the national economy, state and local governments will find their tax based substantially eroded and their ability to fund such essential functions as schools and public safety jeopardized. Furthermore, businesses which conduct sales from physical locations in a state or local jurisdiction will find themselves at a competitive disadvantage. That creates a commercial inequity, a really ignored by H.R. 3709.

This bill should not be construed as simply an extension of the initial year moratorium and the Advisory Commission on Electronic Commerce that was adopted in 1998 with my support. Rather, H.R. 3709, by extending the moratorium by five years with no resolution by the Commission, simply postpones confronting and resolving the issue at hard. How can Congress and state and local governments best address both commercial equity between Internet sellers and ''bricks and mortar'' retailers as well as state and local government financial structures. This bill is an abdication on the part of Congress at the expense of others. The better approach would be to adopt the amendment offered by Mr. DELAHUNT to extend the moratorium by only two years and proceeding toward resolution of the broad issues. I strongly support this approach and I cannot support H.R. 3709, a blanket five-year moratorium.

The fiscally prudent course would be to analyze the effect the moratorium has on states' ability to collect revenue and the degree to which traditional merchants are placed at a competitive disadvantage, as more commerce shifts to the Internet. H.R. 3709 does not address the complicated issues of how and when states might be able to collect sales taxes on Internet commerce. An outright ban on taxation of Internet sales could very well force states such as Texas, which rely heavily on sales and property taxes, to impose a personal income tax in order to make up new shortfalls, as Internet sales increase. I oppose an income tax for Texas and I particularly oppose the Congress imposing such a tax on Texans, a foreseeable unintended consequence of this bill.

I am dismayed that my Republican colleagues have rushed H.R. 3709 through the legislative process without proper public hearings to determine the impact such legislation would have on ''brick and mortar'' retailers and the future revenues of state and local governments. With the current moratorium in effect until October 2001, the timing of this vote is suspect. Clearly this is a transparent attempt by Republicans to score political points with the high-tech industry at the expense of state and local governments, taxpayers, our public schools and small businesses on Main Street, America.

H.R. 3709 also impose financial restrictions on the State of Texas by eliminating the grandfather clause in the Internet Tax Freedom Act (ITFA) bestowed on those states which have already promulgated taxes on Internet access. Passage of H.R. 3709 would result in a shortfall to the State of Texas well in excess of $50 million. Here again, the Delahunt amendment is the better course of action in that it preserves the grandfather clause. Therefore, Mr. Chairman, without the Delahunt amendment, I must oppose H.R. 3709.

Mr. GOSS. Mr. Chairman, I strongly support this modified open rule, which will ensure Members an opportunity to openly and fairly debate H.R. 3907. This bill extends the current moratorium on Internet taxes for five years—as recommended by the Independent Advisory Commission on Electronic Commerce. The creation of the Internet has revolutionized communication around the globe and has had a tremendous impact on our daily lives. One of the reasons the Internet has flourished is that the majority in Congress has worked hard to restrain eager regulators, bureaucrats and tax collectors from unnecessary interference in the Internet. There are areas for appropriate government action—child pornography and the like—but, by and large, the appropriate course of action is to let the Internet continue to grow without undue government regulation or intrusion.

I am pleased that this bill continues to strike a commonsense balance. Given the lack of consensus on how to deal with imposing sales taxes on commercial transactions over the Internet, H.R. 3709 wisely continues the moratorium on this activity. In addition, the bill continues and strengthens the prohibition on Internet access taxes. Opposition to Internet access charges has been one of the top issues in my mail bag for some time now. Congress must continue to stand firm on this issue, protecting consumers and ensuring the continued growth of the Internet. I want to extend my appreciation to the Judiciary Committee and the leadership for moving expeditiously on this bill. I encourage my colleagues to support both this fair and open rule and H.R. 3709.

Ms. DUNN. Mr. Chairman, the proliferation of the Internet has been the most liberating force in American life in recent history. It has spawned a whole new vocabulary, created a forum for social interaction and education, and brought unprecedented productivity to the workplace. Most importantly, it levels the American playing field. It makes it possible for the poor and underprivileged to gain access to educational materials once found only in the new schools of affluent suburbs. It also makes it possible for today's woman to make her mark in the business world while balancing the rigorous demands of work and family. The Internet is the essence of freedom and must maintain this feeling of uninhibited access.

With the development of such a powerful social and business tool, however, come many challenges and temptations. The most pressing challenge before us now is how to conform a decades-old tax system based on geographic boundaries to a new world for which there is an unlimited capacity for exploration. The biggest temptation will be to find a quick solution to the potential loss of local government revenue due to E-commerce. These are serious issues with which we must deal with great deliberation. We cannot afford either to create barriers to Internet access through new taxation or to pretend that the increasing rate of E-commerce will not negatively impact money to support local schools, police, and parks. For this reason, I supported the Internet Non-Discrimination Act to extend the current Internet tax moratorium for another five years, and I call on all parties to begin a vigorous debate that will bridge the divide between the need to keep the Internet free of new barriers and the legitimate concern of local governments that rely on sales for basic services.

This is a complex provision, and there has been some public misperception about the current moratorium and what an extension means. The moratorium has three main components: one that deals with Internet access and two that deal with E-commerce. First, it prohibits the implementation of a tax on Internet access. As I have previously stated, access to the Internet has revolutionized the lives of millions of Americans. We cannot allow barriers to be erected that will make it harder for families living on the edge of poverty to have access to this powerful tool. Second, it prohibits the collection of ''discriminatory'' taxes on the Internet. If there is a product that is sold at the corner grocery store without a sales tax, it should not be taxed if purchased over the Internet. Third, it prohibits ''multiple'' taxes. If an individual purchases a good from another state, that good should not be taxed by both states. All of these measures have allowed people to enjoy the unfettered freedom of the Internet while helping to create millions of new jobs.

It is equally important to understand what the moratorium does not do. Neither the original Internet moratorium nor the extension passed today in the House affects the ability of states to levy sales taxes on Internet purchases. As stated above, the moratorium bars only multiple and discriminatory taxes, and taxes on Internet access. The current rules governing the ability of states and local governments to collect sales tax or taxes on remote sales were set by the U.S. Supreme Court in 1992. The moratorium and its extension leaves these rules untouched. Nevertheless, the explosion of Internet traffic since this ruling has already made many of its guidelines problematic for state and local governments.

This new world without borders must be redefined in order to provide local governments the ability to protect funding for key government services. Local governments must also participate in a discussion about streamlining the tax systems in the over 6,000 different tax jurisdictions throughout the country. They cannot simply expect that companies—whereever they are or whatever their size—will dedicate the untold amount of resources necessary to duplicate all of these tax systems, figure out how much tax to charge a given item, and then remit that tax to the particular government. Through streamlining these tax systems and providing some degree of uniformity, companies will be much more willing to partner with state and local governments.

The Internet is changing the fundamental structure of our society and we are well served to change with it. Resisting its benefits or trying to mold it to reflect our byzantine government systems will only limit its full potential. As we work to ensure that the Internet

will be unencumbered by new barriers, let us join together to create an environment in which E-commerce and local communities can flourish together.

Mr. UDALL of Colorado. Mr. Chairman, I am in support of H.R. 3709, the Internet Nondiscrimination Act.

The bill we're voting on today addresses two main questions. One has to do with taxing Internet services. A consensus seems to be forming—among a majority of the members of the Advisory Commission on Electronic Commerce and many others—that there should be no new tariffs or taxes on Internet services. I agree. H.R. 3709 would prohibit such taxes for 5 years, an important step to reduce the price of and thus eliminate barriers to Internet access.

The other question—whether or not State government should be allowed to collect sales taxes on e-commerce transactions made between residents and companies residing in other states—is more problematic.

We hear it argued both ways. Supporters of a permanent moratorium say, for instance, that the imposition of any new taxes would likely result in the lowering of tax revenues from other sources because of the deadening effect such taxes would have on overall economic growth. Opponents of an indefinite extension point out that the more we deprive states and localities of revenues from sales taxes—which are often the primary source of revenue to fund education—the more we risk neglecting the very students who we hope will fill jobs in the high-tech economy in the future.

I do share some of the concerns voiced by many Governors and State legislatures. I am concerned that an extended moratorium might indirectly weaken state and local funding that provides our communities with essential public services such as education, law enforcement and transportation. So I am concerned that an extension of 5 years may be too long because the definition of ''Internet access'' may change so much in the next half decades that the provisions in this bill may no longer fit an evolving economic context.

It is clear that traditional businesses are disadvantaged by sales over the Internet. But it is also clear that many young, small e-commerce businesses could suffer if they are forced to negotiate the maze of more than 7,000 State and local taxes.

An industry still in its infancy must be handled with care. But at some point, the gloves must come off. What we're doing today is deciding to put off this decision for another 5 years. I believe that we're not prepared to agree on how and when the gloves should come off, and that's why I support this bill, although I think it would be better if the extension were shorter. But I do believe we must use the years ahead productively to seek ways to streamline and simplify sales tax systems, a task that many states—including Colorado—are already undertaking.

Mr. Chairman, we are living in a new era. A unique constellation of circumstances—a burgeoning technology sector, low unemployment, and low interest rates—has given way to the longest peacetime period of economic expansion this country has ever known. We need to ensure that we don't do anything hastily that will derail this revolution. At the same time, we mustn't ignore the people and businesses that for years have sustained our communities.

Mr. COOK. Mr. Chairman, I am in support of H.R. 3709, the Internet Nondiscrimination Act. A few short years ago, no one other than academics had ever heard of the Internet. Today, it has become an integral part of everyday life. The information that is now available through the click of a mouse is mind-boggling. With this new information has come a new form of economic growth, e-commerce. You can buy almost anything on the Internet, from cars, to groceries, airline tickets to antiques. The explosion of new business starts, online banking, and e-trade has been fueling the economic prosperity we have been enjoying the last few years.

The Internet has removed barriers to entry for thousands of small businesses, particularly women and minorities. It has created millions of high paying e-jobs and has allowed consumers to find the highest quality product at the lowest cost. In 1999, the Internet was the second largest industry in the U.S., producing $507 billion in revenue and created 2.3 million new jobs. Imposing discriminatory taxes on the Internet, would stifle this industry and destroy the very engine that is driving our economy.

I understand the concerns of state and local governments. They are only looking at the money they are supposedly losing in revenue. But, they are not looking at the revenue they have gained through a strong economy. States are in their best financial position in decades because of the strong economy and the decrease in demand for social services. In a time of record budget surpluses and strong economic growth, state governments do not need more power to tax online transactions and Internet access. Local governments do need funds to provide services like fire, police and ambulance coverage. But they need to be given a greater share of the state's sales tax revenues and not have to rely on new Internet taxation.

In a booming economy there is no reason to impose deterrents for new e-business that will ultimately hit consumers. There is no need to charge consumers for accessing the Internet. Today's bill would place a 5-year moratorium on taxing this new industry. I think the moratorium should be permanent. I urge my colleagues to support this legislation and keep the Internet free of discriminatory taxation.

Ms. BALDWIN. Mr. Chairman, I am in opposition to H.R. 3709, the Internet Nondiscrimination Act. This legislation extends the moratorium on State and local internet access taxes as well as on so-called ''multiple and discriminatory taxes'' imposed on internet transactions, subject to a grandfather on taxes of this nature imposed prior to 1998.

I believe the current moratorium is good public policy. Internet commerce is an infant industry with huge potential growth and benefits. With numerous taxing jurisdictions, the practicalities of taxation of internet sales require extensive study and careful consideration. We need to ensure that internet commerce is not unduly burdened by the complexities of local taxing jurisdictions. Thus, the current moratorium, which does not expire until October 21, 2001, provides an appropriate period in which to examine this issue carefully.

I am concerned, however, about a 5-year extension of the moratorium until 2006. The current disparate tax treatment between traditional ''bricks and mortar'' retailers and remote sellers has the potential to significantly harm existing retailers. Internet business ultimately should be competing with traditional businesses on an equal footing. An extended moratorium provides an advantage to internet commerce by, in effect, exempting those companies from sales and other state and local taxes. This advantage should not continue indefinitely.

I am also concerned about the impact on state and local government revenues. Sales taxes are a significant source of revenue for many state and local governments. As internet sales expand at the expense of traditional retail sales, there could be significant revenue reductions to States. Congress should not simply create this problem for the States and then leave them to solve it. States collect more than 49 percent of their revenue from sales taxes, according to the Census Bureau. I fear this legislation could have a damaging impact on critical service such as police and safety, health, and education. Congress needs to work with the states to address this important issue.

Let me be clear. I do not support discriminatory taxes on internet access. E-commerce should be treated in the same manner as traditional sales and services.

Continuation of the internet tax moratorium beyond October 2001 is appropriate. I supported the Delahunt/Thune Amendment which would have extended the moratorium for an additional two years until October 2003. I believe that a two year extension is far wiser public policy than a five year extension or a permanent ban. I wish the House had seen fit to amend the bill with a two year limit. By 2003, the States could build on the very serious steps they have already taken to reform and simplify their tax laws. Congress could then consider whether we should approve any interstate compact that addresses the simplification issue. If the States were not making any progress by 2003, it would be a simple matter to extend the moratorium for an additional period of time.

Mr. Chairman, I do not believe a five year moratorium is sound public policy. I urge my colleagues to defeat this legislation. The next Congress will have ample time to extend the current moratorium for 2 additional years.

Mr. CALVERT. Mr. Chairman, I strongly support H.R. 3709, the Internet Non-Discrimination Act. Why? Quite simply, an unhindered Internet has brought the benefits of knowledge, trade and communications to more people in more ways than ever before.

H.R. 3709 is not about sales taxes on Internet purchases. The bill in no way stops or restricts states or cities from taxing sales over the Internet. In fact, current rules governing state or local governments' ability to collect regular sales or use taxes on remote sales were set by the U.S. Supreme Court. H.R. 3709 leaves these rules untouched.

Instead H.R. 3709 stops new taxes that specifically target Internet access and sales. The bill extends for five years the current Internet tax moratorium, enacted in 1998. The existing moratorium outlaws taxes on Internet

access, the double-taxation of a product or service bought over the Internet and discriminatory taxes that treat Internet purchases differently from other types of sales. The bill also ensures that the moratorium on Internet access taxes is equally enforced in all 50 states, for those who rushed to tax Internet access thinking that they could avoid the federal law.

Mr. Chairman, I encourage my colleagues on both sides of the aisle to support the Internet Non-Discrimination Act. The Internet should not become subject to special, multiple or discriminatory taxes.

Mr. WOLF. Mr. Chairman, I support H.R. 3709, a bill which extends the current moratorium on taxes on Internet access and taxes which apply only to e-commerce.

It is no secret that the success of high technology and the rapid growth of electronic commerce are key elements of our nation's unprecedented recent prosperity. Additionally, the Internet has enabled people around the country to have access to information and services which were difficult—if not impossible—for them to obtain prior to the high tech revolution.

I'm proud to represent Northern Virginia and the high-technology community that dots the landscape along the Dulles corridor and I–66. And I'm proud that we can boast that the place we call home is also the home of the Internet. Our high-tech corridor just isn't an important part of our regional prosperity. It's a critical part of the nation's prosperity. The high tech industry's growth and job creation have been key to our region's and America's booming economy. We must keep the economy growing, keep the good paying jobs, and maintain our economic prosperity. I believe H.R. 3709 is a key element in meeting these goals.

Mr. GEKAS. Mr. Chairman, I yield back the balance of my time.

□ 1230

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 2 hours. The committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3709

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 Nondiscrimination Act of 2000''.

SEC. 2. 5-YEAR EXTENSION OF MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.

(a) EXTENSION OF MORATORIUM.—Section 1101 of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended—

(1) in subsection (a)—

(A) by striking ''3 years after the date of the enactment of this Act'' and inserting ''October 21, 2006'', and

(B) in paragraph (1) by striking '', unless'' and all that follows through ''1998'',

(2) by striking subsection (d), and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) TECHNICAL AMENDMENT.—Section 1104(10) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''unless'' and all that follows through ''1998''.

SEC. 3. APPLICATION OF AMENDMENTS.

The amendments made by this Act shall not apply with respect to conduct occurring before the date of the enactment of this Act.

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority and recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BACHUS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Interstate Sales and Use Tax Compact Act of 2000''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the moratorium of the Internet Tax Freedom Act on new taxes on Internet access and on multiple and discriminatory taxes on electronic commerce should be extended;

(2) States should be encouraged to simplify their sales and use tax systems;

(3) as a matter of economic policy and basic fairness, similar sales transactions should be treated equitably, without regard to the manner in which the sales are transacted, whether in person, through the mails, over the telephone, on the Internet, or by other means;

(4) Congress may facilitate such equitable taxation consistent with the Supreme Court's decision in *Quill Corp. v. North Dakota*, 502 U.S. 808 (1992), which based its decision not to extend States' collection powers in significant part on its view that Congress has, by virtue of its constitutional power to regulate interstate commerce, the ability to authorize States to require out-of-State sellers to collect taxes on sales to in-State residents;

(5) States that adequately simplify their tax systems should be authorized to correct the present inequities in taxation by requiring sellers to collect taxes on sales of goods or services delivered in-State, without regard to the location of the seller or to the means by which the good or service is sold;

(6) the States have experience, expertise, and a vital interest in the collection of sales and use taxes, and thus should take the lead in developing and implementing sales and use tax collection systems that are fair, efficient, and nondiscriminatory in their application;

(7) States, by their own initiative, have formed the Streamlined Sales Tax System Project, a cooperative effort with local governments to radically simplify the sales and use tax system by bringing uniformity to tax bases, definitions, and administration, by simplifying the tax rate structure and administration, and by incorporating stringent privacy controls and technology into the collection process to preserve the basic tenets of consumer privacy, and that such project should be allowed to proceed without intervention by Congress; and

(8) online consumer privacy is of paramount importance to the growth of electronic commerce and must be protected.

SEC. 3. EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM THROUGH 2006.

Section 1101(a) of the Internet Tax Freedom Act (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''3 years after the date of the enactment of this Act—'' and inserting ''on December 31, 2006:''

SEC. 4. STREAMLINED SALES AND USE TAX SYSTEM.

(a) DEVELOPMENT OF STREAMLINED SYSTEM.—It is the sense of the Congress that States and localities should work together to develop a streamlined sales and use tax system that addresses the following:

(1) A centralized, one-stop, multi-state registration system for sellers.

(2) Uniform definitions for goods or services that may be included in the tax base.

(3) Uniform and simple rules for attributing transactions to particular taxing jurisdictions.

(4) Uniform rules for the designation and identification of purchasers exempt from sales and use taxes, including a database of all exempt entities and a rule ensuring that reliance on such database shall immunize sellers from liability.

(5) Uniform procedures for the certification of software that sellers rely on to determine State and local use tax rates and taxability.

(6) Uniform bad debt rules.

(7) Uniform tax returns and remittance forms.

(8) Consistent electronic filing and remittance methods.

(9) State administration of all State and local sales taxes.

(10) Uniform audit procedures.

(11) Reasonable compensation for tax collection that reflects the complexity of an individual State's tax structure, including the structure of its local taxes.

(12) Exemption from use tax collection requirements for remote sellers falling below a specified de minimis threshold.

(13) Appropriate protections for consumer privacy.

(14) such other features that the member States deem warranted to promote simplicity, uniformity, neutrality, efficiency, and fairness.

(b) NO UNDUE BURDEN.—Congress finds that if States adopt the streamlined system described in subsection (a), such a system does not place an undue burden on interstate commerce or burden the growth of electronic commerce and related technologies in any material way.

SEC. 5. INTERSTATE SALES AND USE TAX COMPACT.

(a) AUTHORIZATION AND CONSENT.—States are authorized to enter into an Interstate Sales and Use Tax Compact, and Congress

hereby consents to such a compact. The Compact shall provide that member States agree to adopt a uniform, streamlined sales and use tax system consistent with section 4(a).

(b) EXPIRATION.—The authorization and consent in subsection (a) shall automatically expire if the Compact has not been formed before January 1, 2004.

(c) COMPLIANCE.—The streamlined sales and use tax system prescribed by the Compact as provided in subsection (a) shall be evaluated against the requirements of section 4(a) in a report submitted to Congress in a timely fashion by the Secretary of the Treasury who shall certify whether such a system has met the requirements in section 4(a).

SEC. 6. AUTHORIZATION TO SIMPLIFY STATE USE TAX RATES THROUGH AVERAGING.

Notwithstanding any other provision of law, any State levying a sales tax is authorized to administer a single uniform statewide use tax rate relating to all remote sales on which it assesses a use tax, provided that for each calendar year in which such statewide rate is applicable, if such rate had been assessed during the second calendar year prior to such year on all such sales on which a sales tax was assessed by such State or its local jurisdictions, the total taxes assessed on such sales would not have exceeded the total taxes actually assessed on such sales during such year.

SEC. 7. AUTHORIZATION TO REQUIRE COLLECTION OF USE TAXES.

(a) GRANT OF AUTHORITY.—Any member State that has adopted and participates in the streamlined system prescribed by the Compact is authorized, notwithstanding any other provision of law, to require all sellers not qualifying for the de minimis exception specified in such system to collect and remit use taxes on remote sales in such State.

(b) CONDITIONS.—The authority in subsection (a) shall be of no effect unless both of the following conditions are met:

(1) The streamlined system prescribed by the Compact has been submitted to Congress prior to January 31, 2004, with the approval of at least 26 member States.

(2) 90 days have passed from the date such system was first submitted to Congress under paragraph (1), and no joint resolution disapproving the system has been enacted pursuant to the procedures in subsection (c).

(c) PROCEDURE FOR JOINT RESOLUTION OF DISAPPROVAL.—If the Congress determines that the system prescribed by the Compact does not meet the requirements of section 4(a), a joint resolution disapproving such system may be enacted within 90 days of the submission of such system to Congress under subsection (b), pursuant to expedited procedures similar to and consistent with the procedures prescribed in section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

SEC. 8. LIMITATIONS.

(a) NO EFFECT ON NEXUS.—No obligation imposed by virtue of authority granted in section 7(a) shall be considered in determining whether a seller has a nexus with any State for any tax purpose.

(b) NO EFFECT ON LICENSING, REGULATION, ETC..—Nothing in this Act shall be construed to permit a State to license or regulate any person, to require any person to qualify to transact intrastate business, or to subject any person to State taxes not related to the sales of tangible personal property.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) the term ''State'' means 1 of the 50 States of the United States of America and the District of Columbia;

(2) the term ''the Compact'' means the Interstate Sales and Use Tax Compact authorized by section 5;

(3) the term ''goods or services'' includes any tangible or intangible personal property and services;

(4) the term ''member State'' means a State that has joined the Compact;

(5) the term ''remote sale'' means a sale in interstate commerce of goods or services attributed, under the rules of section 4(a)(3) of this Act, to a particular taxing jurisdiction which jurisdiction could not, except for the authority granted by this Act, require the seller of such goods or services to collect and remit sales or use taxes on such sale;

(6) a remote sale ''in'' a particular taxing jurisdiction means a remote sale of goods or services attributed, under the rules of section 4(a)(3) of this Act, to a particular taxing jurisdiction;

(7) the term ''seller'' means a seller of goods or services; and

(8) the term ''Uniform'' refers to interstate uniformity.

Mr. GEKAS. Mr. Chairman, on that I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GEKAS) reserves a point of order.

Mr. BACHUS. Mr. Chairman, we have heard a lot of discussion this morning to the effect that this legislation affects sales tax. Others have said that this legislation does not affect sales tax. We've heard that this legislation threatens funding for local governments and State governments. We have also heard that this legislation has nothing to do with reducing funding for State and local funding.

The truth, Mr. Chairman, lies somewhere in between. The truth is that this legislation alone does not address sales tax. This legislation alone does not affect the States' ability to collect sales tax, to fund law enforcement, to fund education. However, there is a fear, a legitimate fear, that this legislation may slow the process of addressing the states and their ability to collect sales and use taxes. This is an important issue.

Now, let me say first of all, we say that this legislation extends ''the moratorium.'' What is the meaning of ''extends the moratorium?'' Well, the Internet Tax Freedom Act of 1998 banned taxes on Internet access and it banned multiple or discriminatory taxes on electronic commerce. The Act did not ban the collection of sales and use taxes on sales made over the Internet. I repeat, the Act did not ban the collection of sales and use taxes on sales made over the Internet. So extending this moratorium will not ban the collection of sales and use taxes.

Now, what is the current law? Under current law, sales or actually use taxes are already imposed on all remote sales. If the remote retailer has a physical presence in the State, a store, a warehouse where the buyer is, then the retailer is required to collect and remit a sales tax. However, under the Supreme Court decision, 1992 decision, Quill decision, they said, if the remote retailer does not have a nexus or sufficient physical presence in the State, then the State cannot compel collection of sales tax. The buyer, however, is required to pay the use tax to their home taxing jurisdiction. Now, there is the rub. The use tax is not highly enforced, the compliance is very low. So when these sales are made over the Internet, then the State, in fact, does lose a sizable chunk of revenue. They will continue to do so until this issue is addressed with some reliable mechanism for collection from remote sellers.

The Supreme Court decision, the Quill decision has resulted in the situation where large Internet retailers, without stores in a State, are not required to collect sales tax, while other brick and mortar stores, or even an e-commerce firm with a warehouse or an office in a State, they are required to collect taxes on all sales. So we have an inequitable situation, and I think we all realize that. It's unfair. It's preferential. It should not be allowed to continue unaddressed.

In the 1992 Supreme Court case, the Supreme Court actually said, this is a situation that Congress can address. I agree. This is something that Congress, under the interstate commerce clause, should address. They made it clear that we had the authority to take action to cure this inequity. We have not done that since 1992.

Now, because I support a level playing field, and that is where in-store, catalog and on-line sales have the same tax collection treatment, I am introducing my amendment. I am introducing it also because, without this amendment, without us addressing this inequity in sales tax treatment, we are putting at jeopardy our local communities, the welfare of our children, the safety on our streets, because it is the sales and use tax proceeds that fund education in most States. It is the sales tax which funds local government. It is the sales tax which pays for police and fire protection.

In my own State, almost 50 percent of all State and local revenues are sales tax. In some States, over 50 percent are sales tax.

Now, Mr. Chairman, as I said earlier, there is a fear, there is a concern that merely extending the current moratorium does not address the main issue, and that is allowing States to require remote retailers to collect and remit sales tax. There is a fear among retailers and among 42 of the governors who have expressed this fear to us that merely extending the moratorium will only delay a decision on the issue of the States being able to collect sales tax.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. BACHUS) has expired.

(By unanimous consent, Mr. BACHUS was allowed to proceed for 3 additional minutes.)

Mr. BACHUS. Mr. Chairman, as I said, the 42 governors have expressed a concern, and that concern is, will extending the moratorium delay a decision on the issue of allowing States to require remote retailers to collect and remit sales taxes. They have said that if that is the case, that we should not move for a moratorium.

Now, Mr. Chairman, I have assurances that is not the case. I have assurances that the issue will be addressed. I have offered this amendment to address the situation. My amendment would authorize States to develop and enter into an interstate sales and use tax compact. The legislation would provide that States joining the compact would be required to adopt a simplified sales tax system. In turn, States adopting the simplified system would automatically be authorized to require remote sellers above the sales volume threshold to collect use tax on all taxable sales into a State. Retailers would also be provided a collection allowance to offset the cost of compliance.

What that would do, Mr. Chairman, is give a level playing field to all sales. The legislation would provide a framework for simplification, allowing States to require collection when the States achieve simplification, and I think it is a reasonable and necessary step for this Congress to take to pass this legislation. Merely extending the moratorium while failing to deal with this underlying problem I think would be irresponsible. We can deal with it. This Congress can and should deal with it this session.

I have assurances that the Committee on the Judiciary is going to take up this issue next week. For that reason, I am going to support the legislation on the floor. I am doing it despite my concern and that of both governors and the retailers, in that I have assurances that we will address this issue and that we will address it this year. I hope that my trust in this institution is well founded.

Let me say, in closing, this: ''The governors have made this request of the Congress. They have requested Congress to create incentives for States to streamline and simplify their sales tax systems so that remote sellers, whether Internet, catalog, or whatever, can collect sales and use tax as simply and easily as other retailers do, applying them only when companies surpass a minimal level to justify the burden.''

I think there is almost unanimous agreement in this body that we need to move in this direction For that reason, I am offering this amendment.

However, Mr. Chairman, I am told that it is not germane to this legislation, so I will withdraw the amendment, but I do so strongly urging this Congress to address this issue. If we pass this moratorium and we do not address this issue, we do it at the peril of local government, of educating our children, of all of the fears and concerns that have been raised by the opponents of this legislation. If we pass this moratorium and then we take up legislation to address this issue, then we will have the best of both worlds.

Mr. Chairman, at this time, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELAHUNT:

Strike sections 2 and 3, and insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 2. 2-YEAR EXTENSION OF MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.

Section 1101(a) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''3 years after the date of the enactment of this Act'' and inserting ''October 21, 2003''.

Mr. DELAHUNT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DELAHUNT. Mr. Chairman, I am pleased to join with the gentleman from South Dakota (Mr. THUNE) in offering this amendment. It would extend the Internet tax moratorium for 2 years rather than 5 years beyond its current expiration date to October 21, 2003, and it would leave in place the existing provisions grandfathering the 10 States that had some form of Internet tax-related tax when the moratorium was first enacted in 1998.

The amendment would allow the States a reasonable extension of time to simplify their system for taxing transactions so as to foster the growth of electronic commerce, while continuing to meet their responsibilities to provide essential services to their citizens.

Let me be clear, Mr. Chairman. I support the moratorium. In fact, I was among its early cosponsors, because it did seem essential to me that Congress provide sufficient breathing room and time to develop a more uniform, efficient and fair and neutral system of taxation. Over the past 2 years, the States have made considerable headway in this effort. I see no reason why it should take them 5 more years to complete it. In fact, a full 5-year extension, all it will do is eliminate a major incentive to address the real issues here.

That is why a 5-year extension is opposed by the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, the U.S. Conference of Mayors, and numerous other groups, both business and labor. That is why a 5-year extension is opposed by 36 governors, Republican and Democrats alike, including Governor Leavitt of Utah, Governor Sundquist of Tennessee, Governor Thompson of Wisconsin, Governor Ryan of Illinois, Governor Engler of Michigan, Governor Ridge of Pennsylvania, and Governor Taft of Ohio.

These governors realize that a 5-year extension will accelerate the erosion of the sales tax and diminish the ability of the States to fund vital services. States that depend on the sales tax for as much as a third to a half of their total revenues will be forced to either cut spending or raise other taxes to make up the shortfall, the income tax or the property tax.

□ 1245

That is why the administration opposes the 5-year extension.

Let me read the statement of administration policy issued yesterday, May 9: ''The administration would support a 2-year extension of the current moratorium. The proposed 5-year extension would significantly reduce the incentive for States to simplify their tax systems right now, to the detriment of all interested parties, particularly small business.''

We talk about encouraging e-commerce. A 5-year extension discourages Internet sales. A 2-year extension fosters and embraces e-commerce.

The only information, the only hard data that we have so far, it is not simply rhetoric, it is evidence and it is clear and convincing, State governments lost $525 million in taxes on online sales last year alone. That is only the beginning. Unless there is a system in place that enables the States to collect taxes on the sales, they will lose more than $20 billion per year by 2003.

In conclusion, Mr. Chairman, the Delahunt-Thune amendment would provide a reasonable extension of the moratorium without changing the rules in midstream and without eliminating the incentive for all interested parties to devise an efficient, equitable, and technology-neutral system for the taxation of sales of goods and services, whether it be online or in the stores, in our communities and neighborhoods.

I urge support for the amendment.

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, this amendment will have the effect of shortening of length of time that taxpayers of this country are protected from some of the most regressive taxes that we can imagine, taxes on access to the Internet.

It is important to remind everybody again, this legislation had absolutely

nothing to do with the collection of sales taxes on the Internet. That issue is going to be addressed starting with hearings in the Committee on the Judiciary this month. If we are going to try to mix these two things together, we are going to do so to the great detriment of the American people.

Five years is actually a compromise. There were members of the Committee on the Judiciary who wanted to make this extension permanent. And why not make it permanent? After all, permanent extension of very unfair taxes on people's charges, the things that show up on their bills from their Internet service provider companies, where they have to pay $2, $3, $5, whatever the charge might be to be able to just get online and to experience all the benefits of the Internet, we have to pay that same amount no matter what our level of income is, that is a real effort to dig the hole deeper that many people have called the digital divide. The way to close that divide and get every American on the Internet is to eliminate these access charges.

I oppose it for that reason. I also oppose it because it takes away something we have done in this legislation, and that is to stop some States who were grandfathered under the old law from being able to continue these very unfair access charges.

This bill ends those grandfathered provisions in the bill. This amendment takes that away. So to me, when I hear the other side talking about fairness, yes, if they want to talk about sales tax fairness, I would love to participate in that debate at another time. If we want to really talk about fairness, let us have a law that applies fairly to everybody with regard to these very unfair taxes on access to the Internet.

Five years is the amount recommended by the Commission report. At the appropriate time, I will introduce a letter that I have just received addressed to the Speaker of the House and asked to be made in order in the full House, a letter from my Governor, who was the chairman of this Commission, strongly endorsing the provisions of this legislation as they stand.

It is my hope that we will follow it, because it was not just the majority who wanted the 5-year extension of this moratorium. Governor Leavitt, the opponent of the recommendations of Governor Gilmore, his alternative proposal included a 5-year extension of the moratorium on these very unfair taxes on access to the Internet.

So if we are going to be fair and we are going to recognize a truly consensus opinion, we ought to go forward with the 5-year extension and reject a 2-year extension, which quite simply puts the taxpayer in this country at jeopardy in a short period of time of again facing these very unfair, regressive charges that have nothing to do with the imposition of sales taxes on the Internet.

There is nothing to prevent the Congress or the States from addressing the sales tax issue individually, collectively, in cooperation with the Congress, at any time during this extension of the moratorium.

So this 2-year extension is simply a way of taking away from taxpayers a protection against an unfair tax that creates this digital divide. Instead, I would hope that everyone would reject this amendment and promote closing the digital divide by removing some of the most unfair taxes on the Internet. Some that exist now in some States, they should be removed, and in the States that are under the current moratorium, that moratorium should be extended for 5 years.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, at last, a bipartisan amendment has arrived on the floor. We put our arms around it and thank the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from North Carolina, who have recognized that if we limit this extension of the present moratorium on Internet access taxes and discriminatory taxes for 2 years, we will have arrived at a place that most of us will be much happier about.

It is unfortunate that the speaker before me has not seen the letter in which the Governors are asking us to please, please take into consideration the fact that they want their taxes extended. Twenty-two of them are Republican Governors.

I believe that this 2-year extension is a far more appropriate period for the moratorium. It is my hope that by such time the States could build on the very serious steps they have already begun to reform and simplify their laws. Then we could consider whether we want to approve any interstate process affecting these simplification efforts. If the States were not making progress by 2003, it would be a simple matter to extend the moratorium for an additional period of time if that were needed.

By contrast, there is a real risk that extending the moratorium through 2006 would, in effect, delay this issue and create a situation where the States have no incentive for reform. This would have the effect of codifying into the law the present Byzantine, unmanageable, complex State tax system which harms both consumers and business.

So this is why so many concerns have been raised about a 5-year extension. It is too long. It is opposed by the administration, which has written that ''The proposed 5-year extension would significantly reduce the incentive for States to simplify their tax systems, to the detriment of all interested parties,'' but especially hurt would be small businesses.

A 5-year extension is also opposed by the National Governors Association. Read the letter. It is now on the RECORD. It is opposed by labor, the AFL–CIO, the NEA, the AFT, AFCSME, and by business through the National Retail Federation, the Wal-Marts, the Sears, the Home Depot and K-Mart, and many, many others.

So we have arrived at a place where we can all come together, Republicans and Democrats, high-tech supporters and brick and mortar people. Let us come around to the Delahunt-Thune proposal now before the floor, now on the floor, which would give a 2-year extension, no more 5-year extension, a 2-year extension that would give our own committee the opportunity to hold the hearings and to deal with the realities and complexities of these problems on a sober and bipartisan basis to solve these very large problems that are facing us.

Such a process has been sorely missing to date in our headlong rush to the floor to secure political points. For that reason, my commendations to the gentleman from North Carolina and to my dear friend, the gentleman from Massachusetts (Mr. DELAHUNT). I urge that their amendment be given further consideration.

Mr. THUNE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me, just for the point of the record, say that the State is South Dakota, not North Carolina. But I am sure North Carolina cares very deeply about this.

I say to the gentleman from Michigan, let me just speak to this issue, if I might, in favor of this amendment, for a couple of reasons. I think it is critical in the time that I have been here in Congress, and actually prior to the time that I arrived here.

I have heard a lot of debates about how important it was that we move power out of Washington, D.C. and decision-making out of Washington, D.C. and give more power to the States, because we trust the ability of the individual States to make decisions about what is in their best interest.

That is I believe what is at stake here in this debate today. That is the issue of States' rights, and whether or not those States who have chosen already to employ certain taxes should be allowed to continue along those lines.

The amendment we have before us right now would restore States' rights on Internet services. The Tax Freedom Act which we adopted a couple years ago grandfathered those States which imposed, actually imposed such a tax prior to enactment. This amendment would allow those grandfathered States to assess taxes on Internet services in the same manner as other services.

I want to make one thing very clear here. In my State of South Dakota, and I think it is fair to say that the vast majority of States who are impacted by this who already had provisions in

law, we are not talking about a new tax on Internet services that is in any way discriminatory. This simply allows them to assess the sales tax which is currently being assessed on this service.

In our State of South Dakota this is a very important issue. We do not have an income tax. Fifty-three percent of our State's revenue is raised by the sales tax. This bill fundamentally represents an attack on the revenue base of our State. Our municipalities also, that is their primary way of running their operation. They are very dependent upon the sales tax. Main Street businesses agree that there should be tax equity and tax fairness.

I would say to my colleagues who are looking at this issue and trying to determine how they might want to vote that what we are attempting to accomplish here is nothing more than was done in 1998 when we acted on this last time. That is to grandfather those States, about eight States around the country, who already have provisions in law that allow them to tax equally these services in the same manner that all other services are taxed. We are not talking about a new tax.

I think my record in this body as a tax cutter is clear. This amendment does not address the issue of tax on Internet sales or the question of permanent charges. What it does do is allow those States that currently have a sales tax in place to continue to apply that tax in equal manner on Internet services, just like they would on any other service in their States.

Mr. Chairman, what I would simply say today is that as Members look at this issue, there are a couple of things to keep in mind. One is that what we are talking about here really I think in a very fundamental way is the rights of States.

As I said earlier, I believe in the debates we have held in this House since I have been here, we have talked a philosophical vein about how better to shift power and decision-making back to the States. What we are telling the States today is we are sorry, they cannot do it this way, and we are going to deprive them of a revenue source that they have chosen to adopt in terms of raising revenue to run their operation.

□ 1300

And the other issue very simply I would say, too, is a matter of tax equity, and that is, this is not a discriminatory tax Internet services, this is the same tax that is applied to all other services across this country or across our State, at least, and I think to the other States that are affected by this.

One other point I would make with respect to the moratorium, and the gentleman from Massachusetts has spoken to that, but the current moratorium does not expire until October 21, 2001. This amendment would extend the moratorium an additional 2 years, that gives us 3½ years in which to address this issue.

I believe that to be ample amount of time. Furthermore, I think the longer that we extend that deadline into the future, the less pressure there is on this institution to grapple with and deal what is going to be a very important issue to our States, our municipalities and our small businesses.

I would also add that this is one of the very rare issues in my experience here in Congress where I have the business community in my State, municipal leadership, State leadership, our governor, all on the same side of the issue. This is an issue which impacts small businesses across our State, many of our businesses, small retailers and Main Streets across South Dakota are already at a competitive disadvantage in a lot of ways to catalog sales, but the Internet services that are underway today, the sales that occur there are yet another way in which they are put at a competitive disadvantage.

Mr. Chairman, I believe that this is an issue which cries out for a fix. I think it is going to be incumbent upon this Congress to act in a way that would enable our States to address this issue to resolve it, and to have a stable and predictable revenue source as they head into the future.

I would simply say to my colleagues that I believe this amendment to be a sound amendment. I do think it provides ample time in which to resolve these issues, and furthermore, it eliminates the provision that would penalize those States that already, in law, have chosen in a nondiscriminatory way, in an equal way, in a neutral way to tax all their services at the same level. I urge the adoption of the amendment.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me start by making two comments on some things that have been said before by some opponents of the amendment, the gentleman from Pennsylvania, the gentleman from Virginia. It was said that this bill seeks to give effect to the recommendations of the commission, the commission that was appointed under the first Internet moratorium bill, which I supported 2 years ago. It simply is not true. The commission made no recommendations whatsoever.

The law establishing the commission was very careful to specify that the commission could only make a recommendation of anything by a two-thirds vote. The commission was divided, nothing got a two-thirds vote. The chairman of the commission, the governor of Virginia, took it upon himself to disobey the law, and in the name of the commission, to make a recommendation, even though it did not have the two-thirds vote.

We should give no weight to those recommendations as recommendations of the commission. They are recommendations of some members of the commission. The commission made no recommendation whatsoever, because they could not agree.

Second, we are told that by supporting a 2-year moratorium, we are going to be very unfair to business. We are going to be very unfair. Is the governor of Ohio, Mr. Taft, suggesting very unfair provisions? Is Governor Ridge suggesting unfair provisions, Governor Leavitt, Governor Thompson, Governor Engler, most of the Democratic governors in this country, are they all being very unfair here or are they all simply being prudent and asking us not to interfere with the welfare of their States, which is what I think is happening.

Let us go back to basics here as we look at this amendment and as we look at this bill. The Internet is a great thing. We want to promote its growth. We do not want burdensome or unfair taxation to inhibit its growth. There are certain problems that arise when we talk about how to tax the Internet.

Mr. Chairman, there are 6,000 jurisdictions in this country, and it might very well be burdensome to say okay, if you ordered something in New York from a seller in Wisconsin and the signals go through 22 other States, however the Internet is routed, I do not understand it, there may have 22 different States levying sales tax or trying to, and who knows how many jurisdictions, obviously we cannot have that.

We have to figure out a different way of doing that. We have to simplify it so that it is not a burdensome thing for an Internet company or a seller over the Internet to adhere to the law and to levy or collect a tax.

Fine, to figure out how to do that, we enacted a 3-year moratorium, and we appointed a commission, the States are working it out. The governors tell us it will take another year or two to work a very simplified sales tax, uniform sales tax system throughout the country that will permit a simplified collection that would not be burdensome; okay, that makes sense.

We also want to make sure that everybody is on the level playing field. We know that the economy grows fastest. We know that economic growth is greatest, productivity is greatest, wealth creation is greatest when economic decisions are made on the basis of economics.

When people in the private sector make their decisions what to buy, what not to buy, how to ship their goods, how to order something, where to buy it from, on the basis of efficiency and economic utility not on the basis of taxes. So we want taxes insofar as possible not to affect economic decisions.

If you want to order something, whether you order it by walking into

the store on Main Street or into the mall a couple miles away or from a catalog seller or over the Internet, should be decided on the basis of any number of factors, but not on the basis that one has an advantage of tax over the other.

Mr. Chairman, that is an improper consideration. If the Internet is going to grow, and it is, it ought to be on its own merits. If brick-and-mortar companies are going to be advantaged or disadvantaged, it should be on the basis of their economic advantage, not on the basis of tax advantage or disadvantage, that, too, is something we have to make sure we do right, that taxes raise revenue, but do not unfairly advantage one sector over another because it is unfair. It inhibits the growth of the economy; that we have to make sure we do.

A 2-year moratorium extension, especially a year in advance of the moratorium end that we have, we have another year and 16 months to go into the existing moratorium, gives ample time to figure all of this out. A 5-year moratorium would be another 6 years, as was said by the gentleman from South Dakota (Mr. THUNE), would freeze into practice too many practices, it might be impossible to change them 6 years from now, especially at the rate that things are growing.

Now, we are told that this bill does not deal with the sales tax question. It is true, it does not. But to allow half a solution and not the other half would freeze things, and that we should not do.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Delahunt amendment, and to make the arguments that, as I indicated in general debate, it amazes me that we would rush to the floor of the House to deprive 10 States, comprising a large population of the United States, their inherent rights. The right to make independent assessments and determinations as to how they collect revenue.

Now, I am prepared to spend a lot of time in hearings. I think it is extremely important that this body acts as a fact-finder. It is interesting that, having participated in the revising of the Telecommunications Act or the revising of telecommunications in the United States by way of the Telecommunications Act in 1996, I understand those who preceded me in tenure indicated that that process lasted many, many long years. But yet today in the year 2000, we are confronting issues in the Telecommunications Act that are sticking points and have not been resolved, because all legislative initiatives cannot foresee down the road what the problems may be.

Mr. Chairman, we have problems with the Telecommunications Act right now as we speak. But yet we want to precipitously deny the rights of 10 states, some 17 million citizens in the State of Texas and many others around the Nation, with the limited amount of hearings and understanding of how we can best encourage E-commerce and, as well, address the needs of those such as the State of Texas that would lose over $1 billion in revenue.

I cannot understand why, in fact, there is such an urgency with 8 months out, I believe, a time frame in which we can study the issues appropriately. I will subsequently add an amendment or debate an amendment that I will offer that adheres to the 5 years, but grandfathers the State in. I believe it is crucial that we are fact-finders and that we get the information. This will deny the cities of this Nation, the States of this Nation, the opportunity to provide reasonable revenue for health care and for education.

Then, secondarily, though there are 37 million people who may access the Internet. And I might say in Texas, we allow $25 worth of access fees that are nontaxable, so we are sensitive to the idea of opening up the Internet. But this will be denying these individuals the opportunity for resources that they greatly need.

I do not know how this Congress can do it. Particularly a Congress that represents itself to be respectful of States rights. This is harming 10 States and harming the State of Texas. I believe we should seek a moratorium that allows us to stay this issue. I believe, however, that we should not take away the rights of those 10 States and, more importantly, I do not think we should move precipitously when we really do not know the best way to approach this.

Mr. Chairman, my last point is to simply say as much as we may not want to view this as an equity question, it seems to me that we should consider all of those individuals who go into stores and buy their goods. And I disagree with any comparison that this is like a fee going into a shopping mall. It is not. Consumers are on the Internet and buying the goods right there. They go into a store we pay sales tax. Let us be fair and make sure that we have a situation where we respect those States who have already opted to make their choices on taxation.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to respond to the comments that were just made. It is suggested that a continuation of the status quo, which protects users of the Internet from discriminatory taxation, would somehow harm the State of Texas. But the State of Texas is increasing its tax take under the status quo. As a matter of fact, sales tax collections in the State of Texas for the year we have just completed are up 5 percent.

The same is true across the country. There is not a State in America that is not better off now than it was before the passage of the Internet Tax Freedom Act and the two are not disconnected, because the growth of the new economy is fueling a growth in American productivity and a record increase in jobs and a flood of revenues to government at all levels.

There is no revenue impairment. There is no revenue loss. There is more taxation and more collection of taxes for State and local governments, and for the Federal Government, than ever before in our Nation's history.

Mr. Chairman, let us look at the figures. At the end of 1999, all 50 States were in surplus. The States finished 1999 with $35 billion in total surpluses. And that is at the same time that they were growing their spending by nearly 8 percent on average. Total tax collections among the 50 States are up not by 1 percent, not by 2 percent, not by 3 or 4 percent, the range of our economic growth, but by 11 percent. Total tax collections among the States, up 11 percent from $420 billion in 1998 to $466 billion in 1999.

We do not need more taxes. We do not need discriminatory taxes. We do not need double taxation. And all that this bill does, all that it does, is ban discriminatory taxes and multiple taxes. So I need to know which one, which kind of taxes, the discriminatory ones or the multiple ones, the opponents of this legislation are in favor of.

But in my view, there should not be a moratorium. There should be a permanent ban on such taxes. We should not have discriminatory taxes against the Internet and we should not have multiple taxation. Two States should not tax the same commerce twice. One State ought to do that, and that is what this legislation wisely does.

Now, in truth the debate is not about what it seems to be about. We are not really arguing about that. Instead, people are taking a very good piece of legislation, the Internet Tax Freedom Act, and they are holding it hostage. They are saying, ''All right. We agree with you, there should not be multiple taxation. There should not be discriminatory taxation. But we have another issue with sales taxes and we would like you to address that some time, and we think that only if we take this perfectly good piece of legislation and hold it hostage will you listen to us.''

□ 1315

I remember once when I was in college, I think, maybe I was a little older than that, the National Lampoon put out one of their magazines. Some of my colleagues have seen the National Lampoon, and it had a very clever cover. On the cover was this adorable little puppy with a gun to its head. It said, ''Buy this magazine or we will shoot this dog.'' Of course the message

was meant to be humorous, but it is an illustration of the legislative tactic at work here.

People do not like the fact that they have a Supreme Court decision that impairs State sales tax collection on remote sales. They would like Congress to address that legislatively under our Article I, Section 8 power. Because that is not what we are debating here on the floor today, they want to take this piece of legislation hostage and say, well, at least it is about the Internet. Let us slow down this legislation and make them add on to this other issue.

That would be a bad idea because what it would mean is that people would not have the certainty that they now have that we are not going to at the Federal level, we are not going to at the State level, and we are not going to at the local level impose discriminatory taxes on the Internet that tax the Internet when the off-line commerce would not be taxed in the same way or multiple taxes on the Internet. We are not going to tax Internet access because we really do care about the digital divide.

If my colleagues care about the digital divide, do not pile new taxes on Internet access. That is what the existing legislation, which this would extend, prevents. There are many good reasons, but none more significant than the flood of revenues to our States to support the Internet Tax Freedom Act and its extension in the form of the Internet Nondiscrimination Act.

For those reasons, I urge strongly that we oppose the amendment.

Mr. ROGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to associate myself with the gentleman from California (Mr. Cox). I think that he has hit the nail directly on the head.

Mr. Chairman, I am pleased to yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from California for yielding to me.

Mr. Chairman, Congress created the Advisory Commission on Electronic Commerce in 1998. The purpose of the Commission was to study the Internet taxation issue and submit a report of its findings to the Congress. The Commission consists of representatives from State and local governments, the administration, the business community, and others.

In its recent report to Congress, the Commission suggested that the Internet tax moratorium that was in existence, created at the same time the Commission was created, be extended for 5 years. While there was disagreement on several Internet tax issues, which we are not addressing today, including the sales tax issue, which some want to keep bringing up, there was complete agreement on a 5-year moratorium extension.

While Congress is not bound by the Commission's report, we should follow its suggestions unless there is good reason to do otherwise. After all, that is why Congress created a Commission. No good reason exists to deviate from the Commission's suggestion that the moratorium be extended for 5 years.

Choosing to extend the moratorium for 2 years is completely arbitrary. There is no evidence that a 2-year extension is better than the Commission's suggestion of 5 years. Again, Congress should follow the Commission's lead, especially on an issue where there was complete agreement unless there is good reason not to, which does not exist here.

While it is true that the recent Commission report was not supported by two-thirds of the commissioners, which was a requirement for submitting formal recommendations to Congress, it is also true that some of the issues examined by the Commission were supported by two-thirds of the commissioners. Extending the moratorium for 5 years was one of those issues.

If we take this amendment and extend it only 2 years, we are depriving the American taxpayers a protection against one of the most unfair, most regressive taxes one can imagine.

Sales taxes, which the gentleman wants to take up and find a way to impose on people who buy goods and services on the Internet, they are regressive taxes because, generally speaking, they hit lower income people harder than other taxes.

But taxes on access to the Internet, which is what we are addressing in this bill, not the sales taxes, are far more regressive because, regardless of one's income, regardless of one's wealth, one pays the same amount of tax for that access to the Internet.

So, again, for everyone here who wants to close the so-called digital divide and make sure that every American has the opportunity to have access to the Internet for the educational benefits that arise from it and the ability to do business on it to have jobs related to it, to be able to shop on the Internet, to be able to advocate political points of view on the Internet, we should not be allowing a tax on that access.

So we should extend this moratorium as long as we could. But we certainly should extend it no less than what the two-thirds majority of the commissioners recommended, what the Committee on the Judiciary has recommended, because we are, in effect, simply keeping people free from some of the worst taxes that one can possibly impose.

I urge my colleagues again to reject this amendment.

AMENDMENT OFFERED BY MR. CHABOT TO THE AMENDMENT OFFERED BY MR. DELAHUNT

Mr. CHABOT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT to the amendment offered by Mr. DELAHUNT:

Strike line 1 and all that follows through the end of the amendment, and insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 2. COMPREHENSIVE AND PERMANENT MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.

(a) COMPREHENSIVE AND PERMANENT MORATORIUM.—Section 1101 of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended—

(1) in subsection (a)—

(A) by striking ''3 years'' and inserting ''99 years'', and

(B) in paragraph (1) by striking '', unless'' and all that follows through ''1998'',

(2) by striking subsection (d), and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) TECHNICAL AMENDMENT.—Section 1104(10) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking ''unless'' and all that follows through ''1998''.

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Chairman, this is a perfecting amendment to the Delahunt amendment. The intent of the amendment is to make the moratorium permanent. For parliamentary reasons, it was necessary to pick a date specific, a certain amount of time. In this case, we chose 99 years, which, in essence, effectively makes the moratorium permanent.

Mr. Chairman, back in 1998, I worked with the gentleman from California (Mr. COX) to introduce and push legislation that would place a moratorium on Internet taxation. The effort resulted in the passage of the Internet Tax Freedom Act, which placed a 3-year moratorium on three particular types of Internet taxation: taxes on access charges, multiple taxes, and discriminatory taxes.

At that time, we were warned of the dire consequences for State and local governments if such a moratorium were enacted. However, contrary to these concerns, the moratorium has proved to be quite successful.

Since enactment of the Internet Freedom Act, millions of Americans have gained access to the Internet, and electronic commerce has grown exponentially. The Internet economy has created millions of new jobs, and new economic opportunities for Internet businesses as well as more traditional companies.

As a result of this rapid expansion, most State and local governments are

experiencing massive increases in tax revenues and record budget surpluses. There has been a lot of talk in this Chamber about bridging the so-called digital divide and providing all Americans with access to the Internet.

According to a Department of Commerce report released last July, only 12 percent of those households with combined incomes from $20,000 to $25,000 have Internet access, compared to 60 percent of those households earning $75,000 or more. Raising taxes and increasing prices on consumers will only make that situation worse.

The most reliable way to ensure that Internet access is available to all is to help keep prices and costs low. By extending the moratorium and permanently banning Internet access taxes, we can lower future costs and ensure that Internet access remains affordable for all Americans.

Mr. Chairman, thriving new industries have always been prime targets for new and discriminatory taxation in this country. For example, our constituents are still paying for the Spanish-American War courtesy of an excise tax on telephone use enacted all the way back in 1898 and still on the books. If we do not act affirmatively to protect the Internet, it will soon be subject to these same types of bogus charges which can hinder its growth, raise prices, and hurt consumers.

By merely extending the current moratorium rather than making it permanent, Congress is leaving the flood gates open for a tidal wave of future taxation, which could cripple this vital technology. It is time to slam those gates shut, lock them tightly, and throw away the key.

If we do not enact a permanent moratorium and, instead, continue to pass temporary extensions, no one, not State and local government entities, not the Internet business community, and not the consumers, will know what the future may bring. By enacting a permanent ban ,we can end this uncertainty and allow the Internet to flourish, free from the threat of future taxation.

Mr. Chairman, we have an obligation to pass this proposal today. The Internet is a global network, and subjecting it to a myriad of State and local access taxes will cripple its development and prevent some families from gaining access to this wonderful tool.

I urge my colleagues to protect our constituents' access to this thriving technology and vote to make this moratorium permanent.

Mr. NADLER. Mr. Chairman, I rise in opposition to the perfecting amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. CHABOT) which would provide for a permanent extension of the moratorium on Internet taxation.

I obviously do not support multiple or discriminatory taxes, but I oppose a permanent moratorium because I fear, if we pass a permanent moratorium, we will never return to the more important issue of State tax simplification. Failure to revisit this issue will harm all interested parties: retailers, both electronic and otherwise, State and local governments, and consumers.

The fact is that we have a moratorium in order to allow the States and the Governors and the Federal Government to address the issue of how one fairly taxes transactions conducted over this new medium, without giving an advantage, without stifling it, without burdening it, but also without giving it an unfair advantage over other types of business and over other media for the conduct of business.

If we do not solve that problem, one of two things results. One could have stifling taxation on the Internet which would inhibit its growth, and that is why we want a moratorium to avoid that. I have no problem with the moratorium. I was one of its sponsors 2 years ago.

Secondly, if we do not allow sales taxes on goods purchased over the Internet, then we, to a very large extent, destroy the tax bases of State and local government, and we give an unfair advantage to purchases over the Internet compared with purchases not over the Internet.

As I said before, the economy, the growth of the economy, the efficiency of the economy demands that economic decisions be made on economic bases, not in order to avoid tax by going in one direction and not the other. That is a formula for less economic growth, less economic efficiency, lower economic productivity.

If we make this moratorium permanent now, without dealing with the problem of how to fairly and without undue burden taxing transactions over the Internet, we may never get back to that.

The Internet entrepreneurs quite properly want relief and assurance against future multiple or discriminatory tax. The moratorium gives them that for the time being. But to give them that permanently without dealing with the other half of the problem is probably to mean we will never get to the other half of the problem. That is wrong.

Why rush? We are first having hearings on that question next week in the Committee on the Judiciary. We should, from those hearings, come to some agreement on how to deal with it legislatively. We do not have to act now at all until those hearings and until we know what we are doing, but we are acting anyway for purely political reasons.

The moratorium has another year to run. If we want to extend it 2 years, okay, so we have 3 years to solve this problem. A permanent extension now, when the moratorium has not finished and we have another year, is simply saying we do not care about solving the problem of sales taxes; and that would lead, as the Washington Post notes in its editorial today, to damage to our State and local governments which we claim to care about.

I notice the cavalier attitude on the part of the majority of this House today toward unfunded mandates in this bill. We give lip service to opposing unfunded mandates. I do not mind them. I voted against the unfunded mandates bill. But most of the Members in this House give lip service to not imposing unfunded mandates in this bill, but we are doing it even though one of the sponsors of this bill says he has no idea the amount of the unfunded mandates. He does not want to take the time to find out.

So I suggest that we should not have a permanent moratorium. A 2-year moratorium is adequate to enable us to do what we have to do; namely, figure out a rational and fair way of giving everyone fair and equal taxation while burdening the Internet with multiple and discriminatory taxation.

So I urge the defeat of the amendment.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

□ 1330

Mr. DELAHUNT. Madam Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Madam Chairman, I thank the gentleman for yielding to me, and he did so for the purpose of my making a unanimous consent request.

Madam Chairman, I ask unanimous consent that the time of the debate on the perfecting amendment and the underlying amendment, the Delahunt-Thune amendment, be limited to 10 minutes, to be divided equally between the sides.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Massachusetts?

Mr. GOODLATTE. Madam Chairman, reserving the right to object, the gentleman has asked for a total of 20 minutes additional time?

Mr. DELAHUNT. Madam Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. I would advise the gentleman that I am asking for 10 minutes; that we should limit the time for the debate on the Chabot perfecting amendment and my underlying amendment to 10 minutes, to be divided equally between the sides.

Mr. GOODLATTE. Well, I am concerned that I have a lot of speakers over here. How would that time be managed?

Mr. DELAHUNT. Well, if the gentleman will continue to yield, the ranking member of the subcommittee would manage it for the opponents, and I presume the gentleman from Ohio (Mr. CHABOT) or the gentleman from Virginia (Mr. GOODLATTE) would manage it for the proponents.

Mr. GOODLATTE. And that is 10 minutes on each side?

Mr. DELAHUNT. That is 5 minutes on each side.

Mr. CHABOT. Madam Chairman, I object. There are a number of speakers, I believe, who are interested in speaking on this amendment.

The CHAIRMAN pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. ISTOOK. Madam Chairman, an inquiry of the Chair.

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. ISTOOK. Madam Chairman, under the rule, is it correct that remaining debate time, which must include the additional amendments which have been prefiled and are to be offered the remaining time for debate, is limited to 1 hour? So that if everyone keeps speaking on this, they are effectively trying to stifle the consideration of other amendments?

The CHAIRMAN pro tempore. The time for consideration will expire at 2:30.

Mr. ISTOOK. Will expire at 2:30. So that any time consumed by this amendment, should it consume all the remaining time between now and 2:30, would have the effect of preventing the House from considering the other pending amendments?

The CHAIRMAN pro tempore. That is correct. The Committee of the Whole will have to conclude consideration of amendments at 2:30.

Mr. ISTOOK. Madam Chairman, is there any way that someone who, in good faith, has sought to offer an amendment to this bill can avoid this filibuster tactic?

The CHAIRMAN pro tempore. That is not a parliamentary inquiry.

Mr. ISTOOK. But it is a good point. I thank the Chair.

Mr. NADLER. Madam Chairman, may I inquire of someone over there how much time, perhaps the gentleman from Virginia (Mr. GOODLATTE), if 5 minutes on each side is not acceptable for a UC request, ask how much might be?

Mr. GOODLATTE. I would have to defer to the gentleman whose amendment is on the floor.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. CHABOT) may respond.

Mr. NADLER. Would 10 and 10 be acceptable?

Mr. CHABOT. There are a number of speakers over here that have indicated they want to have sufficient time to address this particular amendment. I do not think it will take a tremendous amount of time, and I would hope that we will have an opportunity to get to the amendment of the gentleman from Oklahoma (Mr. ISTOOK) or any other amendments that might be offered.

Mr. NADLER. Would 10 minutes on each side be acceptable to the gentleman?

Mr. CHABOT. Not at this point in time. The Committee on Rules set this rule. I am not on the Committee on Rules, I do not know how many folks sitting here are. But this is the rule we are dealing with. If we could move on and have the Members who would like to speak on this amendment, hopefully we will be able to have time to get to other amendments. That is, I think, the goal of all of us.

The CHAIRMAN pro tempore. Is the gentleman from New York stating a parliamentary inquiry?

Mr. NADLER. I am simply trying to ascertain if there is any amount of time. I do not know what other amendments people have.

The CHAIRMAN pro tempore. Is the gentleman from New York stating a unanimous consent request?

Mr. NADLER. Madam Chairman, I ask unanimous consent for a 20-minute time limit for this debate, to be divided equally between the two sides. That would allow 40 minutes for all other amendment combined.

Mr. COX. Reserving the right to object, Madam Chairman, I think this discussion is consuming time off the clock, and that if we simply proceeded with debate on the amendment that is already under consideration, we could then proceed in order to the next amendment and the next amendment.

I am aware, for example, that the amendment of the gentleman from Oklahoma (Mr. ISTOOK) is largely duplicative. It also is for 2 years, which we are already debating. A lot of this debate is supportive of debate on the other amendments as well. But I would urge we stop the parliamentary infighting and just get back to our regular business.

I, therefore, object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ROGAN. Madam Chairman, I move to strike the last word.

Madam Chairman, I am pleased to support the amendment offered by my friend and colleague, the gentleman from Ohio (Mr. CHABOT) that would make the moratorium on taxation on Internet access permanent. This amendment will send a message that Congress is opposed to excessive regulation and taxation of e-commerce.

There is little debate here today on the impact of the Internet on our economy. Yet, despite its rapid growth, the Internet is still in its technological infancy. The potential for growth and the creation of new wealth is tremendous. This growth will continue to affect Americans at all economic levels. This rising tide of economic expansion has and will continue to lift all boats.

In fact, the largest growth potential remains in home-based businesses. Goods, services and technology are available to consumers around the globe as never before. Taxation on the Internet raises many unanswered questions. Nationwide, there are some 6,000 competing separate tax levying jurisdictions. Congress must act to ensure that the electronic engine of our national economic growth is not unfairly punished by any of these competing jurisdictions or by an unwieldy combination of them.

Today, we have the opportunity to continue the explosion of productivity and growth that we have seen from the Internet. From the booming tech companies of the Atlantic to the heart of the Silicon Valley, to those companies in my district in Los Angeles County, e-commerce is touching the lives of all Americans. Internet companies are fueling hometown economic revivals.

With this broad impact, Congress must act responsibly and decisively. By passing the amendment of the gentleman from Ohio and the underlying legislation, we will be sending a message that e-commerce is a technology to be embraced and not choked under the heel of government taxation.

I urge my colleagues to support this amendment offered by our colleague from Ohio to enact a long-term ban on access to Internet taxation.

Mr. DELAHUNT. Madam Chairman, I move to strike the requisite number of words.

Mr. GANSKE. Madam Chairman, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Iowa.

Mr. GANSKE. Madam Chairman, I rise in opposition reluctantly to the amendment by my good friend from Ohio in favor of the amendment of the gentleman from Massachusetts (Mr. DELAHUNT) and also, when it comes up, the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

Madam Chairman, the Internet taxation issue is the number one issue for small town business men and women in my district. They see this lengthy moratorium on e-commerce taxes as unfair. They are paying taxes and losing business to competitors who do not pay those taxes.

This tax policy gives on-line retailers a competitive advantage over brick-and-mortar retailers. It is a myth that e-commerce needs preferential tax treatment because it is a new industry. The Internet has reached 50 million people in 4 years. Look at some of the earlier breakthroughs. Radio needed 38 years to reach the same number of users; television 13 years. So the Internet's development has been nothing short of phenomenal. With that robust

growth, requiring on-line retailers to collect sales taxes will not harm their growth.

This is really a question of somebody else getting hurt. I agree with Governor Leavitt of Utah when he said, ''You know, we all hate taxes. But if we have to pay them, then at least they ought to be fair.'' At the White House and in Congress we hear a lot about fair trading practices. Let us talk about fair trade at home. Let us deal with the issue promptly and not pass on it. Taxing some companies but not others is not fair. What prevents a huge retailer like Wal-Mart, with unlimited resources, from setting up computers instead of registers so that customers could purchase goods on-line and avoid a sales tax?

We should not put off a decision on Internet taxation for 6 years. The current moratorium ends in October of next year. Next year we will have a new President and a new Congress. That will be a reasonable period of time for us to deal with this issue. Putting it off for 6 years is unreasonable and unfair.

As an article in today's Washington Post explains, ''The extension is deceptive legislation that in the short run doesn't do what most people think, and that in the long run could do real harm. The measure does not ban sales taxes on e-commerce, transactions over the Internet, but it sounds as if it does, which suits the sponsors just fine.''

Let us not pass the buck on this decision to a Congress 6 years away. Let us not pass the bucks, the bucks that businessmen in my district are now losing to an unfair tax. I am going to support the Delahunt amendment, and I am going to support the Istook amendment on extending the moratorium from 5 years to a realistic 2 more years, right into the next Congress. If that drawback fails, I am voting no on the bill.

Let us deal with this issue soon and not pass the buck. At a time when the majority is pushing to devolve political power and authority back to State and local levels, I believe this issue is all the more important. If we are to expect many of the important governmental programs to be implemented in this way, States and localities must be allowed the means to raise that revenue.

In February, the University of Tennessee published a report that projects how much money States will lose per year by 2003 if businesses are not required to collect use taxes that are owed by purchasers on electronic commerce. The report found that the State of Iowa alone would lose $162 million, and nationwide, States would lose $20 billion.

According to the U.S. Census Bureau, 47.9 percent of State revenues come from sales taxes. If sales tax is not collected on e-commerce transactions, State and local governments will have to find other ways to offset their losses. This could mean raising taxes on income or cutting back on essential community services, such as education, law enforcement, public libraries, and transportation.

Once again, my colleagues, Congress needs to stop passing the buck on this issue. My small businessmen and businesswomen consider this their number one issue. Vote for Delahunt, vote for Istook. If they fail, vote ''no'' on the underlying bill.

Mr. HUTCHINSON. Madam Chairman, I move to strike the requisite number of words.

I am pleased to rise in support of the Internet Nondiscrimination Act, and I want to thank my colleague from Virginia for his work on this important issue.

The bill before us provides a moratorium on access taxes on the Internet for 5 years. I think this is important to allow the development of this new technology that is truly in its infancy stage. There is an amendment that has been offered that would limit this moratorium to 2 years. I believe that is too temporary. It is not long enough and, therefore, I will oppose that amendment.

The present amendment that is offered makes that permanent, or for 99 years, and I appreciate my colleague from Ohio for raising this point in the debate and allowing us to have this discussion, but I think everyone here in Congress knows that a permanent ban is probably not in the dictionary when it comes to the actions of Congress, because we can change that down the road. So I think it is somewhat of a meaningless gesture, however, I believe it is important, because of the other issues surrounding this moratorium, that we do reengage in this debate down the road.

One of the issues that are on the periphery of this moratorium is the States' concern that this somehow impedes their collection of sales taxes on distance sales. I know that my governor of Arkansas has written a letter expressing the concern about this moratorium impacting the collection of sales taxes by the States. When, in fact, as it has been pointed out, this clearly would not prohibit the States from trying to develop a means to collect sales taxes on distance sales via the Internet or catalogue sales.

I am sympathetic to that concern, and I believe it is important that the Committee on the Judiciary engage in hearings to address this issue, to continue the debate on that. We need to continue to watch to see the impact on sales tax collections by our States that impact our schools and other services provided. But I am also concerned about the brick-and-mortar businesses, the Main Street businesses, those that rely upon in-store shopping. They are obviously concerned about the Internet having a competitive advantage, those engaged in e-commerce.

I think we need to wait and see, but the debate is very important, and I hope that will continue in hearings in the Committee on the Judiciary, and I know legislation will be introduced to clarify and reduce the obstacles that States face in collecting the sales taxes. It is not an obstacle created by this moratorium, but it is an obstacle created by the fact that there are no collection methods at present that the Supreme Court has not found creates an undue burden on interstate commerce.

□ 1345

So, therefore, I think we need to look at what we can do to help the States, make sure that there is not a burden, as well as the problem with the brick-and-mortar businesses, as I mentioned.

The Internet development clearly should be encouraged. I believe that if there is a possibility that taxes would be imposed on access to the Internet that that would be a hinderment. I believe that we should support this moratorium for that reason.

In my district in Arkansas, where middle America is rural America, I believe the Internet explosion, the opportunities for e-commerce, the development of dot-coms represents the future of rural America even. We see it in the Silicon Valley. We see it on the East Coast. But in rural America, we have in my district a dot-com which has developed that is employed. I think we are going to see more of that. And so, I do not think we want to hamper it right now with the potential for new taxes on access to that great future that is really in its infancy now.

For that reason, I oppose the amendment to make the moratorium permanent, I support the underlying bill, and I ask my colleagues to join in that effort.

Mr. CONYERS. Madam Chairman, I rise to strike the requisite number of words.

Madam Chairman, members of the committee, I am, first of all, saddened that the Chabot amendment was attached to the Delahunt provision. If only it could have been a more fair parliamentary universe, we would all be better off in trying to make these decisions.

But having said that, I have no other alternative but to oppose a permanent extension of a moratorium on Internet access and discriminatory taxes. Because if we pass a moratorium now, I guarantee my colleagues that we will never return to the important issue of tax simplification. We just will not come back, this is it. To try to nail this on to the Delahunt amendment that narrows to 2 years this extension I think is very, very unwise.

The problems with the present system are fairly well-known by now. The

complexity is daunting. Six-and-a-half thousand taxing jurisdictions in the United States, and we want to provide for a permanent extension of the moratorium without so much as a hearing, without anyone ever having examined what it is that we would be doing were we to accept such a provision?

Needless to say, any retailer with a physical nexus to his State is subject to a myriad of confusing and complex State and local taxes.

Next, the current disparate tax treatment as between brick-and-mortar and remote sellers has the potential to cause continuing economic distortion.

In the New York Times, it has been written, an elementary principle of taxation says that taxes should distort purchasing decisions as little as possible and it is not the role of the Tax Code to determine whether a customer shops in stores, on-line, or by mail order.

The gentleman from New York (Mr. NADLER), the ranking member of the subcommittee, has made that point repeatedly. This is not the job of Tax Codes to determine where customers shop.

Now, with regard to the impact on State and local governments, maintenance of the current system carries with it the potential for significant financial loss. Sales taxes in State after State is the most important revenue source, far greater than income or property taxes.

And so, what are we doing here with projections of on-line sales estimated to exceed $300 billion in only a couple years from now, State and local governments could lose as much as $20 billion in uncollected sales tax.

So, my colleagues, please let us vote no on the Chabot amendment, as well-intended as it may be, and continue our support for the Delahunt provision.

Mr. CUNNINGHAM. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I strongly support a permanent ban on the tax of the Net. We need to free the Net. If we look at the Internet, e-commerce and technology today, it has stimulated the economy. There is an explosion of the stimulated economy.

In the year 2000, we need not to go back to an analogue system of government or an analogue system of business. Some of my colleagues have said that jobs will be threatened in small business. Small business can join the Net just like anybody else. Many already have. And the smart ones will in the future join the Net. It will benefit them and free them from unnecessary taxes.

Because I want to tell my colleagues, Madam Chairman, if we increase taxes, government at State, at local and at Federal will spend it. I absolutely guarantee they will. An increase in jobs due to the Internet actually stimulates growth and has increased tax revenue of existing taxes. The increase in production of goods produces an increase of existing taxes.

But my friends on the other side of this issue want a brand new tax. Think of the bureaucracy alone that it would take to regulate this new tax. Some of my friends like big bureaucracy. Small business will actually benefit from taking off and freeing the Net.

I would take a look at the other side of this issue and the spin. There is a group here in Congress that has never found a tax that they do not like, never; and any tax relief that we want to give, it is only for the rich. Whether it is for a marriage penalty, whether it is for the death tax, whether it is for capital gains, whether it is for education relief and scholarships, it is only for the rich.

Well, let me tell my colleagues, the same group, my colleagues on the other side, let me put it in perspective.

In 1993, when the Democrats controlled the White House and the House and the Senate, they increased the tax on the middle class, they increased the tax on Social Security and said it was good for the country. They increased the gas tax. They even had a retroactive tax. And that was supposedly good for the country because, if we did not have those taxes, we were going to have to cut education, we were going to have to do this. But, at the same time, they increased spending.

The Vice President was the deciding vote on all of those tax increases. And yet, they will spin this that a new tax is always good for the country. I reject that, Madam Chairman.

In essence, we need to go forward in this country in the year 2000.

There is another group here, Madam Chairman, that further supports my contention that there are groups that will spin anything to increase or support a new tax. That is a group called dsausa.org, Democrat Socialists of America. It is on the Net. This is their Web page.

Under that Democrat Socialists of America, there are 58 Democrats that belong to the Progressive Caucus that are listed under this. Now, the Democrat Socialists of America support government control of health care, government control of education, government control of private property and, number four, the highest tax possible so that they can have the highest socialized spending.

My contention is that there are those in this body that would increase taxes at any cost, prevent tax relief at any cost, and increase spending in the Government, which has driven us into a debt of nearly national oblivion.

I rise in strong support of the underlying bill.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, first let me announce that a prize will be given to anyone who can connect the dots between the previous speech and the subject under discussion.

As to the subject under discussion, it is whether or not we should extend a moratorium for 2 years or 5 years, and it is a moratorium which already has more than a year to go. That is, there are no advocates right now of taxing the Internet, per se.

There are many of us, nefarious organizations, one that the previous speaker did forget to mention, most of the governors of the United States, whom some people here do not trust because they believe that if the governors are allowed to continue to administer their sales taxes, they will spend us into oblivion.

But what we are talking about is not allowing taxes on the Internet as the Internet. We are talking about the dilemma we face in not being able to enforce the collection of sales tax which are concededly legally due and owing through Internet purchases.

Now, there is currently a moratorium. It expires next year. The gentleman from Massachusetts (Mr. DELAHUNT), my colleague, has offered an amendment to extend that for 2 years. The underlying bill would extend it for 5 years.

There is an amendment, the never-never land amendment, that would extend it out indefinitely. But I believe the real issue of a serious note is whether we extend it for 5 years or 2 years. That is the key, do we extend the moratorium until 2006 or until 2003.

So it is not a case of wanting to tax the Internet. It is not a case of letting the moratorium fail, even though it has no expiration date until next year. The question is whether it is a 3-year extension or a 5-year extension of a moratorium; in other words, a moratorium or a less-atorium. But it is still going to be a veto on any taxes.

The question, then, is why are some of us against a 5-year extension. The answer is this: States today depend in many cases heavily on the sales tax. There is a reason for allowing the States to collect the sales taxes that are already owing, both to finance important State activity, and also so that retailers who operate in cities and elsewhere are not at a competitive disadvantage because the purchaser has to pay a tax when, de facto, a purchaser over the Internet may not have to.

Collecting sales taxes on Internet purchases is conceptually easy but has some specifics of that to be worked out.

What we need is the participation of the people who do the retailing over the Internet and the local and State governments and others so that we can work out a sensible regime whereby sales taxes that are legally owing can be collected once, not in a duplicative

fashion, so that we do not put the Internet at any disadvantage but neither do we give them a competitive advantage over those physical retailers located in communities and so we do not detract from the revenues that States need to carry out their responsibilities.

The problem many of us feel is this: If we further extend this moratorium for 5 years and, a fortiori, if we do it forever, as the pending amendment proposes, we reduce substantially any incentive for those who have the expertise about e-retailing to participate in the negotiations we need to work out a fair system.

The retailers over the Internet will say, well, wait a minute. We are worried we may have multiple sales tax claims. People may claim we owe in this State and owe in that State. How do we find out the best way to enforce it?

By some conversations and negotiations.

The effect of passing indefinite moratoria, first until 2001 and then to 2006 and then maybe ultimately forever, will be to undermine the possibility of discussions so that we can come up with a regime not where we tax the Internet but where we fairly allow State sales taxes to be collected irrespective of where the purchase is made.

That is the goal. We do not want economic decisions to be made based on tax avoidance or tax advantage. We want them to be made based on the real economic activity. And, therefore, the legal system ought to be neutral as between physical stores in particular locations and retailers over the Internet.

□ 1400

In fact, today they are not. In fact, there is an advantage in buying over the Internet because of the difficulty of collecting the sales taxes and the uncertainties. What we are trying to achieve is a regime where there will be no such disadvantage, where the States will not be losing revenues. People have said, ''Well, not that much is sold over the Internet now.'' But the goal, of course, is greatly to increase that. That is a perfectly legitimate goal. That ought to be a matter of consumer choice. Whether to do it through the Internet or do it through a physical location, or go back and forth. But if we allow a tax disadvantage, then we will not reach that ideal.

Mr. COX. Madam Chairman, I move to strike the requisite number of words.

I rise in support of the amendment that is pending, the Chabot amendment.

Madam Chairman, the preceding speaker began by asking whether anyone could connect the dots between the preceding speakers and the subject under discussion, then told us that the subject under discussion was whether we should have a 2-year extension or a 5-year extension of the existing moratorium. Whereas, in fact, the subject under discussion is the Chabot amendment, and the Chabot amendment, as the author made very plain when he explained it, would make the existing moratorium on discriminatory and multiple Internet taxes permanent. It is not a question of 2 years or 5 years. The subject under debate, the current amendment, and every Member should focus on this, is whether or not to make the existing moratorium permanent. So that is mistake number one that I wanted to correct. It is, we are not debating 2003 or 2006, we are debating permanent or not.

The second thing that the gentleman said is that we should oppose either a 5-year extension or impliedly a permanent extension because States depend on sales taxes. But it is very, very important to repeat, again, as we have so many times in this debate, that neither the Chabot amendment, which is now under consideration, nor the underlying bill which it amends, nor the existing Cox-Wyden moratorium on Internet taxes, multiple and discriminatory taxes, even mentions sales taxes. Sales taxes are not covered by this amendment or by the legislation.

The third thing that the speaker mentioned is that we need to give e-tailers, that is, small businesses and businesses of all kinds that do business on the Internet, an incentive to negotiate on the sales tax question, which I think everyone in the Chamber appreciates is an important question. But doing something unfair, injurious to them and to the economy as a means of getting their attention and supposedly giving them an incentive to negotiate is hardly a legitimate means for this government to proceed. It is like offering to help you by driving a nail through your hand and then saying, I will pull it out.

The ban on multiple taxes and on discriminatory taxes is one that ought to be made permanent because it is the right thing to do. The governors agreed with me when I originally wrote the legislation that we should not have taxes on Internet access and indeed they support a permanent ban on taxes on Internet access. Governor Leavitt, as the head of the National Governors Association, has long supported a permanent ban, not just one for 2 years or 5 years, or what have you, on Internet access taxes, because he, like so many of us is, worried about the digital divide or does not wish one further to develop.

If you are interested in getting broader access to the new economy through the Internet to more Americans, we would like to keep the freight charge on getting on the Internet in the first place as low as possible. And certainly we should not have people piling on with new taxes.

Lastly, let me add to what has already been said. That not a single State in the country has enacted legislation to tax the Internet. Not one. All of these attempts to tax the Internet are illegitimate acts of bureaucrats, tax-collecting bureaucrats in the States who are reinterpreting the tax laws of those jurisdictions to apply to the Internet which AL GORE had not even invented yet when these laws were passed, but not a single State out of all 50 has passed an Internet tax in this country. That is to say, the legislature never said, ''Here's the Internet, let's tax it.'' Instead, they have utility taxes or they have telecommunications taxes or line charges or various things that have been laying around that were designed for something else, and the bureaucrats, the tax administrators, have decided that they were going to reinterpret them cleverly to apply to the Internet, even though the legislature of the State never made any such determination.

That is why Democratic Senator RON WYDEN and Republican Congressman CHRIS COX first got together with the Internet Tax Freedom Act to say, no, there are plenty enough taxes on the books already. We do not want new taxes, either ones cooked up in the imaginations of tax bureaucrats or by legislatures that will single out the Internet for discrimination, for discriminatory treatment.

There are only three kinds of taxes that are covered in this moratorium, and I will conclude by saying this, Madam Chairman. The first is a tax on Internet access. The second is a discriminatory tax, that singles out the Internet and taxes it when a main street business would not be taxed in the same way, or a street corner would not be taxed in the same way. The last is a multiple tax where two States would tax the same commerce. Since none of us is in favor of those things, we should be in favor of the Chabot amendment. I urge all my colleagues to vote for it.

Ms. JACKSON-LEE of Texas. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, might I say to my colleagues, it is interesting. We are actually having the debate that I believe would be more appropriate in each of our respective committees. I know that the Committee on Commerce is addressing this question. I know the National Governors Association has proposals that they would like us to consider. The Committee on the Judiciary is going to have hearings next week, or the week after next. Let me say to my colleagues, if we are concerned about the 10th amendment, here is what we can do today.

Frankly, we could do nothing, which is not to have this bill on the floor of the House. But we can respect the fact that we do not have all the answers and

we could, as I had intended to do, to offer an amendment that ensures that the grandfathered States remain grandfathered, the 10 States that are the ones that have already addressed this question in the best way that they feel appropriate for garnering revenue in their respective States.

Might I, for the record, indicate that those States include Texas, Connecticut, Montana, New Mexico, Ohio, South Carolina, Tennessee, Washington and Wisconsin. I do not know what other States may have pending legislation. We have an expiration date of 2001. We could continue that expiration date with the grandfathered-in states, we could continue to have hearings and we could determine the most appropriate manner to address this question. It is not often that Members of Congress want to cite editorials, but I think it is important to note that even The Washington Post, which I think is known for its progressiveness and certainly would be supportive of Internet companies and access to the Internet, recognizes that the States have the ability and the rights to make some of these decisions.

For example, they cite one form that could be utilized, the answer is for the States to make their tax codes more uniform, not the rates but the definitions, what constitutes food, for example, which is often exempt, and that Congress should authorize an interstate compact. That is just one suggestion. But we are here with no suggestions and we have the Chabot amendment that wants to make it a permanent moratorium. They want to bankrupt cities and counties and States permanently. Texas is poised to lose $1 billion. Our State comptroller says that we are getting a $50 million revenue. Does everybody want to put all their eggs in the lottery basket? Is that what we are going to send States to, is that everybody has to depend on the big day in the lottery and see if they can get any small dollars out of that? I think that what we are doing is a great disservice. The amendment that I had intended to offer clearly spoke to the idea that States have found their way into structuring a tax system that responds to their needs.

In the instance of Texas, we even gave relief to the first $25 access fee. I think that clearly shows that States have an intellect about this access fee and are not intending to gouge e-commerce. They want it to thrive. They want it to grow. I do not know how we could imagine that we could have a permanent moratorium without reasonable hearings and listening to the National Governors Association and answering the question.

As I indicated, Madam Chairman, I had intended to offer this amendment because, as I gathered with my constituents, the concern was to ensure that we do not bankrupt States, period. I am encouraged by the debate on the Delahunt amendment, and I certainly do not want the Chabot perfecting amendment, permanent moratorium to pass, for I think we would be characterized as clearly doing business in the dark. We have no information that would warrant a permanent moratorium, a permanent bankruptcy of local jurisdictions or State jurisdictions.

I would therefore like to ask the gentleman from Massachusetts (Mr. DELAHUNT), in light of my concern, whether his underlying amendment speaks to the issue, one, of the question of the grandfathered States, are they still included as the present legislation has them in the main bill?

Mr. DELAHUNT. Madam Chairman, will the gentleman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. The Delahunt-Thune amendment just simply extends the current existing status quo for an additional 2 years upon the date of expiration of the current moratorium. That date is October 21, 2001.

Ms. JACKSON-LEE of Texas. Which then, as it extends, it would include already present law which is the existing grandfathered states?

Mr. DELAHUNT. It would include everything that is currently embraced by the existing moratorium.

Ms. JACKSON-LEE of Texas. I thank the gentleman.

Let me just say that in concluding, the expiration date is 2001. This gives us an extra 2 years beyond that, an opportunity for detailed work on this issue. I oppose the Chabot amendment. Vote for the Delahunt amendment and get us back to where we need to be.

Madam Chairman, I rise to raise my amendment seeking to maintain the grandfather clause permitting states that already impose Internet access taxes, to continue to do so; which I intend not to offer in order to oppose the Chabot amendment which calls for a permanent moratorium and instead support the Delahunt amendment which extends current law with the grandfathered states remaining for two years.

This bill seeks to change the current five-year moratorium prohibiting states or political subdivisions from imposing taxes on transactions conducted over the Internet. I do not support extending the moratorium through 2006 because it bars states from collecting much needed tax revenue.

Under current law, there is a limited moratorium on state and local Internet access taxes as well as multiple and discriminatory taxes imposed on Internet transactions, subject to a grandfather clause permitting states that already tax Internet access to continue such practice.

My amendment would restore the grandfathering clause of present state practices that permit the taxation of Internet access charges. The current moratorium is scheduled to expire on October 21, 2001, and was merely designed as an interim device to allow a commission to study the problem of Internet taxation.

There is simply no reason to change the law at this time. For this reason, I was concerned that this particular bill was rushed for consideration at a full judiciary mark-up.

My amendment will allow states to maintain the ability to generate vital tax revenues that fund essential state programs for the public. Many states across our nation already rely on these crucial revenue streams.

The ability of states to decide and implement their own tax policies is their right. The Congress should not enact this legislation without voting for my amendment which would allow the states of Connecticut, Montana, New Mexico, North Dakota, Ohio, South Dakota, Tennessee, Texas, Washington, and Wisconsin to continue the funding of vital services for their states.

Madam Chairman, we should not support a bill that champions the growth of an industry on the backs of hard working Americans who often do not directly benefit from the technological revolution. We must first address the digital divide in our country before we enact another measure of corporate welfare.

Mr. STEARNS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Chabot amendment. I would say to those who are against this, that there are other ways to tax these products once they get into the State of jurisdiction, either through a tax on UPS or a tax on Federal Express, there are lots of other ways to tax it. I submit also the way the tax structure is from State to State is so complicated that you cannot even understand how to even tax it.

So I think the moratorium, until we figure it out, is the way to go.

I had an amendment, Madam Chairman, to extend the 19-member advisory commission on electronic commerce. That is the proper way to do it. This commission, as we know, had the formidable task of studying the impact of sales and use tax collection on Internet sales. They made some recommendations. I am disappointed, of course, that the commission failed to gain the two-thirds majority necessary for a formal recommendation to Congress. As a result of the commission's impasse and procedural wrangling, several of the most important questions the commission was given to solve, they could not answer. For example, whether Congress should mandate simplification of sales and use tax administration and whether the existing nexus standards for interstate commerce should be overturned still have not been solved. That is why I thought the amendment was appropriate for this debate this afternoon which was not in order, the parliamentarian said it was not in order, an amendment to offer to revise and reconvene the 19-member advisory commission on electronic commerce in order to finish the task that they were assigned originally.

The underlying bill, the Chabot bill, which is to extend the moratorium forever and the Cox bill, which is to go for 5 years, I support in both cases. Without this 19-member commission reconvened, I do not think they can really start to understand some of the major questions of the Internet, mainly, the simplification of sales and use tax, and how we are going to even tax the Internet. So until we do that, we should have a moratorium on this. That is why I am very supportive of this Chabot amendment.

This goes to a larger question. If, in fact, we cannot determine to simplify taxes through the Internet and understand it, maybe that goes to the overall question of reforming the tax code in America, which would be either a flat tax or a sales tax. I submit a sales tax is based upon taxing Americans on their consumption rather than how hard they work. That would be done on a State-by-State basis, and they would make that decision. I submit, also, that a moratorium on the tax on the Internet does not preclude the States from taxing within their State on products that are brought in through either location or through Federal Express or UPS and things of that sort. I think the actual way to handle this on a larger measure is to reestablish the 19-member advisory commission on electronic commerce, let them finish the task of determining how to simplify taxes and whether there should be taxes on the Internet, finish their job and present their recommendations to Congress, and hopefully the whole landscape of electronic commerce and the Internet will become more obvious, more mainstream and technology will catch up, and the answers that we are trying to grapple with this afternoon, we will be able to solve better.

In the meantime, I think we should support the Chabot amendment. I urge adoption of it. Madam Chairman, I will draw up as a separate bill the idea of extending the 19-member commission to study the simplification of taxes on the Internet. I urge all my colleagues to support my bill.

□ 1415

Mr. KASICH. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I find myself very frustrated with this discussion, because it is my sense that in a lot of regard, we have missed the point of the debate about the Internet. When I listen to some of my colleagues talk about the need to be able to collect all these revenues, I almost think of the Pharisees in the Bible who were so hung up on the micro that they, in fact, missed the macro issues at hand.

The Internet is the engine that is helping us to generate, frankly, unprecedented economic growth, certainly unprecedented economic growth over the period of the last several decades. The Internet has driven the growth of jobs, a million people are now employed in a sector that did not even exist 5 years ago. It is not just driving jobs in the sector affecting the Internet, but if we just look at that one, there are 1 million people who did not have jobs in this area just a few years ago. It is driving the growth of wealth. What we see happening in America for the first time in a long time is that this growth in productivity and this growth in wealth is not just affecting people at the top, but it is affecting all Americans. Everybody is better off today as a result of the growth of this economy and the growth of productivity.

What this growth in productivity has done is to lower inflation. If one is an American and one is trying to figure out how to think about the economy, look at productivity. Productivity is the ability of a worker to produce more in the same amount of time, squeezing out inflation, which gives us real economic growth and a growth in wages.

That is what has been happening in America. The single largest contributor to the growth in productivity, the growth in wealth, and the growth in wages for Americans at all levels has been information technology, the Internet. Why would we try to tax something, why would we try to abuse something, why would we try to limit something that is generating for us unprecedented growth, unprecedented wealth, unprecedented opportunity, and unprecedented individual power?

When we look at the Internet and what it offers in the area of health care and education, the benefits can be unlimited. Just yesterday, as a result of the computer and its ability to, in an exponential factor, be able to calculate, just yesterday it was announced that we have been able to isolate the gene that affects Down's syndrome. How many mothers and fathers in this country have wished that we had isolated the gene for Down's syndrome decades ago?

There are a lot of young staffers that watch this debate on the House floor, and this Internet is about you, it is about the future, it is about your power and your children's power.

People say we do not collect enough revenue. We are going to lose revenue growth. Madam Chairman, 46 States are running surpluses, they totaled $7.5 billion from 1992 to 1998, State revenues grew by 45 percent, that is more than the growth of inflation and population combined. The States are awash in revenue. Government at all levels is growing too big, not just in Washington, but at the State level and the local level, and it should be the mission of government in the 21st century to break the hold of government, retrench government and get government to not do what we can do for ourselves, and only to perform those functions that we cannot do for ourselves. If we tax something, we get less of it. That is precisely what we would do if we began to tax an infant industry that offers us limited potential.

Frankly, where we need to go is to let this industry grow unabated, to not have access fees and to tax the sales on the Internet. Let it grow. Let it realize its complete potential, because its potential affects each and every one of us in a very positive way. At some point, it will be necessary to look at a tax system in the 21st century that will be consistent with the growth of the new economy. To apply a 20th or a 19th century tax system to this new economy is like putting the wheels from a Volkswagen on an Indy racing car. We want that car to go as fast as it can, and our tax system in America ought to be one that is consistent with economic growth, which frankly leads us in the direction of consumption taxes, taxes that reward savings and investment, that is consistent with the new growth and new economy and the growth and the potential that we have.

Madam Chairman, I say to my colleagues, we should not have access fees, all sorts of taxes on this Internet. Let us extend the gentleman from Ohio's amendment. Let us hold up on taxing the Internet and let us give technology and individuals a chance.

Mr. ISTOOK. Madam Chairman, I have an amendment at the desk on behalf of myself and the gentleman from Maryland (Mr. CARDIN).

Mr. GOODLATTE. Madam Chairman, I reserve a point of order.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Virginia (Mr. GOODLATTE) reserves a point of order.

There is already an amendment pending. The Chairman of the Committee of the Whole has to first dispose of the amendments pending.

Does the gentleman wish to speak on this amendment?

Mr. ISTOOK. Madam Chairman, I wish to speak on my amendment and to offer the amendment for consideration.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma to offer an amendment notwithstanding the pendency of another amendment?

Mr. GOODLATTE. Madam Chairman, I object to the consideration of another amendment when there are two amendments pending on the floor.

The CHAIRMAN pro tempore. Objection is heard.

Does the gentleman from Oklahoma (Mr. ISTOOK) wish to speak on this amendment?

Mr. ISTOOK. Madam Speaker, I wish to offer my amendment which is at the desk. If there are no further speakers, I believe it is proper to proceed.

Mr. GOODLATTE. Madam Chairman, I would insist upon my point of order.

The CHAIRMAN pro tempore. The Chair would first put the question on the pending amendment. Another amendment is not in order at this point.

Are there any other speakers on the pending amendment?

Mr. LEVIN. Madam Chairman, there is a poignant scene in Homer's epic, The Odyssey, that bears mention as we consider the legislation before the House today. On his journey home, Odysseus' ship must pass by the island of the Sirens, whose beguiling song has the power to hold men spellbound to such an extent that the sea around their island is heaped with wrecks of ships that have fallen under their spell. Forewarned of the danger ahead, Odysseus stops up the ears of his crew with wax so they cannot hear the Sirens' song, and has himself bound to the ship's mast, and thus safely makes the passage.

I was reminded of this ancient narrative when I read the bill before us today. The legislation we are considering extends the Internet tax moratorium until October 21, 2006. It seeks to bind our course when the only certainty is that we haven't the faintest idea of what lies ahead. E-commerce did not exist six years ago. Who know what it will look like six years from now? Some projections show that on-line sales could exceed $300 billion a year by 2002. We have not adequately explored the ramifications of this legislation or considered the concerns of the vast majority of the nation's governors who seek a mechanism to level the playing field between the bricks-and-mortar shops of Main Street and the clicks-and-mortar shops of cyberspace. But the authors of this legislation have stopped their ears with wax. There were not even any hearings on this bill.

We need to chart a reasonable course. There is not yet a consensus on what course we should set on the issues of Internet taxation and state tax simplification. Clearly there is a need for an extension of the moratorium, and I actively support an extension of two years. But to stifle action for six years regardless of what might be the winds of change is not a prudent navigation of public policy. A two-year extension of the moratorium would provide us additional and hopefully sufficient time to resolve outstanding issues of considerable complexity. We can always revisit this issue and grant another extension if conditions warrant it. I therefore urge my colleagues to support the Delahunt amendment, which extends the current moratorium until October 21, 2003. We shouldn't legislate without a compass on an issue of this importance.

The CHAIRMAN pro tempore. Are there any speakers on this amendment? The Chair will put the question on the pending amendment.

The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT) to the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CHABOT. Madam Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the House Resolution 496, further proceedings on the amendment offered by the gentleman from Ohio (Mr. CHABOT) and on the pending first degree amendment will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

After section 3 insert the following:

SEC. 4. STREAMLINED NON-MULTIPLE AND NON-DISCRIMINATORY TAX SYSTEMS.

It is the Sense of Congress that a State tax relating to electronic commerce, to avoid being multiple or discriminatory, should include the following:

(1) a centralized, one-step, multi-state registration system for sellers;

(2) uniform definitions for goods or services that might be included in the tax base;

(3) uniform and simple rules for attributing transactions to particular taxing jurisdictions;

(4) uniform rules for the designation and identification of purchasers exempt from the Non-multiple and Non-discriminatory tax system, including a database of all exempt entities and a rule ensuring that reliance on such database shall immunize sellers from liability;

(5) uniform procedures for the certification of software that sellers rely on to determine Non-multiple and Non-discriminatory taxes and taxability;

(6) uniform bad debt rules;

(7) uniform tax returns and remittance forms;

(8) consistent electronic filing and remittance methods;

(9) state administration of all Non-multiple and Non-discriminatory taxes;

(10) uniform audit procedures;

(11) reasonable compensation for tax collection that reflects the complexity of an individual state's tax structure, including the structure of its local taxes;

(12) exemption from use tax collection requirements for remote sellers falling below a specified de minimis threshold;

(13) appropriate protections for consumer privacy; and

(14) such other features that the member states deem warranted to remote simplicity, uniformity, neutrality, efficiency, and fairness.

Mr. ISTOOK (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN pro tempore. Considering the remaining time, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 3 minutes in support of his amendment, and the Chair will recognize a Member opposed for 3 minutes.

Mr. GOODLATTE. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. GOODLATTE) reserves a point of order.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Madam Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Is there a copy of this available? We do not have a copy over here.

Mr. ISTOOK. Madam Chair, I will make sure an additional copy is sent to the gentleman immediately.

Mr. FRANK of Massachusetts. The gentleman could e-mail it to me.

Mr. ISTOOK. Madam Chair, I would if I had a terminal right here.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 3 minutes.

Mr. ISTOOK. Madam Chairman, this is the amendment that has the support of the governors who have serious concerns about this legislation, and also of the retail merchants who seek nothing but fairness in this. We should not discriminate against those who do business via the Internet, nor should we discriminate against those who do business outside of the Internet.

Now, as has been brought forward, the big problem with the underlying legislation is that it tries to take an easy thing, saying we do not discriminate against the Internet and ignore the difficult task of resolving the difficulties of equal treatment, a level playing field.

As has been proposed by the governors, and proposed by retail merchants, and we have letters of endorsement from them, we need something that they know is a road map. This is how we do it uniformly and fairly. As the legislation sense of Congress specifies, it would be through a centralized, multi-State registration system for sellers, uniform definitions for goods and services that are subjected to a potential tax; uniform and simple rules for attributing transactions to one jurisdiction and one jurisdiction only, so there would be no multiple taxation and no discriminatory taxation; similarly, uniformity which the States frequently do through the Commission on uniform laws.

Madam Chairman, this is simply Congress trying to give a road map. That is what people have been crying out for. We want to do things in a fair, non-discriminatory fashion. Just give us some assistance in doing so instead of saying no. That is what this is. It is a sense of Congress. It is not binding, but it certainly gives the States and retailers guidance. I am pleased that it has support of the E-Fairness Coalition, the National Retail Merchants Federation, the International Mass Retail Association, governors and others with an issue at stake in this. After all, Madam Chairman, the underlying registration, who does it restrict? It restricts the governors, the State legislators, the mayors, the city council members, the

county commissioners. It basically says, we are not going to let you make decisions on your own taxes in your own State. That violates the 10th amendment to the Constitution, reserving the rights of the States which do not properly belong to the Federal Government.

This amendment would go a great deal forward in fixing the underlying problems that this legislation attempts to ignore. Madam Chairman, I think that it is hard to imagine how anybody would oppose this. We have certainly worked diligently with the Parliamentarian to make sure that it is in order and within the House rules of germaneness and all of the other rules, and I certainly believe that it is time that we move ahead with its adoption.

Mr. NADLER. Madam Chairman, I rise to strike the last word.

The CHAIRMAN pro tempore. Is the gentleman in opposition?

Mr. NADLER. No, Madam Chairman, I am in support.

The CHAIRMAN pro tempore. Is there a Member in opposition?

Mr. GOODLATTE. Madam Chairman, I rise in opposition.

PARLIAMENTARY INQUIRY

Mr. NADLER. Madam Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. NADLER. When we are under the 5-minute rule, what rule says a Member has to be in support or opposition to be recognized first?

The CHAIRMAN pro tempore. The Chair stated prior to debate on the amendment that the gentleman would speak in support of his amendment for 3 minutes and then the opposition would have 3 minutes.

Mr. NADLER. Madam Chair, I do not recall any such unanimous consent request.

The CHAIRMAN pro tempore. The Chair exercised her discretion to divide the time because of the shortness of time remaining under the rule. That is the ruling of the Chair and there is precedent for it.

Mr. NADLER. Madam Chairman, in light of the fact that the other side of the aisle refused a unanimous consent request to have a reasonable limit on debate on the last amendment so that we can have proper time here, and there is no unanimous consent request, I believe that the Chair is not in order in using discretion to impose a time limit like that.

The CHAIRMAN pro tempore. It has been the long-standing practice of the Chair in its discretion to divide the time equally when there is a time limit placed on the bill.

Mr. NADLER. Could the Chair specify the rule that permits that, please, in the absence of unanimous consent.

The CHAIRMAN pro tempore. It is the practice of the Chair under modern recorded precedent.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Madam Chair.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Officially, what time is it now?

The CHAIRMAN pro tempore. There is 1 minute remaining.

Mr. FRANK of Massachusetts. So 1 minute remains to debate, and then the vote. I thank the Chairperson.

□ 1430

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Virginia (Mr. GOODLATTE) is recognized in opposition for the remainder of the time.

Mr. GOODLATTE. Madam Chairman, I rise in strong opposition to this amendment.

Madam Chairman, this is extraneous to the purpose of this bill. This bill is not about sales taxes on the Internet. The gentleman has attempted to craft this in such a way that it does not cover sales taxes, but this is an issue that we have not gotten into.

We have announced that we are going to hold hearings on this. We would love to have the gentleman's participation in the process, but this amendment is not germane to the legislation at hand.

I strongly urge my colleagues not to adopt an amendment which has not been examined or properly debated.

Madam Chairman, I yield back the balance of my time.

Mr. NADLER. Madam Chairman.

The CHAIRMAN pro tempore. The gentleman from New York.

Mr. NADLER. Madam Chairman, the whole point of this debate is that when the Internet Moratorium Act was passed 2½ years ago, the commission was charged with recommending a fair and equitable and nonburdensome way of giving equal taxation for the Internet and non-Internet, insofar as State sales taxes are concerned. This amendment is essential so when we are extending the Internet, whether for 2 years or 5 years, or whether we are extending the moratorium, whether for 2 years or 5 years or permanently, we at least have some basis for saying we are going to look also at the entire question which is intimately associated with this question.

Mr. CARDIN. Madam Chairman, yesterday I received a fax in my office from an organization supporting this bill. I expect each member of the House received the same fax.

Across the top of the page, in big, bold letters, the fax read, "NO MORE TAXES! VOTE "YES" ON H.R. 3709."

The text of the message says that the bill is needed because it will "allow Americans to continue to make purchases without overreaching taxes." The problem with the message is that it adds to the confusion and misinformation that surrounds this issue.

Anyone who reads the message would reasonably conclude that the purchases of goods over the Internet are currently exempt from State sales and use taxes, and that the moratorium will prevent the imposition of any taxes on these transactions.

The problem is that all but five states already have taxes on the books that legally apply to purchases made over the Internet. For reasons arising under the 1992 Supreme Court decision in the case Quill v. North Dakota, those taxes are not usually paid or collected. The most important issue considered—but not resolved—by the Advisory Commission on Electronic Commerce, was the question of how to continue the tremendous growth of the Internet as an economic force while assuring a level playing field between different forms of retailers.

With more than 6,500 state and local sales and use tax regimes across the country, there is no question that simplification and uniformity are desperately needed. The massive complexity and inefficiency of the current system imposes an unreasonable burden on the retailers who are required, because they have "physical nexus" in jurisdictions across the country. At the same time, it presents an absurd challenge to on-line or mail order retailers who compete with "brick and mortar" retailers.

There is a growing consensus that the states must develop a simplified tax system, along the lines of the Uniform Commercial Code, that will make compliance feasible. I had the benefit of hearing a full discussion of these issues at a meeting two weeks ago with business leaders, state tax officials, and the chairs of the tax-writing committees in Maryland's State Legislature. Coming out of that meeting, I am convinced that it is in the interest of fairness to all retailers, as well as of the state and local governments which depend on the revenues generated by sales taxes for education and law enforcement, for us to resolve this problem.

The amendment that I have offered with the gentleman from Oklahoma, Mr. ISTOOK, expresses the sense of Congress that the States should develop a streamlined, non-multiple and non-discriminatory tax system. This amendment is a needed expression of our understanding of the need both to protect the crucial revenue sources of the states, as well as to move toward a level playing field between all retailers, regardless of whether they are on-line or in the neighborhood.

We had hoped to include in the amendment language expressing the sense of the Congress that once the states develop such a non-multiple, non-discriminatory tax system, the bar against fair application of the sales taxes presented by the Quill decision would be removed. The language we had hoped to propose would have expressed Congress's finding "that if states adopt the streamlined system . . ., such a system does not place an undue burden on interstate commerce or burden the growth of electronic commerce and related technologies in any material way." Unfortunately, to comply with the germaneness requirements of the House rules, we were forced to drop that language.

I urge support for the amendment as a necessary step in the continuing effort to adjust the existing tax system to reflect the new reality of the Internet economy.

The CHAIRMAN pro tempore. The time for consideration of this bill

under the 5-minute rule as established by House Resolution 496 has expired.

The CHAIRMAN pro tempore. The Chair will now put the question on the pending amendment.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The question was taken; and the Chairman pro tempore announced that the ayes appear to have it.

Mr. CHABOT. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 496, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 496, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The second degree amendment offered by Mr. CHABOT of Ohio;

First degree amendment offered by Mr. DELAHUNT of Massachusetts;

Amendment offered by Mr. ISTOOK of Oklahoma.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CHABOT TO THE AMENDMENT OFFERED BY MR. DELAHUNT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) to the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment to the amendment.

The Clerk designated the amendment to the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 90, noes 336, not voting 8, as follows:

[Roll No. 155]

AYES—90

Aderholt
Barr
Barrett (NE)
Bartlett
Bilbray
Boehner
Bono
Burton
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Fletcher
Forbes
Fossella
Franks (NJ)
Goode
Goodlatte
Goodling
Graham
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Horn
Kasich
Kingston
Kuykendall
Linder
Martinez
McCollum
McInnis
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Nethercutt
Packard
Pease
Peterson (PA)
Pitts
Pombo
Radanovich
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Salmon
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shays
Sherwood
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stabenow
Stearns
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Toomey
Upton
Walden
Weldon (FL)
Weller
Wolf

NOES—336

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Shimkus
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Campbell
Fattah
Kennedy
Lewis (GA)
Lucas (OK)
Meek (FL)
Moran (VA)
Wise

□ 1455

Messrs. SPENCE, OLVER, MCKEON, BERMAN and PICKERING changed their vote from ''aye'' to ''no.''

Messrs. HEFLEY, GOODLATTE, DAVIS of Virginia, PACKARD, BURTON of Indiana, and Ms. MCKINNEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DELAHUNT

The CHAIRMAN pro tempore (Mrs. BIGGERT). The question is on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELAHUNT. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 219, not voting 8, as follows:

[Roll No. 156]

AYES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dickey

Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Etheridge
Evans
Farr
Filner
Foley
Ford
Fowler
Frank (MA)
Frost
Ganske
Gephardt
Gillmor
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Myrick
Nadler
Napolitano
Neal
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pickett
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Shuster
Skelton
Slaughter
Snyder
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Wilson
Woolsey
Wynn

NOES—219

Aderholt
Archer
Armey
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Eshoo
Everett
Ewing
Fletcher
Forbes
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jefferson
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
LaTourette
Lazio
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Morella
Murtha
Nethercutt
Northup
Norwood
Ose
Oxley
Packard
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Towns
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—8

Bachus
Campbell
Fattah
Gekas
Lucas (OK)
Meek (FL)
Moran (VA)
Wise

□ 1504

Mr. SIMPSON, Mr. HILLIARD, and Mrs. McCARTHY of New York changed their vote from ''aye'' to ''no''.

Mr. ABERCROMBIE and Mr. EDWARDS changed their vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN pro tempore (Mrs. BIGGERT). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 289, noes 138, not voting 7, as follows:

[Roll No. 157]

AYES—289

Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Foley
Ford
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gonzalez
Gordon
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Sherman
Shimkus
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—138

Abercrombie
Archer
Armey
Barr
Bartlett
Bass
Biggert
Bilbray
Bliley
Blunt
Boehner
Bonilla
Bono
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Chabot

Coble	Hefley	Portman
Collins	Herger	Quinn
Combest	Hill (MT)	Radanovich
Cook	Hobson	Reynolds
Cooksey	Horn	Rogan
Cox	Houghton	Rohrabacher
Crane	Hunter	Roukema
Cunningham	Inslee	Royce
Davis (VA)	Johnson, Sam	Ryun (KS)
Deal	Kaptur	Salmon
DeLay	Kasich	Sanford
DeMint	Kelly	Saxton
Dickey	Kingston	Scarborough
Doggett	Knollenberg	Schaffer
Doolittle	Kolbe	Sensenbrenner
Dreier	Kuykendall	Sessions
Ehrlich	Lazio	Shadegg
English	Levin	Shays
Everett	Linder	Sherwood
Fletcher	Lipinski	Simpson
Forbes	LoBiondo	Skeen
Fossella	Lofgren	Smith (NJ)
Franks (NJ)	Manzullo	Smith (TX)
Frelinghuysen	McCollum	Stearns
Gekas	McHugh	Strickland
Gibbons	McInnis	Stump
Gilman	McIntosh	Sununu
Goode	McKeon	Tancredo
Goodlatte	Mica	Tauzin
Goodling	Miller (FL)	Terry
Goss	Miller, Gary	Thornberry
Graham	Northup	Tiahrt
Granger	Oxley	Toomey
Green (WI)	Packard	Upton
Gutierrez	Pease	Walden
Gutknecht	Peterson (PA)	Weldon (FL)
Hansen	Pickering	Weller
Hayes	Pitts	Whitfield
Hayworth	Pombo	Wolf

NOT VOTING—7

Campbell	Meek (FL)	Wise
Fattah	Moran (VA)	
Lucas (OK)	Stark	

□ 1512

Mr. DICKEY changed his vote from ''aye'' to ''no''.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. LEVIN. Madam chairman, on rollcall No. 157, the Istook Amendment, I unintentionally cast my vote as "no" when I intended to vote "aye."

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mrs. BIGGERT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet, pursuant to House Resolution 496, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1515

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. GILLMOR). Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, sir.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith with the following amendment:

Page 2, line 15, strike ''**5-YEAR**'' and insert ''**2-YEAR**''.

Page 2, line 23, strike ''2006'' and insert ''2003''.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes on his motion to recommit.

Mr. CONYERS. Mr. Speaker, this is a motion to recommit, which is a very simple solution to the Delahunt amendment, which was nearly accepted by eight votes a few minutes ago.

My motion would extend the present moratorium on Internet access taxes and multiple discriminatory taxes for 2 years, from 2001 to 2003, but would eliminate the grandfathering of State access taxes, unlike that which was in the Delahunt amendment, which just recently failed.

By taking the grandfathering out, my colleagues, I suggest that we have an excellent conclusion to a very difficult problem; namely, to continue to work on this not for 6 or 7 years, but for only 2 years, and to eliminate the grandfathering of the State access taxes that were included in the Delahunt amendment, which many of us supported.

I urge that we support this motion to recommit, because I think it will marry the best of both of these provisions.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York, the ranking subcommittee member on the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, the central question of this bill is twofold: One, will we protect the Internet from multiple and discriminatory taxes? And I think we all agree the answer is we must do that. And, two, will we set it up in such a way that the States will not be prevented from levying appropriate but nondiscriminatory and nonburdensome sales taxes on transactions over the Internet so that the tax bases are not destroyed, and so that all the local malls and stores are not discriminated against?

A 2-year moratorium gives us the time to work that out without allowing practices to become so set that it is impossible to deal with that question later. So that is why we ought to adopt this motion to recommit for 2 years. And unlike the previous 2-year amendment, it does not grandfather in those multiple taxes in certain States.

So for a 2-year moratorium to deal with these questions and help small businesses all over the country, my colleagues should vote for this recommittal motion.

Mr. CONYERS. Reclaiming my time, Mr. Speaker, I tell my colleagues that we cannot stop the information highway progress by hobbling it with taxes. Our proposal would reach the support of the governors of the labor movement, of the retailers, of the small business people who cannot wait for 6 or 7 years.

Support this motion to recommit, which would limit the moratorium to 2 years and eliminate the grandfathering provision.

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding to me, and I think everyone should be clear, Mr. Speaker. Previously we voted on the Delahunt amendment. It was two things in one. It was changing the 5-year moratorium to 2 years, and it was eliminating the, and I guess it is a double negative, it was eliminating the elimination of the grandfather clause. But what we have now in the motion to recommit is one thing and only one thing. It changes the proposed 5-year additional moratorium to 2 years.

So, instead of a moratorium that expires in October of 2006, it will be a moratorium that expires in October of 2003. That is the issue.

Certainly with the speed at which knowledge advances and the Internet progresses, to think we could hide our heads in the sand for 5 years, on top of the next year and a half, I do not think is realistic and I do not think it is responsible. So I certainly urge people to do the commonsense thing.

We wanted to offer this amendment on the floor, but time limits did not let us do so. This simply says not a 5-year moratorium, only 2. We need to bring consensus together, bring the governors together, the retailers, and all the key people involved with a consensus, with renewing a moratorium in a responsible way.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I want to assure my colleagues that as soon as I talk to the chairman of this committee, as ranking member, the Committee on the Judiciary will be ready to move forward with expedited speed, as I look at the gentleman from Illinois (Mr. HYDE), who is nodding his head in agreement.

Mr. Speaker, I urge the Members to support the recommit motion.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I urge my colleagues to oppose this motion to recommit. It was just mentioned on the other side that we are all going to have the opportunity, and it is a great opportunity to vote against new and discriminatory taxes on the Internet, to vote against taxes on access to the Internet, one of the most regressive taxes there is because everybody pays the same amount no matter what their income is.

If that is the case, why would we vote to only make that provision for 2 more years instead of for 5 more years? It is important to understand this has absolutely nothing to do with the sales tax. The sales tax is a separate debate. We will have the opportunity to have hearings on it and debate it. This is an issue about discriminatory taxes on the Internet, taxes that appear on people's phone bills and other bills that get them on the Internet, and we should avail ourselves of the opportunity to keep it at 5 years.

Those who voted for the Delahunt amendment earlier because they were concerned about their grandfathering, can now join us in voting against this motion to recommit because the grandfathering is left eliminated, as it was in the original bill, which is the way it should be. This should be equally and fairly applied to everyone.

So we have the opportunity today to send a message to the American people that we do not want to tax children's opportunity to be educated on the Internet, people's opportunity to shop on the Internet. This is what this is about, not the sales tax issue.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from California.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding to me.

As the author of the legislation, along with Democratic Senator RON WYDEN, in the other body, I just want to underscore what the gentleman from Virginia (Mr. GOODLATTE) has said. There are only two points that need to be made so that we can vote on this motion to recommit.

The first is, as the gentleman from Virginia pointed out, that nothing in the motion to recommit, nothing in the amendments that we have adopted, nothing in the underlying legislation, and nothing in the Cox-Wyden moratorium that we are extending here has anything to do with sales taxes. The ban on multiple taxes, the ban on discriminatory taxes in the current moratorium is what we are talking about extending here.

In my view, we ought not to have any taxes on Internet access because we are trying to deal with the digital divide, and that ban should be permanent. In addition, multiple taxes, taxes by two States on the same commerce, ought to be banned indefinitely. And, likewise, also discriminatory taxes that would target the Internet but not off-line commerce. That is all this legislation is about.

The reason that we are having this debate at all is that people want to take this perfectly good bill hostage so that they can get a debate on a different subject, Internet sales taxes. I remember the cover of National Lampoon some years back where they had this cute little puppy with a pistol to its head, and it said, ''Buy this magazine or we'll shoot this dog.'' It was a macabre example of the dark humor of the editors of National Lampoon, but a good illustration of what is going on here. We should not take this perfectly good Internet moratorium hostage for our separate debate on sales taxes.

The 5 years is already a compromise. Let us go with that compromise, as we have earlier, so that we can move forward and provide certainty to the participants in the new economy that there will not be discriminatory and multiple taxes on the Internet.

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, in a few minutes, we will have the opportunity to all join together and vote for final passage of this legislation, which will do a great thing for the American taxpayers. In the meantime, I would urge my colleagues to vote against this motion to recommit.

□ 1530

Let us not miss the opportunity to keep these access charges, these regressive charges. We talk about the digital divide. This is the kind of thing that keeps a lower-income person off of the Internet, these kind of taxes on access to the Internet.

That is what this is about. It is not about the sales tax. That is to be saved for another day, and we are going to take that up and hold hearings on it in the Committee on the Judiciary soon. This is about another issue that we ought to join together and pass and send to the American people a message that we want them all on the Internet, we want them all availing themselves of these new opportunities in the Information Age and no one should be left out because of discriminatory taxes, because of multiplicitous taxes or because of taxes on access to the Internet.

I urge my colleagues to reject the motion to recommit and join with me in supporting final passage of this legislation.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 177, noes 250, not voting 7, as follows:

[Roll No. 158]

AYES—177

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Ganske
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Istook
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Snyder
Spratt
Stark
Stenholm
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Waters
Watkins
Watt (NC)

Waxman
Weiner
Weygand
Woolsey
Wu
Wynn

NOES—250

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Campbell
Fattah
Linder
Lucas (OK)
Meek (FL)
Moran (VA)
Wise

□ 1548

Mr. LEWIS of Kentucky changed his vote from ''aye'' to ''no.''

Mr. HALL of Ohio changed his vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 75, not voting 7, as follows:

[Roll No. 159]

AYES—352

Ackerman
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Morella
Murtha
Myrick
Nadler
Napolitano
Northup
Norwood
Nussle
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—75

Abercrombie
Allen
Baird
Baldwin
Bentsen
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capuano
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Danner
Davis (IL)
Delahunt
Frank (MA)
Ganske
Gordon
Hall (TX)
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
Kucinich
LaFalce
LaHood
Lee
Levin
Lipinski
Markey
Matsui
McCarthy (MO)
McDermott
Miller, George
Minge
Moore
Moran (KS)
Neal
Ney
Oberstar
Obey
Olver
Paul
Payne
Peterson (MN)
Porter
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Schakowsky
Scott
Shuster
Slaughter
Snyder
Spratt
Stark
Stenholm
Thune
Tierney
Vento
Watt (NC)

NOT VOTING—7

Campbell
Fattah
Lucas (OK)
Meek (FL)
Moran (VA)
Nethercutt
Wise

□ 1602

Messrs. HASTINGS of Florida, GEORGE MILLER of California,

BENTSEN and MINGE changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act; and for other purposes.''.

A motion to reconsider is laid upon the table.

PROVIDING FOR CONSIDERATION OF H.R. 701, CONSERVATION AND REINVESTMENT ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 497 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 497

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4377. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 497 is a structured rule waiving all points of order against the consideration of H.R. 701, the Conservation and Reinvestment Act of 1999.

The rule provides 90 minutes of general debate, equally divided between the chairman and ranking minority member of the Committee on Resources. The rule makes in order the text of H.R. 4377 as an original bill for the purpose of amendment in lieu of the amendment in the nature of a substitute now printed in the bill, which shall be considered as read. All points of order against the amendment in the nature of a substitute are waived.

The rule makes in order only those amendments printed in the Committee on Rules report accompanying this resolution.

The rule further provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, and shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived.

In addition, the rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Conservation and Reinvestment Act of 2000 creates a mechanism by which the funds from Outer Continental Shelf oil and gas leases are made available for offshore drilling mitigation, land purchases, historic preservation, wildlife conservation and endangered species recovery at the State, Federal and local levels.

The Conservation and Reinvestment Act provides annual funding of $1 billion to coastal States to mitigate the impacts of offshore drilling, $900 million for the Land and Water Conservation Fund, which is its fully authorized level, $350 million through existing Pittman-Robertson and Dingell-Johnson programs for wildlife conservation, $125 million for urban parks; $100 million for historic preservation; $200 million for the restoration and improvement of Federal and tribal lands, $150 million to protect farmland and promote the recovery of endangered species through the purchase of conservation easements; and it makes available up to $200 million in interest generated by these revenues to match appropriated funds for payments in lieu of taxes and refugee revenue sharing.

While providing substantial funds for additional Federal land acquisition, the bill also requires for the first time that Congress specifically approve each new Federal land acquisition. The bill also includes a number of important new private property protections, including a requirement that all purchases, pursuant to the provisions of this act, be made from willing sellers.

The Congressional Budget Office estimates that this bill will result in a $7.8 billion increase in direct spending through 2005. An additional $3.7 billion in discretionary spending is authorized over the same period, subject to appropriations.

Mr. Speaker, this is a fair rule that makes in order 26 separate amendments in order that Members who have concerns about H.R. 701 might have an opportunity to improve it. Accordingly, I encourage my colleagues to support this rule.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, we have an extraordinary measure before us today. The Conservation and Reinvestment Act, CARA, H.R. 701, is the most sweeping commitment to the protection of America's public land, marine and wildlife resources in over a generation. Utilizing the proceeds from offshore oil and gas development, this measure will provide steady funding for the preservation of our natural resources for decades to come. These offshore revenues were promised for this objective 36

years ago, and this bill fulfills and builds on that commitment.

Mr. Speaker, this has been a critical program for many areas of the country. In just a few years' time, from the late 1970s, early 1980, my district in Monroe County received over $2 million for recreational areas, neighborhood parks and historic preservation. Today, more than ever, our Nation's natural resources are under enormous pressure from development, congestion, pollution and competition. Communities like Rochester, New York, are fighting to preserve the open spaces that exist. I am delighted that my district will once again have the tools to preserve our community for future generations.

Mr. Speaker, H.R. 701 provides Federal, State and local communities the ability to work cooperatively with private organizations and citizens to preserve these resources for the future. This legislation contains no incentives for additional offshore oil development. Supporters have built a nationwide coalition ranging from State and local officials, sporting organizations, environmental groups, wildlife and recreation organizations, historic preservationists, professional sports teams, police, and many, many more. Mr. Speaker, 316 Members of Congress, of the House, are sponsoring this measure, and I am proud to be one of them.

Mr. Speaker, H.R. 701 includes many environmental goals my colleagues and I have worked towards for years, including full and permanent funding of the Land and Water Conservation Fund, increasing funding for State fish and wildlife programs, increased incentives to conserve endangered species by private landowners, and increased support for coastal conservation programs.

The San Francisco Chronicle said it best when it urged Congress to ''reclaim this opportunity to enhance the Nation's quality of life. It is past time for Washington to live up to the bargain with the American people and their natural resources that Congress made in 1964. The Miller-Young bill would do just that. The House would accept no substitutes or weakening amendments, and a deal is a deal, and the Land and Water Conservation Fund is a particularly good one.'' That is a quote from the San Francisco Chronicle, May 8, 2000.

Mr. Speaker, the rule before us today is a structured rule, and while the rule makes in order numerous amendments, it still restricts full and open debate. An open rule would have allowed Members the opportunity to consider all germane amendments, but nevertheless, I will not oppose this rule.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA), the chairman of the distinguished Subcommittee on Interior of the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me the time. I am in opposition to the rule because I do not think this is the kind of legislation we should be considering for a number of reasons. First of all because it creates a new entitlement program.

□ 1615

We are elected by the people to make judgments. We are elected to take the revenues that are available to the Federal government and make priority judgments as to how best to use those revenues. An entitlement takes away the responsibility that is ours as elected representatives of the people.

I recognize that the proponents have amended—changed—the bill because originally it waived the Budget Act. Now it does not. Nevertheless, it takes $2.825 billion and deposits into a new CARA fund. It does that regardless of any other needs we might have. It does this for a period of 15 years. This body would no longer be able to make priority decisions in terms of that particular amount of money for coastal protection, State and Federal land acquisition, urban park funding, historic preservation, and monitoring and protection of species under the Endangered Species Act.

We have to decide whether we want to go down the path of continuing to create entitlements. We fund a number of these programs, but when we look at the Federal budget, we are only dealing now with about one-third of it as discretionary funds. About half of that goes to defense. So we are left with one-sixth of the Federal budget to meet all these needs: to properly maintain and expand, when appropriate, our 379 National Parks, our National Forests; our national wildlife refuges; our other lands, about one-third of the United States.

That is just part of it. The Bureau of Indian Affairs is a responsibility of this body. The facilities, schools, hospitals are deteriorating. But we are going to take this money out of the budget of the Committee on the Interior and commit it to the States.

Every State has a surplus. The State of California has a $3 billion surplus. The State of Alaska has a $3 billion surplus. In Ohio, there was a news story the other day that they are contemplating reducing taxes. The State of New York is enjoying a very substantial surplus. I could go on and on.

Yet, by the testimony of Secretary Babbitt, by the testimony of the director, Bob Stanton, by the testimony of the Secretary of the Smithsonian and other agencies, we are faced with a bill for backlog maintenance of anywhere from $13 billion to $18 billion. That means we have neglected taking care of these properties. Yet, here we propose to create a new entitlement to reduce the amount of discretionary funds that we have.

We have not neglected these programs in the Interior bill. We have put in $300 million to $400 million in Federal land acquisition, $40 million in State land acquisition, and other programs, such as urban parks and endangered species. But with the amount of backlog that we are facing, I think it is not a good government matter to take $2.8 billion and take it off-budget, in effect, by making an entitlement of it.

Of this amount, about $2.4 billion of the CARA fund would go directly to the States. Let me point out something that is not well known. Under the present law, States receive about $1.7 billion of money that is generated by Federal leases, by Federal activities such as harvesting of forests, such as the various mining interests that take place on Federal lands and other activities. We already distribute to the States $1.7 billion, yet the CARA bill would give them an additional $2.4 billion, while we sit with all this backlogged maintenance.

The end result is to take the Congress out of the decision-making process for funding natural resources programs, and it would certainly create a lot of problems in the future.

Most of all, I think the principle that is involved here is wrong. It is wrong to continue to expand entitlement programs. Next year it will be some other group that says, we should have a guaranteed revenue stream, and it goes on and on. Already we have a very limited amount of the Federal budget that we have available to meet the responsibilities that we are elected to meet in terms of the natural resources of this Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I, like the previous speaker, rise in strong opposition to the rule on the Conservation and Reinvestment Act of 1999 because it allows the continuation of the pattern of fiscally irresponsible legislation that will squander our opportunity to retire the national debt and deal with social security and Medicare.

The legislation that this rule will allow is the latest in the series of bills that will drain the projected budget surplus drip by drip without regard for the consequences.

In setting national priorities, Congress has the responsibility to carefully assess each program. Creating a new Conservation and Reinvestment Act fund with a mandatory spending stream will exempt these funds from the scrutiny that all other programs must endure. This would further erode the integrity of the budget as a tool for fiscal accountability and constrain the options of future policymakers by locking in an ever-increasing share of Federal spending.

According to the Congressional Budget Office, H.R. 701 would increase mandatory spending by $7.8 billion over the

next 5 years without offsets, as required by budget rules. As a result, the spending in this bill places yet another claim on the projected budget surplus before we have established a plan to pay off our debt and deal with the challenges facing social security and Medicare.

Despite all this, the rule for this legislation casually waives the Budget Act to allow us to rush forward with fiscally irresponsible tax and spending legislation. Regardless of one's views of the merits of the provisions in the bill, all Members who care about fiscal responsibility should oppose this rule, oppose this legislation, vote no on the rule, and let us stay on track for protecting social security, paying down our national debt, and maintaining a fiscally sound direction for our country.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, I have a well written statement here that will be submitted for the RECORD. But in light of the time, I would like to suggest that this is a fair and good rule. It allows 27 amendments which will be adequately discussed and I am sure will be voted on.

This is a great piece of legislation, bipartisanly supported by 316 cosponsors. It is on budget, it is not off-budget, contrary to someone who just reported it is off budget. We have over 4,000 groups in this Nation of ours who support this legislation.

The rule is fair. We are going to have a long night tonight and a long day tomorrow, but I would like to see us out of here in time for everybody to catch their planes back home. I am going to try my best as manager of the bill on this side of the aisle to make sure that does happen.

I urge the adoption of the rule and adoption of this historic legislation.

Mr. Speaker, I would like to begin by thanking the House leadership for bringing this bipartisan bill to the floor. H.R. 701, the Conservation and Reinvestment Act of 1999 (CARA) is a seven-title comprehensive conservation and recreation bill that has endured a long legislative life.

CARA was first introduced in the House in the 105th Congress. Since CARA's reintroduction this Congress, the Resources Committee has had five days of legislative hearings on H.R. 701 and our consideration ended with a bipartisan vote of 37–12 to favorably report the bill out of Committee. Since then, two referrals have lapsed.

The Agricultural Committee's referral resulted in substantial changes regarding what agency would administer the conservation easement program created in Title Seven. In addition, due to several Budget Committee Member's concerns, we have removed the provisions that made CARA off-budget.

In our opinion, an on-budget CARA allows the critical funding to occur on an annual basis, but allows for this important priority to be included as part of future budgets.

The coalition of Members that support this initiative have always worked to find consensus and continue the bipartisan spirit upon which this bill was created. The changes we have made accommodate many Member's concerns and has resulted in the broadening of our support. The manager's amendment represents a fair compromise with Congressmen BOEHLERT, MARKEY, and PALLONE that addresses some remaining concerns and put to rest the notion CARA would create incentives for new oil and gas drilling.

However, with the consensus building and after more than two years of CARA's legislative development, we can only go so far. Today, we will discuss over twenty amendments. Most of these amendments are offered by well-intentioned Members, but many amendments are offered by those who choose not to understand this bill.

I continue to feel a great deal of frustration at the fact that many of the arguments we are likely to hear today have little to no basis in fact and, quite frankly, many of these amendments are solutions in search of a problem. Members involved with the legislation and the Resources Committee have repeatedly negotiated on many of these topics and arrived at the consensus agreement under consideration today.

I am confident that many of the authors of these amendments have no intention on voting for this historic bill, regardless of whether or not their amendments pass or fail. With that fact in mind, I ask all Members to vote with the coalition that support the House's approval of CARA and vote against these damaging amendments. If we allow damaging amendments today, it will be a great disservice to the communities who stand to benefit from the bill and those Members who have labored to produce this balance.

The fact is the Conservation and Reinvestment Act is a great bipartisan bill that provides critical funding for local conservation and recreation projects. Whether you live in rural Oklahoma or urban New York, this bill provides substantial benefits. That is why you find support spread across the Nation with all our governors, a majority of county leaders and mayors joined by the U.S. Chamber, Realtors, and countless conservation organizations. With 316 cosponsors, a super-majority of this House, a majority of both Republicans and Democrats support enactment of this legislation.

These Members and the constituents they represent have read the bill carefully and have considered the provision within. With this broad coalition assembled, I ask that we not allow meritless amendments written only to divide this diverse National coalition. As the House considers these amendments Members need to be aware of the impressive local grassroots support this bill realizes. CARA is a historic opportunity to provide annual funding for important conservation and recreation programs.

I again want to thank the House leadership, who have given us the opportunity to rally around this widely supported bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, as a member of the Committee on Resources, I rise today in support of the rule. I thank the Committee on Rules and the chairman of the committee for accepting my amendment in the spirit and understanding in which it is offered.

I rise in strong support of H.R. 701, the Conservation and Reinvestment Act. The Conservation and Reinvestment Act will dramatically increase funding for Federal, State, and local conservation efforts in all 50 States.

In my home State of Wisconsin, a very proud and progressive history has been established regarding land stewardship. Land conservation programs and the protection of the environment are not a part-time casual interest in Wisconsin. Instead, bipartisan governmental leaders, from former Democratic Senator Gaylord Nelson, the father of Earth Day, to former Republican Governor Warren Knowles, have been national leaders in the environmental and conservation movement.

Two of the great founders of the conservation movement, Aldo Leopold and John Muir, called Wisconsin their home. It was in Vernon County, in my congressional district, in an effort to preserve and protect precious topsoil on farms, that farmers initiated contour plowing, which provided a wonderful model across the Nation.

Throughout our history, the citizens of Wisconsin have been responsible stewards who have sought to conserve and expand on our extensive investments and recreational and environmental resources. While I still hope that this legislation will ultimately provide Wisconsin and some of the other upper Midwest States with a more equitable share of the Title I funding, this bill nevertheless is a good start to help restore imperiled species, conserve wild places, maintain recreational access, and educate our children about the wonders of our natural world.

I urge today support of the rule. Depending upon the amendment process as this legislation moves forward over the next couple of days, I also urge passage of H.R. 701.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of this rule. As cochairman of the congressional Sportsman's Caucus, I am very supportive of the base text of this measure. I have testified before the Committee on Resources.

I want to commend my friend, the gentleman from Alaska (Mr. YOUNG), who I think has done a very admirable job of getting a consensus of people,

both inside and outside the House, together on this very important piece of legislation that covers so many areas of the outdoors and is going to be so beneficial to so many people. The gentleman has just done a great job of this, and I commend him on that.

As vice chairman of the House Committee on the Budget, honestly, though, I have some observations about the level of the mandatory spending that has been set on this bill. I have an amendment that is going to be coming up later tonight or tomorrow that will address that issue and I hope will receive broad-based support.

As cochairman of the Congressional Sportsman's Caucus, I am very supportive of this bill. This bill is going to give our State fish and wildlife agencies the resources to adequately address their wildlife conservation funding problems.

I am specifically talking about title III of the bill of the gentleman from Alaska (Chairman YOUNG) which is the section that deals with wildlife conservation and restoration. Folks all around the country are going to benefit from this because it does provide a steady, dependable stream of revenue that is going to help fund both game and nongame wildlife conservation programs and, more importantly, or just as importantly, it is going to provide the States with the flexibility to tailor their programs to their particular needs.

It is not going to make any difference whether one likes to hunt and fish, whether they hike or bike on trails, whether they bird watch, or whether they are concerned about the coastal regions of this country. This bill is going to provide our States with revenue and flexibility to make decisions, to tailor the needs of their States and the individuals in their States in those areas, as well as many other areas.

One of the most exciting parts of this bill that I have been working on with the gentleman from Alaska (Chairman YOUNG) is the wildlife associated education portion of the bill. We need to ensure that our future generations are educated about wildlife, and recognize that hunting and fishing are valuable management tools.

One of the great pleasures I get in life is hunting. I hunt with my son, and I hunt with my son-in-law. My grandson is 4 years old, and I hope one of these days that he is going to be able to enjoy the outdoors with me. We have to continue to educate people all across the country about the value of wildlife-associated education.

I appreciate the gentleman from Alaska (Mr. YOUNG) incorporating some language that we asked to be incorporated that will protect wildlife education funds from being used by programs that oppose hunting and fishing. Helping replenish renewable sources with funds derived from nonrenewable resources is simply good policy. CARA accomplishes this without raising taxes by one single penny.

Mr. Speaker, I urge support of this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman yielding time to me.

Mr. Speaker, as a person who came to Congress interested in support for the Federal government being a better partner to work to make communities more livable, I am exceedingly pleased that this bill is before us today. It is an important restatement, a recommitment, after 35 years of partnership that is frayed lately, of the trust fund concept; for example, the lands and water conservation fund and UPAR, which have not been funded on the State side since 1995.

It will have key impacts in Oregon, the State that I represent, and in communities around the Nation. It means creating long-term investments that will create value for generations to come.

□ 1630

I plan on speaking on the merits of this bill and a number of amendments as we proceed in the course of this debate. But I would like to make one brief comment because, as a Member here for the last 4 years, it seems to me we have occasionally lost our ability to legislate, to work together, to cross party, regional, and ideological lines.

Mr. Speaker, I think this is important legislation not just as a tool for livable communities, but it is one of the clearest signals I have seen that we can send to one another in Congress that we can play the historic important role of debating, of listening to one another, of compromising and making decisions. I hope it sets the tone for bipartisan cooperation and progress for the remainder of this Congress.

Mr. Speaker, I look forward to supporting the rule and the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 6 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE), who has worked diligently in her time in Congress on these issues.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, I rise today in strong opposition to H.R. 701. I will support the rule, but I want to make it very clear that I admire the ability of the gentleman from Alaska (Mr. YOUNG) to work across party lines, and I think it is important to be able to agree with one another and work together, but not at the expense of our constituents out there, our private property owners. I am deeply concerned about our private property owners.

Mr. Speaker, I have carefully read and studied this legislation, looking at not only its actual language but how it will be interpreted and implemented in the future by the Federal agencies. See, sad experience has proven that well-intentioned laws have had their purposes twisted and even tortured by a Federal Government that seems to be hungry for more power and control over the resources and lives of our citizens.

Mr. Speaker, I would strongly urge my colleagues, even those who have joined as cosponsors of this bill, to read and study very carefully this bill. Consider its real impacts not on this body, but on the people of this Nation. Consider what this legislation will do to our ability to control the pursestrings, our ability as a Congress, our sacred responsibility under the Constitution.

It does leave only $1.6 billion on budget, but it does take $2 billion off budget to become mandatory spending. $2 billion is a huge amount of money. So consider where this legislation will truly take us and what kinds of precedents it will set in terms of additional mandatory trust funds taken from general revenue streams. Consider what it will do to our fiscal priorities such as paying down our debt and shoring up Social Security, building up our national defense, and providing tax relief.

Mr. Speaker, we are fully aware of the thousands of organizations and entities, including Federal, State and local bureaucracies and nongovernment groups and Indian tribes, who will monetarily benefit from this bill. Indeed, this legislation will establish a permanent revenue source for these entities, much of which will bypass the congressional budgeting process for years and years to come.

So for that reason, legions of representatives and lobbyists have canvassed this Hill to promote this mandatory fund and, quite frankly, I do not blame them. CARA represents a pot of gold at the end of the rainbow for them.

But, Mr. Speaker, along with the litany of well-represented special interest groups who support this legislation, somebody needs to represent the interests of the main target of this bill, and that is, the private property owner. I am reminded that next year, along with all of our constituents, I, too, will be a regular working person and property owner living under the laws of this Congress. I think that sometimes with all the lobbying, pressuring and inside games that go on here, we forget that the laws we pass truly affect the people we serve. One small provision passed in return for a political favor can destroy the life's work of many people.

Our vote should reflect this possibility more than anything else. So the

fact of the matter is, Mr. Speaker, the very foundation of our Nation was built from individual liberty derived in part from the ability to own and produce from one's own property.

In contrast, the legacy and prosperity of this Nation was never created by the Federal, State or even local government, and this is why John Adams proclaimed very clearly that property must be sacred or that liberty cannot exist. He also said that there must be a form of law to protect private property.

We are not only doing violation to that form of law that John Adams referred to, but violation to the rights of private property with this bill. That is what this debate is all about, Mr. Speaker.

So when considering how to vote on CARA, Mr. Speaker, I ask my colleagues, please, consider the views of the average taxpayer who will end up paying for this bill.

I would like to just share with my colleagues some of the results of a survey conducted in a poll just recently. When asked about land acquisition and park creation, it came out to be a very low priority, more land acquisition. Only 1 percent of the people really wanted to see this kind of bill. But by a margin of six to one, 80 percent to 12 percent, voters wanted us to address our maintenance backlog of $5 billion before acquiring additional lands.

Once the American people learn that the Federal Government already owns in excess of one-third of the land in this Nation, or all of the government owns about 43 percent, they oppose additional land acquisition by a wide margin of 53 percent to 34 percent.

Voters oppose any proposal that works to take money away from Social Security and debt reduction by a 72 percent margin to only 13 percent.

Mr. Speaker, not only does the clear language in this bill threaten private property rights, but the American people really are not thinking in the same manner as this bill would represent.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I want to commend the Committee on Rules for the rule that they have reported on this legislation. I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I think it will provide a fair and open debate on the Conservation and Reinvestment Act, H.R. 701, that is before us today.

This legislation is really about redeeming a promise that the Congress of the United States made to the American people 36 years ago. We said as a trade-off for drilling offshore, for some of the environmental damage that occurred from time to time, we would take a portion of those royalties that this Nation receives from the offshore oil that belongs to all of the people of this Nation and we would reinvest them in America's irreplaceable resources. That would be the trade-off.

We did that and we started to do that, and then little by little, little by little Congress started dipping into the fund. They started dipping into the fund for other reasons for whatever it was, just as they were dipping into the Social Security Fund, just as they were dipping into the Highway Trust Fund. This is now about redeeming that fund and saying let us go back, not by raising taxes, but by recapturing that money that comes in year after year from offshore oil and use a portion of it to protect and conserve America's resources.

That is why we have this kind of list of sponsors and cosponsors. Thousands of organizations from all across the country who support this legislation. Some will call them special interests, but if we read the list we will see our governors, our mayors. We will see our next door neighbors. We will see the soccer moms of the Soccer Federation. We will see the Pop Warner coaches and the people who play Pop Warner Football. We will see the Campfire Girls and the Boy Scouts; people who go out and recreate, who understand the pressure of the resources are under in this Nation.

This is about our communities. This legislation is about building an environmental infrastructure so people can enjoy a quality of life as our country continues to grow, the pressures of suburbia, the pressures of new housing developments, the pressure of new growth and formation of families so that they can have bike trails and hiking trails, so they can explore the water fronts in our bays and rivers and on the oceans of this country.

We know the backlog. We know the lost opportunities. This is about making sure that we do not lose those opportunities in the future.

But we also make very sure that local communities are involved in these decisions, because they will have to match the money that is put up. And we also make very sure that we as elected representatives are involved in this decision, because this is designed so we do not have land acquisitions put in bills in the middle of the night that we do not know anything about and then just are sprung on the public. Because of the insistence of the gentleman from California (Mr. POMBO) and others, there is notifications in here. There is a recommitment recognizing what a taking meanings and the implications of that and that they have to have the approval of the Congress. They cannot do those things that are not authorized by the Congress of the United States.

Mr. Speaker, this is a balanced bill. It is an important bill. I think we have to understand that this is about making the Federal Government a better partner, and a reliable partner. We were supposed to be funding land and water conservation all of these years for our local communities. They have lost out on hundreds of millions and billions of dollars because one day we just stopped funding it, and took the money and did something else with it. That is not the promise we made to the people of this country.

So I would hope as we listen to the debate, we will have many amendments that my colleagues will understand the kind of legislation that CARA represents, its bipartisan nature. It has the support of 50 governors, the support of local government that we say we want involved in these organizations, and then thousands of citizen organizations that every year put up their own money and put up their own effort to clean up the beaches, to clean up the rivers, to build trails, to build ball fields, to provide recreational opportunity. This is to help them continue to do that.

That is why the Police Athletic League supports it. That is why the Boys Clubs and Girls Clubs, the sporting goods manufacturers, many other business organizations support this effort. They recognize this is about our communities. This is about the quality of life for our families, so we will have a place to take our son or daughter fishing, so we have a place to take our son or daughter hunting, so those places will be preserved and also the habitat will be preserved so that we can continue to do that in perpetuity.

Mr. Speaker, that is why organizations like BASS, the biggest organization of bass fishermen throughout this country, supports this effort, or Ducks Unlimited, because they know what it means if we can restore habitat, if we can provide good waterways, if we can provide refuges, that is the kind of organizations that are here surrounding this bill.

I would hope that all of our Members, all 316 people and more who are cosponsoring this bill, would recognize the kind of commitment. Because we know from data taken from polling of the American people, some 80 percent, over 80 percent of the people believe that America should be making these long-term investments in our physical heritage in the great environmental assets of this Nation.

Mr. GOSS. Mr. Speaker, I rise in strong support of this fair and balanced rule, which will ensure full debate on this bill. There was quite a bit of Member interest in this particular piece of legislation and the Rules Committee worked hard to ensure that Members had ample opportunity to debate a wide range of issues and offer amendments. The rule strikes a fair balance and I encourage its adoption.

Mr. Speaker, H.R. 701, the "CARA" bill, provides dedicated funding for coastal impact assistance, land acquisition needs, wildlife

conservation, urban parks, historic preservation and endangered species, all without providing incentives for future offshore oil drilling. H.R. 701 is one of the most significant conservation bills to come out of Congress in decades—and it represents the continued commitment of the current majority in Congress to responsible stewardship of our natural resources.

Mr. Speaker, while I look forward to the amendment process, I do want to speak very quickly about an amendment offered by my friend, Chairman REGULA. This amendment would prohibit funds in the bill from going to States that have moratoria on outer continental shelf (OCS) oil and gas leasing.

For the last decade and a half, the Florida delegation has worked diligently and successfully to include annually in the Interior appropriations bill a moratorium on further oil and gas leases off the Florida coast. Just about everybody in Florida remains concerned about the effects of oil drilling on our sensitive marine environment. While the annual moratorium provides a stop-gap solution to this issue, it is far from ideal and actually shortchanges all parties involved. In fact, every Member of the Florida delegation has cosponsored bipartisan legislation introduced to impose a permanent policy for Florida offshore oil drilling. H.R. 33 would call for a ''time-out'' period, during which a joint State-Federal commission of scientists and other interested parties would work to craft a non-political, science-based decision as to which areas are appropriate for oil drilling under what conditions off the Florida coast.

Even with the support of the entire Florida delegation, civic and business groups across Florida, and current Governor Jeb Bush and his predecessor, Governor Lawton, Chiles, we have been unable to get more than a few hearings on H.R. 33 in the Resources Committee. So, we are forced to continue advocating the stop-gap annual moratorium. Florida seeks merely to be a wise steward of its natural resoruces, ensuring that any activity off our coast does not adversely affect our unique environment.

Chairman REGULA's amendment would deny Florida funding under this bill because of that moratorium. I do agree with the basic premise of his argument—the moratorium which he carries for us each year on the Interior bill is not the best solution to this issue. But I do not believe that the solution is to lift the ban and move forward on oil activity off the Florida coast absent the kind of science based approach outlined in H.R. 33. Nor do I believe Florida should be punished for trying to be a good steward of its resources. That is counter initiative and counter productive. So I would encourage Mr. REGULA to join us in support of H.R. 33. Indeed, I might even go so far as to suggest that my good friend could solve this issue once and for all by attaching H.R. 33 as a rider to the Interior appropriations bill—as a replacement for a moratorium he and I both find unsatisfactory. I look forward to the debate on the Regula amendment later today. Once again, Mr. Speaker, I strongly encourage my colleagues to support both the rule and H.R. 701, but not the Regula amendment.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1645

ALLOCATION OF GENERAL DEBATE TIME DURING CONSIDERATION OF H.R. 701, CONSERVATION AND REINVESTMENT ACT OF 1999, IN THE COMMITTEE OF THE WHOLE TODAY

Mr. YOUNG of Alaska. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Alaska may state his parliamentary inquiry.

Mr. YOUNG of Alaska. Mr. Speaker, may I ask if the Chair designates the time that is split up, or do I have to ask for that?

The SPEAKER pro tempore. The Chair will entertain that request at this point.

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that, during the consideration of bill, H.R. 701, pursuant to House Resolution 497, the gentleman from California (Mr. POMBO) be allowed to control 20 minutes of my time for the general debate in the Committee of the Whole, with the understanding that I get the remaining part of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

CONSERVATION AND REINVESTMENT ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 701.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Alaska (Mr. YOUNG) will control 25 minutes, the gentleman from California (Mr. POMBO) will control 20 minutes, and the gentleman from California (Mr. GEORGE MILLER) will control 45 minutes.

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

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

Mr. Chairman, the Conservation and Reinvestment Act of 2000 is an historic bill which comes to this floor today, as the result of the efforts of a number of my colleagues on the Committee on Resources. I want to thank the gentleman from California (Mr. GEORGE MILLER), MY RANKING MEMBER, FOR HIS SUPPORT AND COOPERATION IN ACHIEVING A WORKABLE COMPROMISE BILL TO ACHIEVE THE GOALS THAT WE BOTH SHARE: CONSERVATION OF OUR WILDLIFE AND OUR RESOURCES FOR OUR CHILDREN AND THEIR CHILDREN. THE GENTLEMAN FROM CALIFORNIA (MR. GEORGE MILLER) and I have not often shared the same view on issues before our committee, but on this issue we stand together to make this investment in our Nation's future.

I especially want to thank the gentleman from Louisiana (Mr. TAUZIN) for his untiring work to keep the Members talking to each other and pushing forward to bring this bill to the floor today. The gentleman from Louisiana (Mr. TAUZIN) has passionately spoken on behalf of his State and district to share his concern that our Nation recognize the contribution made by coastal Louisiana to our national energy security and to the extraordinary economic growth and prosperity that we enjoy today.

I also want to thank the gentleman from Louisiana (Mr. JOHN), our newer Member, for his work to achieve a bipartisan effort on behalf of his constituency in Louisiana. Every meeting we had with the gentleman from California (Mr. GEORGE MILLER) and all the other Members, the gentleman from Louisiana (Mr. JOHN) was there. He was there constantly with cooperation and sound advice.

I, again, want to thank the gentleman from Michigan (Mr. DINGELL), my old friend and dear colleague. There have been many battles over many, many years. Without his wise guidance and strong leadership, this bill would not have happened. There is no other Member of the House who, over the many years, demonstrated as much dedication and commitment to conservation as the gentleman from Michigan (JOHN DINGELL). He will leave a lasting legacy to our Nation of support for wildlife opportunities and recreation.

I would like to thank the gentleman from California (Mr. POMBO). Although the gentleman from California (Mr. POMBO) may not support our bill today,

he nevertheless has been helpful to maintain a thoughtful and courteous dialogue among those of us who wish to achieve our goals in a different manner. He also attended all the conferences we had together and contributed to each one.

He has been a valiant and constant supporter of the rights of private property owners, and I appreciate the zeal and determination he brings to that role. He and I share the same goals when it comes to protecting the rights of our property owners. They are America's foundation. I happen to agree with the gentleman from California (Mr. POMBO) that our Federal Government needs to do more to show them the respect they deserve, and I believe that CARA moves in that direction. I believe CARA actually addresses the property rights problems and also addresses the purchase of lands.

I believe that CARA achieves both conservation of our resources and, remember, I keep insisting on conservation, the word ''conservation,'' not ''preservation,'' and insures the protection of the rights of our private property owners. I would not support a bill that did not protect the rights of private property owners.

Now, what does CARA achieve? First, it provides the stable and lasting source of funding to achieve the conservation of our natural resources. Our coastal States are our first line of defense in protecting our environment.

They are impacted by many important economic activities in our coastal waters that benefit all of us, including the production of oil and gas for our energy and security. There are many other impacts as well, including shipping, fisheries, and recreation. They are on the receiving end of much of our polluted waters flowing from inland States. They have to deal with these problems and deserve our support.

As our American population grows and our economy improves, we have greater needs for recreational opportunities and for opportunities to enjoy the beauty of our country. This bill provides funds for Federal land acquisition, yes, but, quite frankly, ensures a greater role for Congress in that process and provides greater protections for property rights.

In the future, Congress can ensure that our Federal policies are fairer and provide more opportunities for those areas of the country which need and want additional Federal land acquisition.

As a Republican, I believe the States should have a greater say in providing recreational and conservation opportunities for our citizens. This bill sends back to our States funds for ensuring that the States can provide these opportunities. We should get our government back as close as possible to the people so that they have a direct voice in how these types of decisions are made. Let local folks decide what to do with these conservation dollars, not inside-the-Beltway bureaucrats in Washington, D.C.

This bill provides direct funding for wildlife conservation. It ensures that the funds are spent on projects that directly benefit wildlife. I, for one, am concerned that too much of our wildlife conservation dollars get spent on administration, bureaucracy, and not directly on wildlife, and this bill will ensure that the money be spent on wildlife.

CARA will greatly increase funds for urban parks and recreation. At a time when crime and education are the top concerns for urban areas, this bill can help fight crime and keep our kids in school by providing more supervised recreation for urban kids.

Increasingly as our economy grows, we are losing our history. It is important to remember and honor our past. If we do not know our past, we will never know our future. We must provide funds to preserve and protect our historic places, while protecting the rights of property owners. We ought to have the funds to reward those who help use their property to help us keep our links to our history. CARA will accomplish that goal.

Protecting open space and protecting endangered species are goals that many Americans feel are extremely important. I have been a leader in bringing about common sense and balanced solutions to these problems.

Again, we cannot accomplish these goals unless we work cooperatively with private landowners who are affected by these laws. Without these funds which CARA provides, these landowners are being asked to bear those costs alone. This is unfair, and I believe it will ultimately cause the laws to fail. CARA allows us to reward landowners who want to hang on to their family farms and protect endangered species.

Again, CARA is not a regulatory approach to any of these problems. It does not force anyone to to anything. In fact, we have increased protections for private property owners and provide voluntary incentives to help landowners facing some very difficult issues.

CARA will not harm our economy or our Federal budgetary process. It is a good and well-thought-out bill that will bring about some very reasonable process reforms while providing a steady and reliable source of funding so that we can insure that our responsibility to provide for our future generations.

May I suggest CARA will be the future legacy for the future generations of this great Nation. We will have the opportunity of our young people and those that are here today to enjoy the open spaces, and private property owners will have their land, and our fish and wildlife will be available for those that we leave behind.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Before I start, I must say that I give much credit that is due to many Members that were involved in this negotiation. It has been 2 years since we first met and came up with the idea of trying to move a piece of legislation of this magnitude through the Congress.

I give the gentleman from California (Mr. GEORGE MILLER), my friend and ranking member of the Committee on Resources, mountains of credit by keeping us together; of course the gentleman from Alaska (Mr. YOUNG), my friend, the chairman of our Committee on Resources, for never letting the fire out in times that were very, very difficult through negotiations on a bill of this magnitude; also the gentleman from Louisiana (Mr. TAUZIN) that represents the other half of the State of Louisiana's coastline; and also the gentleman from Michigan (Mr. DINGELL). These were the primary people that sat in a room over 2 years ago that decided that it was important for us to preserve what we have enjoyed in our days.

I rise today, and I am very proud and excited about where we are going to go in the next 6 or 7 hours. I want to commend the gentleman from California (Mr. DREIER) and the Committee on Rules for making a fair rule, a rule that has made in order 27 amendments. Most of these amendments were hammered out in the Member-only meetings. We deal in Congress a lot with staff members, and we do not get involved on a hands-on basis as we should sometimes.

This bill, I counted every meeting, we spent 40 hours, over 40 hours of Member-only meetings trying to hammer out a compromise because this bill was so important, not only to just the people up here in Washington, but to all of the people of the United States.

I can speak from personal experience. My district is bordered by Texas on the west, the Atchafalaya Basin on the east, the red clay hills and piney woods of Louisiana on the north, and to the south, the ever-changing 250 miles of coastline in southwest Louisiana.

There is not a week that goes by that I do not wake up and I do not have a publication, as Louisiana Life, where the headlines says ''The Coast Is Near.'' My colleagues can imagine what that article is about. Or seeing maps that are, frankly, full of red of where our coastline is going.

We lose 25 square miles of Louisiana's coastline a year, 25 square miles,

a football field a day. Looking at some of the amendments, there are some that say, let us wait 5 years before we implement this. I may not have a district in 5 years at the rate of the eroding coastline of Louisiana. So I suggest to my colleagues that now is the time that we do something.

What does CARA do? It does what we do in Congress every day of the week. It puts money in priority programs that we want to see happen. Not only does it fund fully for the first time and keep our promise, as the gentleman from California (Mr. GEORGE MILLER) said with the authorized $900 million of the Land Water Conservation Fund, we are going to fund that, $1 billion for coastal restoration.

I talked a little bit about Louisiana's coastline. But this bill is so much larger and bigger than just Louisiana. We have 35 States around the United States with coastlines with the same type of problem that we have. I think it is important that we prioritize some of these dollars.

It has been a very, very bumpy road. There have been lots of differing opinions, ideologies, policies, but we have persevered because of the importance of this piece of legislation.

So I look forward to the next several hours as we debate the merits of not only this bill, but of some ideology debates, some real serious issues that we will debate in here. But when it is all said and done, we have 316 people that have signed off on this bill.

I would urge everyone to support this piece of legislation because I can think of no better legacy to leave, not only my twin sons, but also the future generations of this whole country, the outdoors that I have enjoyed living in south Louisiana, fishing in the estuaries that are so rich and plentiful with fish and ducks and shrimp and crawfish, but also the open spaces, the urban sprawl, making sure that we have those kinds of green spaces, because I have seen polls every day that say people want to be able to have that soccer field or that opportunity.

□ 1700

Mr. Chairman, we had Terrell Davis, the MVP of the Super Bowl from the Denver Broncos, come here and testify on this bill and say that he would not have been the MVP if it would not have been for the football program in San Diego, California. Those are the kind of stories I want my kids and grandkids to be talking about.

I look forward to the next few hours. And, again, I thank the chairman of the committee, the gentleman from Alaska (Mr. YOUNG) and also the gentleman from California (Mr. GEORGE MILLER) for keeping the fire going in times that were very, very difficult.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

First off, I would like to thank the chairman and the ranking member. This has been a very long process to get to this point, and a very contentious process in trying to work out differences that existed with my point of view and the point of view of the gentleman from California (Mr. GEORGE MILLER), but we were able to work out a lot of differences.

I can tell my colleagues there are a lot of good parts to this bill. There are a lot of things that I got included in the bill that they accepted, that we worked out, and there are, quite frankly, some things in this bill that I think fix things that are wrong with current law. But before the rhetoric I think gets too hot on the legislation, I will have to also say that I do not believe that there is anything in this legislation that directly takes away people's property rights. I do not believe that the chairman of the committee would do that. I do not believe that it is in this legislation.

But I can say this. I oppose this legislation because the system that we are force-feeding this money into is broken. It is severely broken. We have a system of land management in this country that is, at best, wasteful; at worst, fraudulent, and that does systematically take away people's private property rights. We have passed legislation within this Congress, whether it be the Clean Water Act, the Endangered Species Act, things that were done with good intention and that had the full support of this Congress, but through court decisions and bureaucratic decisions that were made, they have systematically taken away people's private property rights. Because of that, I believe that the current system is broken.

We need to fix the current system. We need to step in and doing the tough work and fix the Clean Water Act, fix the Clean Air Act, fix the Endangered Species Act. But we have been unable to do that. For that reason I believe, at best, this legislation is premature because the system needs to be fixed before we begin to buy more land, before we begin to put more money into it.

Now, we hear a lot of people that will come to the floor and talk about all the great things that are going to be done with this money. One of those is to increase the amount of land that people are going to have access to. And we will hear all the great flowery things about our national park system, the BLM, the Forest Service, and that is fine, but the truth of the matter is, under the current system, we are limiting people's access to that. We are continually limiting access into our public lands so that people do not have access to them. That has to be fixed before we go buy more land. This bill does not allow for that.

I will have to tell my colleagues that I will oppose this bill because the system is broken, because I do not believe that the Federal Government should have more land. I do not believe that we should be putting more money into a system to give the Federal Government more land when they already own a third of this country.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, on November 10 the House Committee on Resources, under the leadership of our good chairman, the gentleman from Alaska (Mr. YOUNG), approved the most important conservation legislation, I believe, in over a decade. I was proud to be a part of the 37 votes in support of this bipartisan, common sense, mainstream, well-negotiated legislation. And it was primarily because of the efforts of the chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), that we were able to get to this bipartisan position, which makes all the sense in the world to any mainstream Member of either party.

CARA represents an historic opportunity for Congress to provide consistent and dedicated funding to States to conserve fish and wildlife, protect and restore coastal habitats and marine resources, and to meet the ever-increasing public need for outdoor recreational opportunities.

CARA will provide $2.8 billion in permanent budget authority from the outer continental shelf oil and gas reserves for the protection and restoration of impacted coastal habitats, which is very important to constituents and residents in coastal areas. Coastal areas, I might add, like the most densely populated State in the country, where I happen to live, New Jersey.

Second, fish and wildlife habitat conservation is an important objective. Third, the improvement of outdoor recreational opportunities, which is quickly becoming the most popular way Americans spend their leisure time will be fostered. And, four, urban park renewal and historic preservation will be enhanced.

New Jersey continues to lose more open space to development and is now the most densely populated State in the Nation, as I said a minute ago. Funding under CARA would enable State and local governments to continue their efforts to preserve open space and conservation of natural resources while creating and restoring habitat for the diversity of species in New Jersey's wildlife management areas and wildlife management areas all across the country.

Open spaces, conservation, wildlife enhancement are key words in describing this mainstream legislation. I urge

my colleagues to support the chairman and vote for this landmark legislation that will be an investment and endorsement to protect our natural resources for future generations to inherit.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Conservation and Reinvestment Act offered by the chairman of the committee, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from California (Mr. GEORGE MILLER). I salute these two gentlemen as well as all the Members who have worked so hard to see this bill progress this far.

As the only Member of the New York State delegation to be a member of the Committee on Resources, I was pleased to support this legislation, both in committee and here today on the floor of the House. There are so many great projects in this legislation, but I would like to specifically point out one in particular, that of urban parks.

If this legislation is signed into law in the form we have it today, my home State will receive $11 million a year for the urban parks and recreation recovery program, which will allow New York to purchase and restore recreation areas and facilities throughout the State. This money will go a long way towards improving the quality of life for the residents of my Congressional District, the 7th Congressional District in Queens and the Bronx, and millions of other urban residents as well. These funds are badly needed.

A report by a nonprofit organization in New York City released last year showed that the City of New York has a growing reliance on private philanthropy to fund urban parks. While I will always welcome community involvement in private philanthropy, the report went on to state that these private dollars overwhelmingly flow into those parks which are situated in wealthy neighborhoods, like Central Park and Madison Square Park in Manhattan. Urban green spaces in middle class neighborhoods like mine, like in the areas of Queens and the Bronx, that I represent, are simply ignored.

There is very little public assistance to remediate or create new open spaces in these neighborhoods, and there is little private sector dollars flowing into those communities. CARA will address this troubling situation. There is no reason that hard-working Americans should be deprived of open green fields, deprived of places for their children to engage in after-school sports, or be deprived of safe shaded places to stroll. In my opinion, every American community should have its own version of Central Park.

That is why I am a strong supporter of this legislation, and, again, I want to thank the chairman, the gentleman from Alaska, and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for all their hard work, and every Member who worked hard in seeing that this bill came before the House today.

Mr. POMBO. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I rise in strong opposition to CARA. Its goals are worthy, conservation, farmland protection, the recovery and preservation of endangered species, et cetera, but I simply ask my colleagues to consider this question: At what cost are we willing to achieve the goals of this legislation?

This measure makes CARA spending mandatory on budget, which means it is the first money spent and competes and has preference over veterans benefits, education, defense, and medical research at NIH, including research for cancer and other illnesses.

When we increase government holdings of land, it comes at the dual expense of private property owners. For the owner of the land taken, there is the ugly condemnation issue. And for all other landowners, they will pay higher taxes on their lands to compensate for lands taken off their tax rolls. The Federal Government already owns one-third of all the land in the U.S. When the government controls the land, government makes the decision for the use or nonuse of that land. CARA expands the power of the Federal Government to acquire even more land.

This bill increases Federal control. I hope that all of the localities and States that have interest in this big pot of money that CARA promises will take time to consider the ramifications of this bill. The same goes for anyone who believes that zoning and planning matters should be strictly a local concern. CARA leaves important decisions about land use to be determined by the Secretary of the Interior. Under present law, if Federal money is used to purchase or improve lands under LWCF or UPARR, the Secretary of Interior has great authority to approve or disapprove of any proposed modified or alternative use of the property.

However, under CARA, the State and local governments cede even more power to the Federal Government, because CARA increases the role of the Secretary in this decision and raises even higher the standard to change any use required by the State or local government to demonstrate that no ''prudent or feasible alternative'' to the proposed use change exists.

This enhanced power under CARA, coupled with the powerful club of over $1 billion per year, will lead to the centralization of State and local planning and zoning decisions in the hands of the Secretary of the Interior, who will be a de facto national planning and zoning czar to the deprivation of State and local governmental units.

To my colleagues who are concerned about such things as abuse, fraud, favoritism, and campaign finance reform, they should be very concerned about putting that much power into the office of the executive branch. Once power is given away, it is very hard to get back. That applies to all government institutions at every level, Congress, States and local governments.

To my Republican colleagues who ran for Congress with a value to rein in the power of the Federal Government, who vowed to return decision-making to the local governments, who say they want less bureaucracy, then they should vote against CARA. It brings increased government power at the Federal level because it increases the power of Federal holdings.

Mr. Chairman, almost six years ago, ''the Era of Big Government'' ended—or so it was claimed. With the Republican landslide elections in 1994, we came into the Nation's Capital with the desire to limit government spending wherever possible and to scale back the intrusiveness of the federal bureaucracy. These are laudable goals. These are honorable goals, These are worthy goals. They were worthy then, and they are still worthy today.

These are the reasons, therefore, Mr. Chairman, that I must rise in opposition to the Conservation and Reinvestment Act—H.R. 701. The goals of this Act are worthy—conservation, farmland protection, the recovery and preservation of endangered species, and maintenance, among other things. I do not question that the authors of this measure have noble intentions to protect our environment. But, I simply ask my colleagues to consider the question, ''At what cost are we willing to achieve the goals of this measure?''

THE EXPENSE OF CARA

This measure makes CARA spending ''mandatory'' on budget, which means it is the ''first money'' spent and completes and has preference over veterans benefits, education, defense and medical research at NIH, including research for cancer and other illnesses.

CONGRESS GIVES MORE POWER TO BUREAUCRATS UNDER CARA

To those concerned about increasing the size of the government, this bill increases the size and power of all governments—federal, state and local. This bill without a doubt provide the tools to increase land holdings at every level of government. When we increase government holdings of land, it comes at the dual expense of private property owners: for the owner of the land taken, there is the ugly condemnation issue, and for all other landowners, they will pay higher taxes on their lands to compensate for lands taken off the tax rolls.

Intrusive government is a big concern, especially absent a mechanism to check its action. Sure, we in Congress can hold oversight hearings. But why under this bill do we provide for state and local government to lose control over their planning and zoning?

The federal government already owns one-third of all the land in the United States, the

equivalent of all U.S. land east of the Mississippi River. In Congress, we are constantly battling those interests who do not want mining or logging of public lands, motorized recreation in national parks or even hunting or fishing on public lands. These are all taxpayers who want access to our public lands. These are the elderly who cannot get around as they once could, but who still want to enjoy the outdoors. The point here is that when government controls the land, government makes the decisions for the use—or non-use—of that land, CARA expands the power of the federal government to acquire even more land.

CARA USURPS STATE AND LOCAL CONTROL OVER ZONING

This bill increases federal control—plain and simple. I hope that all of the localities and states that have interests in this big pot of money that CARA promises take time to consider the ramifications of this bill. The same goes for anyone who believes that zoning matters should be strictly a local concern. CARA leaves important decisions about land use to be determined by the Secretary of the Interior.

Under present law, if federal money is used to purchase or improve land under the Land and Water Conservation Fund, LWCF (Title II of CARA) or the Urban Park and Recreation Recovery Act (Title IV of CARA), the Secretary of Interior has great authority to approve or disapprove of any proposed modified or alternative use of the property. However, under CARA, the state and local governments cede even more power to the federal government because CARA increases the role of the Secretary of the Interior in this decision and raises even higher the standard to change use by requiring the state or local government to demonstrate that no "prudent or feasible alternative" to the proposed use change exists.

Thus, this enhanced power (or even the existing power of the Secretary of Interior) under CARA, coupled with the dolling out of over one billion dollars per year under LCWF or UPRRA, will lead to the centralization of state and local planning and zoning decisions in the hands of the Secretary of Interior, who will be the Land and Zoning Czar, to the deprivation of state and local zoning and planning boards.

To my colleagues who are concerned about such things as abuse, fraud, favoritism, and Campaign Finance Reform—you should be very concerned about putting that much power into one office in the executive branch. I am not suggesting that all Interior secretaries will take such control and abuse it. What I am saying is that we should be very cautious about putting into one office this kind of unchecked power. Once it is given away, it is very hard to get back. That applies to all government institutions at every level—the Congress, the state governors, the local mayors and town managers—anyone who could be affected by lands bought with any portion of the state LWCF and UPARR. We should all be concerned.

To my Republican colleagues who ran for Congress with a vow to rein-in the federal government, who vowed to return decision-making to the states and localities, who say they want less bureaucracy, consider what CARA brings. It brings increased government power at the federal level, it will increase the size of government land holdings and it will centralize decision making power with the federal government.

To those interesting in curbing the powers of the federal government, to those who want to prioritize spending choices and be fiscally responsible, I implore you: vote against CARA.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 8 minutes to the gentleman from Louisiana (Mr. TAUZIN), one of the instigators of this great piece of legislation, and I am proud to say one that will support and actively chair this meeting tomorrow for a short period of time.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me first acknowledge, as so many of my colleagues have already, the extraordinary process that brought the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) together on this historic piece of legislation.

□ 1715

There are many things that happen in this House to prevent things from happening. There are many ways to stop good legislation from happening. There are many ways in which we, unfortunately, block each other in our attempts to do what we think is right for this country.

Rarely do we see people with so diverse views come together so mightily as this group has come behind this CARA bill to present this Nation with this historic opportunity.

In short, it is as though the stars have aligned to make this happen this year. And the stars are numerous. They include, of course, my good friend the gentleman from Michigan (Mr. DINGELL), who has been such a vibrant part of these negotiations, and my good friend the gentleman from Louisiana (Mr. JOHN). He has acknowledged me. Let me acknowledge him for the incredible work that he has done in these negotiations.

But let me also acknowledge my friend the gentleman from California (Mr. POMBO), because he and I sat side by side trying to make a case throughout this bill of balance, to make sure that as the bill was creating new environmental initiatives to protect and enhance wildlife and land management areas in the country, that we simultaneously included in the bill new protections for property owners.

I think it is important to answer a few questions about this bill that I have been asked on this floor and throughout the last few days with reference to how this bill came to be.

It is, first of all, important to know that this bill is divided into several titles. The first title has to do with coastal impact revenue sharing. I was asked by a number of Members why is it in there, what is that all about?

Well, for many, many years the interior States of our country have enjoyed the protection of a Federal law that says for all Federal production of minerals on Federal lands within that State, the State gets 50 percent of the revenues. That is a pretty good chunk of change for many States.

In fact, just to give my colleagues some numbers on it, in the past years of production since this law has been in effect, the State of Wyoming has collected $7.4 billion of income from Federal lands' production of minerals located in that State. The State of New Mexico has collected $5.3 billion from income produced from royalties from oil and gas and mineral production on Federal lands in the State.

The one problem has always been that Federal offshore lands, the lands located right offshore of the coastal States, were not covered by that law.

Now, we might have had a chance to get it covered back in the Truman administration. There was an offer by the Truman administration to do just that but, unfortunately, it was not accepted.

But the bottom line is that, over all the years of offshore mineral production, the coastal States, which bear a rather significant burden in the production of those resources, have never shared in the revenues that are derived.

Just to give my colleagues an idea what happened since then, this Government, our taxpaying public, has benefitted from the benefits of oil and gas production offshore to the tune of $122 billion, 80 percent of which was derived off my own State of Louisiana, right off of the coastal district of the gentleman from Louisiana (Mr. JOHN) and myself, 80 percent of which was derived off that coastal area, which simultaneously produces nearly a third of America's seafood.

The bounty of this Nation's catch in fish and crab and shrimp come, basically, from our coastal areas; and our two districts produce nearly a third of this country's bounty.

At the same time that that occurs, we have opened up the gate of our coastal areas to offshore production; and the Government and the people of our country have benefitted to the tune of $122 billion. We receive no share, no compensation, for what occurs on our coastline.

The gentleman from Louisiana (Mr. JOHN) told us the story, but let me repeat it. If a colleague was losing 25 square miles, some States are losing 35 square miles, of their district along their coastline every day, I suspect the National Guard would have been alerted, we would have had a national emergency declared. Yet, it happens every day in coastal Louisiana.

Immeasurably to the human eye, the land is washing away, it is eroding to all the pipeline canals and all the salt water intrusion that is occurring along our coast. We are literally losing this

incredible national resource, with no money to deal with it.

Title I gives coastal States a chance to deal with it. There is only going to be one amendment to Title I. It is going to be an amendment to give Louisiana a bigger share, and I am going to vote against it. It is going to be an amendment to say only the States with coastal production ought to share in that.

I am going to vote against it, because the formula in title I did not come from Louisiana. It did not come from the Congress. It came from a study done by Mineral Management. It is designed to make sure that every coastal State with similar problems gets help in dealing with their problems. And we are prepared to join in that formula.

Secondly, I have been asked, well, what about the fact that this bill creates an entitlement, that it puts the money ahead of the programs we heard mentioned before?

Let me tell my colleagues, if they have not noticed it, we created two mandated funding programs just recently, one for highways and one for airports. This bill provides a mandated program for land and water conservation.

When a poll was done in America to put those three programs side by side, do my colleagues know which one won out handily? As popular as airports are, as popular as highways are, land and water conservation came out way on top, 45 to 35 to 7. Forty-five percent of Americans said that is where we ought to be working hard, to recover and restore America's land and water resources.

Finally, I have been asked by many people, ''BILLY TAUZIN, you were the author of the first private property bill of rights in this Congress. Why on earth are you supporting this bill when these private property rights organizations are against it in America?''

I will tell my colleagues why they are against it. It is not because this bill diminishes property rights. It enhances property rights. They are against it for the reason my friend the gentleman from California (Mr. POMBO) talked about, the fact that in many States of our country the Federal Government owns 70, 80, 90 percent of the land mass and they do not want the Government buying any more land.

I understand that. I am very much in sympathy with States that are put in that position. But we are going to acquire land with or without these protections.

This Government in Washington has been appropriating money to purchase more lands every year, many years in excess of what is provided in this bill. But this bill balances it off and says we are going to put in some private property protections, we are going to make sure nobody's land is taken anymore who does not want to sell unless Congress specifically authorizes the acquisition of a single piece of land.

We are going to provide additional improvements in the cause of property rights protection to make sure that notices go out to people when land is going to be acquired on the local level, local officials, local politicians, Congressmen, all of us know; and we are going to provide protections to make sure that no regulations apply to property that is not yet titled to the Government.

There are some beautiful new programs in here to consolidate the patchwork of Government holdings out West and to incentivize land swaps and for the Government to sell off land it does not work before it buys more land. There is an awful lot of good stuff in here.

The improvements in private property rights in this bill are one in balance to the dedication of money to land and water conservation. This is the kind of balance that works.

If I were to offer the bill with all the property rights improvements that are in this bill as a stand-alone bill, I doubt if we could get it anywhere in this House.

In balance with the environmental protections, the historic preservation, parks and recreation, land and water conservation, we have won a delicately achieved balance.

I urge my colleagues, in the context of the amendments that are going to come forward in the next several days, to remember that historic balance. This is a great bill. It is great for America. And it is time it happens.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of CARA. I so appreciate the hard work of the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, that they put into this bill.

Mr. Chairman, I was proud to be an early cosponsor of their effort, because I knew if they could get together, it had to be a good bill. And it is.

For my constituents in Marin and Sonoma Counties, CARA will be one of the most significant environmental bills this Congress will consider. It provides for full and dedicated funding of the Land and Water Conservation Fund. It gives States and local conservation and environmental entities a reliable partner to preserve and restore coastal and marine habitat and to save our wildlife.

Particularly important to my district, however, and to my constituents is CARA's priority to preserve and acquire open space and to protect farmland.

For example, in my district, which is just north of the Golden Gate Bridge, very close to a very, very concentrated urban area, CARA has a funding mechanism for the purchase of conservation easements on farmlands, farmlands that are currently under threat from development because of their location so close to the Bay Area.

While CARA will not supply all the money needed to preserve the threatened lands across our country, I am truly encouraged by this good start and look forward to building on this principle.

I urge all of my colleagues to support H.R. 701 and know that it is a carefully crafted piece of legislation by the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) that, and I will say it again, if they agree, it has to be good.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, unfortunately and regrettably, with great respect to the chairman of the committee and all due respect for my friend the gentleman from Alaska (Mr. YOUNG), I have to rise in opposition to H.R. 701.

Since this bill was introduced, I have been approached by a large number, literally hundreds, of my constituents expressing their opposition to this legislation, and their concerns are important to me.

While I understand the important goals of this bill and I applaud the chairman for his protection of wildlife and his great conservation efforts, I would like to offer him that unique perspective that my friend the gentleman from Louisiana (Mr. TAUZIN) talked about, the perspective of the State of Nevada, many of my colleagues who on the East Coast do not understand.

Nevada is a State which is already nearly 90 percent owned by the Federal Government. That is 90 percent. Many of our counties are in very dire financial situations because the principal revenue they generate to pay for the services that they are required to provide by law, such as police and fire protection, schools, education, health care, roads, water and sewer infrastructure, are generated by private property taxes.

One county, just one county, Lincoln County in Nevada, a county of 10,000 square miles, larger than many of the northeastern States combined, is 98.5 percent owned by the Federal Government, leaving only a small part for the tax base of 1½ percent to provide that critical and important infrastructure.

Lincoln County generates only $1 million per year to pay for its mandatory infrastructure and services, and I still wonder how they continue to survive today even though they are on the verge of going bankrupt.

Therefore, any monies that are added to the Land and Water Conservation

Fund that do not adequately protect private property rights is literally a death sentence for these poor counties in the State of Nevada. When they purchase environmentally sensitive land, they purchase private property that is used for this tax base.

I cannot in good conscience, without necessary private property protection, even entertain the idea of spending almost a billion dollars a year.

I urge my colleagues to oppose this piece of legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST), my good friend.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding. I also thank the chairman and the ranking member of the Committee on Resources for pulling together all the people that were necessary to craft this legislation so carefully and in such a way that it balances the conservation of our resources and, I might add, the strong constitutional provisions of property rights.

Mr. Chairman, I would just like to make a couple of points. I hope my colleagues here in Washington are listening to this debate. This is the kind of debate that brings out good information, is bipartisan, is something that the American public can feel good about; and, in the end, everybody will benefit.

This is a great Nation. We have been a great Nation for over 200 years. The Nation was built as a result of democracy, character, and endless frontier that provided expanse to move in, and an abundance of natural resources. But over 200 years after the founding of this country, our resources are diminishing as the population increases. Our frontier is virtually gone, if not entirely gone.

All we have left is democracy and character to pull together our intellectual capacity to understand the nature of how we now manage those limited resources for unseen future generations to come.

This is a big step in understanding how to manage those limited resources, how to manage our forests, how to manage our prairies, how to manage our agriculture, how to manage our fisheries, how to manage the water hydrologic cycle which provides us with sustenance.

□ 1730

This bill will bring together the Nation's intellectual capacity to fund the money that is necessary to sustain the resources. And I urge my colleagues to vote for the bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in support of H.R. 701, the Conservation and Reinvestment Act. I am proud to have been one of the 30 original cosponsors of this bill which now has over 300 cosponsors. Throughout my time in Congress, I have always tried to be a strong supporter of conservation efforts. This has included authoring several conservation laws to protect Michigan wilderness, wild and scenic rivers and creation of the Grand Island Recreation Area. Passage of CARA will ensure that these types of important conservation actions will continue to be funded appropriately.

I am pleased that CARA includes funding for urban parklands as well. It is easy to forget that many urban dwellers do not have the means to travel to green spaces, city parks are their only opportunity for recreation and enjoyment of the outdoors.

For too long, we have neglected the opportunity to ensure grant funding for worthy open spaces in cities. CARA responds to this need. I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) for their efforts in making Native American tribes and Alaska Native corporations eligible to receive funding under certain titles of this bills. For example, Title II dealing with Land and Water Conservation Fund revitalization would make all Federally recognized tribes and Alaska Native corporations eligible to receive funds under competitive grand basis.

Title VI on Federal and Indian lands restoration would make 10 percent of the Conservation and Reinvestment Act Fund transferred to the Secretary of Interior available to Indian tribes on a competitive basis.

Mr. Chairman, I am pleased that Title III, which deals with wildlife conservation and restoration, encourages the State fish and wildlife agencies to work with Alaska Native corporations and Indian tribes. However, I hope that as we go to conference, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) will continue to work with me in that conference to strengthen this language to allow Indian tribes and Alaska Native corporations to share in the new subaccount created in Title III. They have been very cooperative, and I really appreciate their close cooperation.

Once again, I want to thank my colleagues for all of their hard work, and I think we have a wonderful bill before us.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think the decision we have today is whether we want to put the government on automatic pilot. Are we going to have more entitlement programs? When do we stop? That is what really is at issue here.

We give this money to the States, about $2.4 billion. There are no restrictions. My colleagues keep talking about how we are going to save resources; the resource may be a swimming pool or a tennis court. There is no guarantee as to how it will be used. We, in our positions of responsibility, make those decisions. We are going to abdicate that responsibility to the others for $2.4 billion worth of funding, in the face of $15 billion, plus or minus, of backlog maintenance, in the face of the fact that we already give the States $1.7 billion out of the Federal resources that are generated from leases on public lands, some that comes already from drilling, in the face of the fact that every state in the Nation has a balanced budget.

Mr. Chairman, ladies and gentlemen of the House, I think that we have a responsibility to set the priorities for this government, for the people of this Nation, to take care of the 379 parks that are in the portfolio, to take care of the millions of acres of national forests, of the many U.S. Fish and Wildlife Service facilities, and the lands that are under our jurisdiction, as well as the responsibility to the Indian tribes, the responsibility for the cultural institutions in this city, the Smithsonian, the Kennedy Center, the National Gallery of Art, and the Holocaust Museum. They all, too, have great needs.

The States should take their responsibility. We should take ours. I think to create a new entitlement could just be the beginning of many more of these. This bill is certainly a case of abdicating responsibility that we are elected to make, in terms of priority decisions and the allocation of this Nation's resources.

Mr. YOUNG of Alaska. Mr. Chairman, how much time is remaining on each side?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Alaska (Mr. YOUNG) has 5½ minutes remaining; the gentleman from California (Mr. GEORGE MILLER) has 32½ minutes remaining; the gentleman from California (Mr. POMBO) has 9½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT). s

Mr. BOEHLERT. Mr. Chairman, CARA is landmark legislation, moderate legislation, sensible legislation that responds to a clear and growing public demand; namely, that we do more to conserve open space and protect our ecological resources. That public demand is evidenced by the hundreds of successful State and local referenda that have set aside funds for

these purposes. And that public demand is evidenced in every poll, and the demand shows up in every region, every age group, every flavor of partisanship and ideology.

The Federal Government has an essential role to play in this area, because it can set national priorities and distribute funds that are beyond the States' capacity to raise. And this bill takes on that legitimate Federal role in the right way by plowing back some, not all, but some of those revenues that the Federal Government gains from exploiting our national resources into preserving our national resources.

That is not a new idea. It has been part of the idea behind the Land and Water Conservation Fund for decades, but CARA expands on that idea at this critical time when social and economic changes have caused more of our land to be under threat than ever before.

CARA is the right bill at the right time.

Now many people today will complain that the bill is not perfect; that it needs further changes. I happen to be one of those people, and I will elaborate on my concerns in a moment. But the main point to keep in mind today is that now, right now, today is the time to move this bill forward.

This bill is ready for passage by the House; further changes must occur later in the process, and we all know there is plenty of process left. The comforting fact about CARA is that it has continually improved as it has moved through the process. This is a bill that is getting better all the time.

With that in mind, I urge my colleagues to support the amendment the gentleman from Alaska will offer, which incorporates changes we have worked out that will help ensure that the bill does true environmental good and no environmental harm. I urge passage of the Young amendment and opposition to all other amendments today because all the others will prevent the bill from moving forward.

I do hope this bill will continue to be improved as it moves forward. Significant issues remain to be addressed, issues that were addressed in an amendment I crafted along with the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New Jersey (Mr. PALLONE). We will not be offering this amendment, but I will be submitting it for the RECORD at this point, along with the letters of support it garnered, because I think the amendment indicates where this bill has to end up in the not so distant future in order to be signed into law.

But my remaining concerns are for tomorrow, not for today. Today we should rally behind this bill which reflects so many months of thoughtful work and compromise by such a broad group of people inside and outside the Congress.

Let us answer the public demand for effective legislating, for protecting open space, for improving quality of life by passing CARA by an overwhelming vote this week.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of this legislation.

Mr. Chairman, I rise in support of H.R. 701, The Conservation and Reinvestment Act of 1999 (CARA), and I commend Mr. YOUNG and Mr. MILLER for their leadership. CARA will create an unprecedented federal commitment to our nation's wildlife, coastal areas, open spaces and urban parks.

Thirty-five years ago, President John F. Kennedy wrote to Congress that "Actions deferred are all too often opportunities lost, especially when it comes to safeguarding our natural resources." Now more than ever we need to invest in our open spaces. There have already been too many missed opportunities. In my home state of Massachusetts, we lose two acres every hour to sprawling, ravenous development. In the few hours we spend debating this bill, another family farm will be turned into a housing development; another vacant urban space will be paved over; another playground will remain unbuilt.

The time for action has come and CARA's mandate is clear. Voters and legislatures in our states and localities have continued to approve open space funding initiatives at record levels. They have approved over $10 billion since 1998. Congress needs to follow suit.

I am particularly pleased with Title II of this bill. As my colleagues know, in 1965 Congress set aside money from offshore drilling receipts in a trust designed to preserve our open spaces. Nevertheless, funding for this Land & Water Conservation Fund has been sporadic. Last year I offered an amendment, which passed the House, to the Interior Appropriations bill to put $30 million back into the state-side LWCF account. Before that, the state-side account had gotten no funding since 1995. CARA's Title II puts the "trust" back in the trust fund by fully funding the state-side LWCF to its authorized level of $450 million per year for the next 15 years.

I also urge my colleagues to reject any amendments that would weaken or upset the compromise embodied in this bill. As all of you know, getting 315 Members of Congress to agree on anything is an amazing accomplishment. CARA has 315 co-sponsors as a result of thoughtful and meticulous negotiation. Compromise and bi-partisanship are the key to making CARA work, and this bill is too important to be sacrificed.

Finally, for the record, although I think CARA is an impressive bill and support it in its current form, I believe there are ways that the bill could be improved. I support a fully-funded $100 million a year state-side "flexible funding" grant program to assist states in undertaking large conservation projects. I believe that we must guarantee that Congress actually expends the full level of federal-side LWCF funding set aside each year. I also believe that "Coastal Impact Assistance" funding must not be used to harm the environment. As we continue to work with the Senate and the Administration, I hope that we can find room to make some of these improvements.

Today we have an opportunity to make a real difference. Today we have a chance to save thousands of acres, preserve a healthy habitat for our wildlife and leave our children a natural legacy we can be proud of. I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, in section 101(b) the bill provides for the allocation of Title I funds on the basis of a formula that includes consideration of the proximity of OCS leases. In order to eliminate any argument that the application of the formula could provide an incentive to increase OCS activities which we are trying to mitigate through this bill, we are amending the formula to, one, consider only leased tracts which meet the criteria in the bill as of the date of enactment; and, two, prevent a recalculation of the formula at a later date, thereby excluding from the formula tracts leased after the date of enactment; is that correct?

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. The gentleman is correct.

Mr. MARKEY. Now, in section 101(c), the bill provides that an analogous formula shall be used where funds are distributed directly to political subdivisions smaller than a State. Consistent with our shared purpose to eliminate any unintended incentive to increase OCS activities, would the gentleman agree that the use of the term analogous in section 101(c) means that the payments under this subsection will include only those leased tracts which meet the criteria in subsection (b) on the date of enactment, and that there will be no recalculation of this formula at a later date?

Mr. GEORGE MILLER of California. If the gentleman will yield further, the gentleman is correct. Tracts leased after the date of enactment are not relevant to the operation of the allocation formula in either section 101(b) or 101(c).

Mr. MARKEY. I thank the gentleman from California. Would that also be the understanding of the gentleman from Alaska (Mr. YOUNG)?

Mr. YOUNG of Alaska. If the gentleman will yield, yes, the gentleman has correctly stated my interpretation of these provisions.

Mr. MARKEY. Would the gentleman be able to assure me that this interpretation will be restated in the appropriate place in any subsequent report language accompanying the bill?

Mr. YOUNG of Alaska. The gentleman can rest assured that that will be done.

Mr. MARKEY. I thank the gentleman.

Mr. Chairman, I would like to address some of the environmental provisions that I think should be included in this bill to make it a completely positive environmental bill. They are changes that I believe will only improve the bill by ensuring that CARA allocates oil and gas lease revenues for programs that are environmentally beneficial.

Mr. BOEHLERT, Mr. PALLONE and I crafted an amendment to address these environmental concerns. As part of a compromise negotiated with Mr. YOUNG and Mr. MILLER, some of these issues will be included in the Manager's amendment.

In particular, I am pleased that Mr. YOUNG and Mr. MILLER agreed to remove the potential incentives to increase the number of oil and gas in the compromise. We accomplish this change by simply calculating a State's allocation of coastal funds once. We take a snapshot of the relevant leases on the date of enactment of the bill. Then we frame it and hang it on the wall for the life of the bill. That way it is clear which leases are relevant to the distribution of CARA coastal assistance funds.

The remaining improvements focus on three specific aspects of the bill:

The consequences of the coastal assistance fund,

Unused funds in the Land and Water Conservation program, and

Improvements to wildlife conservation programs.

According to the allocation formula for coastal assistance funds in the CARA, a single state receives close to ⅓ of the coastal assistance fund. It's like this coastal fund is a giant birthday cake. You all know that when you cut the first piece of cake, you get two pieces—the small one you cut and the rest of the cake. What has happened here is that the larger piece has been given away first, leaving the small piece to be distributed among the other coastal states.

I believe the offshore oil and gas revenues should be distributed more equitably to all coastal states.

In the amendment we developed a new formula that would have benefited almost every state. The new formula also would have freed up $100 million for new the competitive grant program for lands of regional or national interest.

In addition, we would like to see changes to the allowed uses for the coastal funds to ensure that this money would be used to improve the environment and limit the amount that could be used for harmful infrastructure projects.

The Land and Water Conservation Fund faces a different situation. In recent years, the federal portion of the fund has not received the fully authorized amount in the appropriations process. to improve this situation our amendment would have allowed the President to allocate any unused money to previously specified land acquisitions. But no funds could have been expended until 4 months after the President made clear the intent to do this.

Finally, our amendment would have ensured that states develop a strategy for the wildlife conservation funds they receive under CARA. This change would have ensured States use sound science and coordinate their activities with other agencies to make the best use of the wildlife funds. This amendment has widespread support among wildlife conservation groups and I am confident it can be adopted as the process moves forward.

I want to reiterate that I fully support CARA with the Manager's amendment. In addition, I oppose all other amendments, particularly those amendments that weaken the bill. I believe that the changes I have suggested will improve the bill and I encourage my colleagues to consider these issues as the process moves forward.

Mr. POMBO. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I rise today with reservations regarding the Conservation and Reinvestment Act, CARA, in its current form. Unfortunately, Mr. Chairman, I cannot support this bill as it presently exists. I have concerns about the lack of property rights protection in this legislation. I will offer a condemnation amendment to address the fundamental flaw in this bill.

My amendment will ensure that landowners are not forced to sell their property and are treated fairly in the process. CARA provides for $900 million to be appropriated annually for the Land and Water Conservation Fund for the purposes of purchasing land, including private property, farms and ranches. Private landowners are understandably nervous that with such huge sums of money available, their land may be easily condemned for public use.

CARA contains no private property rights protection for LWCF funds provided to State and local governments and very minimal protection with Federal funds. It comes down to the basic right that government should not be able to force taxpaying citizens off their land, land that has sometimes been owned for generations by families. I do not think anyone believes this should take place. My amendment goes a long way in preventing this from happening. I agree that money for parks and recreation, historic preservation and wildlife restoration are worthy endeavors. However, I cannot support a bill which forgoes the rights of American citizens. Mr. Chairman, I hope that my colleagues will support my amendment which will significantly improve this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, let me begin by saluting the chairman of the Committee on Resources as well as the ranking member for their leadership in demonstrating that Republicans and Democrats can work together on important environmental legislation. This legislation is clearly in the spirit of that great conservation President, Teddy Roosevelt, legislation that will further our investment in open space, our investment in conservation and wildlife habitat, farmland preservation and the protection of wetlands.

I have had the privilege over the last 6 years of representing the south side of Chicago and the south suburbs. One thing I have seen every day that I drive through the district I represent, that is, the south suburbs keep growing south. Clearly the need to protect land for open space and conservation must be a priority. This legislation nicknamed CARA is a step in the right direction. I believe it is probably the most important environmental vote that I will have an opportunity to make in the 6 years that I have been here. I think of Illinois and the home State that I represent, and Illinois historically has not done very well in acquiring Federal dollars for conservation and for open space and wildlife habitat, but this legislation will turn that around.

In fact, my home State of Illinois will benefit to the tune of almost $56 million in funds that will come back to Illinois to match the initiatives for open space that Governor Ryan has initiated on his ''40 over 4'' program to set aside land for open space in Illinois, and from a local level, the Will County forest reserve which through the initiative of the taxpayers last year, initiated an $80 billion bond authorization. They will receive matching funds for open space and conservation. It will also help support our efforts to save and preserve the Kankakee River, one of Illinois' historically cleanest rivers through conservation easements as well as wetlands preservation.

And last, I would note as a representative of the city of Chicago that the city of Chicago ranks 18th out of 20 in parks and lands set aside for recreation and conservation, that these funds will help the city of Chicago, not only establish new parks and green space but reestablish the Lake Michigan shoreline in the city of Chicago.

□ 1745

This legislation, CARA, is good for the environment, it is good for conservation, it is good for Illinois' future, it is good for America's future. I salute the gentleman from Alaska (Mr.

YOUNG) for his leadership, and I urge an aye vote.

Mr. Chairman, I rise today to offer my strong support of H.R. 701, the Conservation and Reinvestment Act. The Conservation and Reinvestment Act will greatly benefit our nation and the residents of the State of Illinois, providing $56 million annually to Illinois for conservation.

The Conservation and Reinvestment Act is a landmark in our nation's conservation heritage. H.R. 701 is the most significant piece of environmental legislation in a generation, and I am pleased to be a supporter of it. The accomplishments of this bill are many, including providing open space preservation, fish and wildlife conservation, urban park restoration, and historic renovation.

Mr. Chairman, my home State of Illinois will see tremendous benefits from this legislation. Illinois currently receives far less federal dollars than most other states for open space preservation. This is wrong when we know that our open space is disappearing rapidly, especially in the South Suburbs which I represent. Governor George Ryan has crafted a successful program in Illinois known as the Open Land Trust, providing $40 million annually over four years to protect and preserve open space. The Conservation and Reinvestment Act will provide matching funds for this program, making this an ideal time to pass the Act for Illinois.

In the 11th District which I represent there are several open space needs which will be met with the passage of the Conservation and Reinvestment Act. Will County recently passed a $70 million bond authorization for the protection of open space. The Land and Water Conservation Fund portion of the Conservation and Reinvestment Act could leverage these local dollars by 50 percent. Further, the Illinois Department of Natural Resources has identified $30 million in land acquisition needs in the Kankakee, Grundy, LaSalle areas. Land and Water conservation funds could provide an additional $15 million to meet these needs. Finally, the City of Chicago currently ranks 18th of the 20 largest cities in open space preservation to population; the Conservation and Reinvestment Act will help to solve this problem.

In addition to open space benefits, Illinois will receive support for the conservation of fish and wildlife. Under the auspices of the Wildlife Conservation and Restoration Fund, Illinois will receive approximately $14 million annually for the preservation and support of fish and wildlife. The Illinois Department of Natural Resources has identified a $41 million annual need for the conservation of fish and wildlife preservation, education, and recreation. The Land and Water Conservation Fund would leverage state dollars by 75 percent. This portion of the legislation is vitally important not only for the health of our environment, plants and animals, but also for sportsmen and sportswomen. The legislation also provides shoreline protection funds through Title I provisions. These funds will help to protect Lake Michigan shoreline, Illinois Beach State Park, and endangered and threatened species. In addition, funds for historic preservation are also provided.

Mr. Chairman, this is good bipartisan legislation and it should be passed today. I commend the leadership of Representative DON YOUNG and Speaker HASTERT in bringing the Conservation and Reinvestment Act to the floor and I urge my colleagues to support this bill and defeat any weakening amendments.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act and to congratulate the gentleman from Alaska (Mr. YOUNG) of the Committee on Resources and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for putting together this landmark piece of legislation and, particularly, for putting aside all of the parochial interests and putting aside all of the partisan interests and putting together this extraordinary bill.

Mr. Chairman, today we will have the opportunity to stand up for our environment and to vote in favor of the most important resource protection and management bill that has come before this body in a generation. As ranking member of the Subcommittee on National Parks and Public Lands, I cannot stress enough the importance and impact that the Conservation and Reinvestment Act will have over the preservation of our natural resources for future generations.

As a sole, nonvoting representative of 4 million American citizens in Puerto Rico, I will not be allowed to cast my vote in favor of this legislation supported by my constituents. It is for that reason that I come before my colleagues today and urge them to support H.R. 701 and oppose any amendments that will upset the balance achieved through very long bipartisan negotiations.

Mr. Chairman, H.R. 701 is a carefully drafted consensus bill with over 300 cosponsors and the support of 50 governors, many State and local legislators, dozens of newspaper endorsements, and many business, environmental and wildlife groups. H.R. 701 fulfills the promise made by this body 36 years ago to dedicate a portion of the revenue stream from offshore oil production into preservation of our Nation's natural resources. We cannot delay the realization of this promise any longer. Our parks are under pressure from development, our recreational programs are insufficient, our wildlife is stressed, our coasts are in peril.

Mr. Chairman, we will fail the American people and future generations if we do not pass this legislation and support our Nation's natural resources. Vote ''yes'' on H.R. 701.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I find myself on the opposite side of the gentleman from Alaska (Mr. YOUNG), and I have tremendous respect for the chairman of the Committee on Resources.

This bill sets up a mandatory funding mechanism of 2.8 billion annually. Currently, California and the Federal Government owns over 50 percent of the land. By removing $2.8 billion annually from the budget for 15 years, it is a total of $42 billion.

Since the budget resolution adopted by Congress last month allocates all of the surplus to either public debt reduction or tax relief for working families, passage of this bill would require Congress to either dip into the Social Security Trust Fund, cut the amount set aside for reducing the debt, or reducing the amount set aside for tax cuts for working people.

The fiscal year 2001 budget resolution provides $50 billion over 5 years for tax reduction or paying down the debt. Instead, CARA will use up $14 billion over that 5-year period.

No one is talking about the fact that this will likely trigger significant increases in discretionary spending in the form of new bureaucracies and personnel needed to implement the programs created by CARA. This new demand would likely, or inevitably, squeeze out programs such as discretionary spending on defense and education. How many bureaucracies will come up in the next 15 years to ask for more staff to help them spend $2.8 billion per year.

The discretionary spending will also increase for the maintenance of newly acquired lands. According to the Clinton-Gore administration's own estimates, our national parks and Federal lands have up to $15 billion in necessary maintenance backlogs. We are purchasing land at such a high rate that we cannot even keep up with the maintenance of these lands. How can that be considered good land stewardship?

Discretionary spending will also increase if CARA is passed for the purpose of having to compensate local jurisdictions for the loss of economic development. This is money that can be used for saving Social Security, paying down debt, and providing tax cuts for Americans.

Furthermore, Federal and State land acquisition negatively impacts local communities by reducing tax revenues for education and crime prevention and other services. Some of my colleagues argue that this bill addresses the issue by securing funds to deal with these impacts, but this money is not guaranteed unless Congress appropriates money for this purpose. More discretionary spending that is directed away from more important issues like health care, research and public safety.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 15 seconds to the gentleman from New York (Mr. GILMAN), a

good friend. I wish I had more time, but I understand I cannot get it.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) for their cooperation and dedication in bringing this measure to the floor. It is a unique opportunity for our Congress to address the conservation and preservation needs of our Nation's communities. It has been carefully crafted to meet a wide diversity of public land needs, and it is a measure that will provide funding for vital conservation programs and the needs in our own area in New York State.

Mr. Chairman, permit me to take this opportunity to commend the distinguished gentleman from Alaska, Chairman YOUNG and the ranking minority member the gentleman from California, Mr. MILLER, for their cooperation and dedication in bringing H.R. 701, the Conservation and Reinvestment Act (CARA) to the floor at this time. This measure is a unique opportunity for the 106th Congress to address the conservation and preservation needs or our Nation's communities.

H.R. 701 has been carefully crafted to meet a wide diversity of public needs. This measure would provide funding for vital conservation programs, urban park needs, agricultural and forestry easement programs, historic preservation, wildlife enhancement, and other important environmental initiatives.

Designed to protect our Nation's natural heritage, the Conservation and Reinvestment Act reinvigorates the Land and Water Conservation Fund (LWCF). This vital program has saved thousands of acres of forest, miles of river, and many of America's mountain ranges. Fully funding this program will provide outdoor recreation opportunities that will improve the quality of life for all Americans.

Futhermore, this proposal sets up a competitive grants program, run by the Interior Department, to enable States to purchase lands of easement. This is a critical component to regions of the country that have compelling national interests but cannot access adequate Federal or State LWCF funding.

In the New York-New Jersey Highlands, the largest, wild, forested area in the metropolitan New York City area, vast areas of open space are threatened with sprawl development. These lands represent critical economic, ecological and recreational resources, and protect the water supply for millions of people in our region.

Our struggle to acquire Sterling Forest is just one example of why this competitive grant program is so important. With $17 million from the LWCF and matching funds from the States of New York, New Jersey and the private sector, we were able to purchase thousands of acres of pristine open space.

The proposed competitive grants program would continue to provide funds for areas like Sterling Forest, the Adirondacks and the Everglades, that will need a Federal and State partnership to be preserved. I commend my colleagues for including this program and hope we will be able to work with the Senate to fully fund this provision.

Over the past year, in cooperation with local environmental groups and the State of New York, we have fought with inadequate Federal support to preserve vital open spaces, such as Clausland Mountain, in our Hudson Valley. The passage of H.R. 701 would bring new hope for our regions, allowing communities to fight urban sprawl, reserve natural and historic sites, protect wildlife and support wetlands conservation.

This important legislation draws its support from a bipartisan delegation of over 300 cosponsors, Governors, mayors, and a wide range of organizations in all 50 States and the District of Columbia, including park and recreation associations, conservation and smart growth groups, land trusts, the recreation industry, and chambers of commerce.

In closing, on August 31, 1910, Theodore Roosevelt stated: "I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us."

H.R. 701 offers our future generations the opportunity to enjoy our Nation's most precious resources. Accordingly, I urge my colleagues to join me and thousands of Americans in support of this measure.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE), a member of the committee.

Mr. INSLEE. Mr. Chairman, this truly is a great day for the House where common sense and bipartisan thirst for progress is really going to trump ideology.

I want to tell my colleagues why I think it is such a great day. I spent 4 days last summer eyeballing the need for this bill by kayak in my district. I spent 4 days in a kayak going all across the waterways in my district. I want to tell my colleagues, I came away impressed with one thing: it is about time that the U.S. Congress makes this commitment.

Let me tell my colleagues about a couple of things I saw. I went up the Sammamish River, stopped at the soccer fields where I saw hundred of kids playing soccer with hundreds of kids literally on the sidelines who did not have fields to play on. We need to build new soccer fields. Not one of those kids playing soccer was stealing hubcaps. This is a juvenile crime issue as well.

I kept going up the Sammamish River, got to where Little Bear Creek and Big Bear Creek flow in. I talked to some residents there who told me, we have to buy these conservation easements to protect the headlands so that we can prevent the extension of salmon runs in Bear Creek.

I kept paddling down Lake Washington with a guy named Bill Nye. My colleagues may have heard of Bill Nye, the science guy, who told all of the people on our kayak tour about the importance of water quality and wetlands and preserving wetlands for salmon.

I kept going to Karakeek Park and Puget Sound where I grew up, where I grew up with salmon, and these salmon are now, they were gone from Piper's Creek for 2 decades and they are coming back, partly because of the efforts we have made to preserve those habitat.

I am just here to say, Mr. Chairman, this may be the best day in this Congress when we are going to put aside partisanship, we are going to do what the American people are demanding us to do and make a real investment in the future of our kids.

Mr. POMBO. May I inquire of the Chairman as to the time remaining?

The CHAIRMAN. The gentleman from Alaska (Mr. YOUNG) has 15 seconds remaining; the gentleman from California (Mr. GEORGE MILLER) has 26½ minutes remaining; the gentleman from California (Mr. POMBO) has 6 minutes remaining.

Mr. POMBO. Mr. Chairman, I would like to ask my colleague from California to use some of his time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO), a member of the committee.

Mr. VENTO. Mr. Chairman, I rise in support of the bill. I want to commend our chairman, the gentleman from Alaska (Mr. YOUNG) and our ranking member, the gentleman from California (Mr. GEORGE MILLER).

I was pleased to work on the task force that came up with most of the provisions that are in this bill. It is a good product. Frankly, this is going to take us from standing still over the past decade really in terms of trying to deal with land use questions and landscapes and the preservation of them in this country, and to fulfill the responsibility to the States and to the Federal land management agencies.

The fact of the matter is a lot of bogus arguments have been thrown around here today. One of them is we have this vast, extended, expanding Federal Government in terms of the purchase of land. Well, the facts are quite different. In fact, we have been losing and giving away some of that land, rightfully so, I am not objecting to it, but even when we add in the Department of Defense and others, we have not been expanding that land base.

Secondly, we have 45 to 50 million acres of land that is public land that we have no access to. In other words, the only way we can get access to that land is to buy the easement to cross private land. We have major problems in terms of dealing with funding of the promises that we are making. Most of us get up and vote for a park, we vote for a monument, we vote for some other activity, but the fact of the matter is, within the boundaries of those parks and those monuments and forests that we have, they are private inholdings, and they cause us a great difficulty in terms of trying to administer these lands.

That means we need to put some dollars into the tank here to, in fact, fund the purchase of those easements so that we can use our public lands. We need to put dollars into the program so that we can buy the inholdings that are within parks that people want us to buy on a voluntary basis. We need to deal with buying some of the areas that are the riparian areas that are essential to the management of a unit. We have streams on many of the lands that have been selected by private individuals that perhaps will be purchased are lands that are essential to managing an entire unit. It might be a stream, it might be other factors.

So the issue here is that we have to keep the promises. It is nice to have the good intentions of our appropriators and others present on the floor and represented here today. I appreciate their good intentions. But what we really need is we need the dollars to fund the program and the promises that we made from the National Park System to the Forest Service, to the Fish and Wildlife Service, and to many others. After all, these are dollars that we have committed over 30-some years ago.

We said, when we use up a finite resource in terms of gas or oil revenues on the Outer Continental Shelf, we are going to bring some of those dollars back in and fund some programs that will help and be the legacy of future generation of our children. In the process, we are going to preserve these areas, we are going to conserve them, and we are going to provide the restoration. What could be more elemental in terms of fairness than providing the States that are enduring the problems of gas and oil development and the damage from that to correct that?

Mr. Chairman, that is what this bill does. It is a well-balanced bill. It is a bill that we should enthusiastically vote for and vote against the amendments that will unbraid the agreement that has been made here today, the mischievous amendments. Vote against the bogus arguments. Stand up for what our constituents want. I would bet that this is one of the more popular bills in terms of our constituents, in terms of dealing with parks, one of the best ideas America ever had.

Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act (CARA), which would protect America's natural legacy today for tomorrow.

First, I would like to thank Chairman YOUNG and Representative MILLER for working together on this landmark legislation, which is one of the most sweeping environmental protection initiatives in twenty years. I would also like to acknowledge the broad base support of this bill including over 300 bipartisan cosponsors, all 50 Governors, states and local communities, leading parks, sporting, environmental, recreation and conservation organizations. This unusual consensus clearly demonstrates and punctuates the importance of this measure, which seeks to provide substantial, reliable, and necessary funding for our nation's resources.

H.R. 701 is the culmination of over several months of intensive negotiations involving myself and other members of the Resources Committee to develop a bill that will aid every state in its quest for resource and wildlife protection. I would like to point out to Members that in an effort to keep the bill together, we agreed to sound compromise language just this week before floor consideration. Specifically, moving the bill back to being on-budget and addressing statute language that could have potentially encouraged states to boost offshore oil production. The result today is legislation that empowers local communities to help fulfill the growing demand for park and recreation resources close to home. Whether it is the need for new soccer fields, wildlife refuges or picnic areas, this important funding will be there to help protect our outstanding national forests and lands. I am particularly pleased that this legislation could provide more than $38 million for Minnesota communities for new parks and recreation programs.

The concept that guides this measure is clear and workable, as the federal government leases off shore areas for oil and gas development using a finite natural resource that we invest a good portion of the revenues earned from such leases in the conservation preservation and restoration of our lands as a legacy for future generations. Today, by contrast, notwithstanding good intentions, we are losing our natural lands legacy. The best protection for existing landscape preservation is the fund to purchase such lands outright or the easement that will insure such conservation.

Specifically, this bill would provide a permanent annual fund to expand parks and recreation, preserve open space and farmland, protect wildlife and preserve historic buildings—our children's natural legacy. This dedicated funding would come from existing offshore oil and gas royalties and provide necessary dollars to environmental programs such as the Land Water Conservation Fund (LWCF).

Working for full funding of the LWCF and the other elements in CARA is critical in the government's role to aid in the preservation, conservation and restoration of landscapes surrounding our national parks and other conservation areas throughout the nation, and in protecting ecologically significant lands that are being lost to development each and every day. Unfortunately, funding for these programs have continually eroded to a point where the state portion of the LWCF has not received funds since 1995. So much for good intentions. H.R. 701 will fund the LWCF at its authorized level of $900 million, in addition to providing $125 million annually for urban parks and $150 million annually for conservation easements.

Moreover, this legislation will also disperse money to coastal states to offset the effects of offshore oil drilling and to restoration of landscapes and degraded coastal ecosystems activity.

Mr. Speaker, the constituents that we represent would place a very high priority upon the national, state and local landscapes embraced by this legislation. I dare say for many, the highest priority. The conservation of our landscapes and the development of parks for people is a uniquely American idea. This Congress and this generation of Americans must do our part to fulfill this vision and pass this bill and save our children's legacy.

I would strongly urge all Members to support H.R. 701 and oppose any reckless amendments that could potentially alter the face of this carefully constructed bill and threaten our efforts in protecting the crown jewels—our pristine natural resources. H.R. 701 is a real commitment to future generations, funding and preserving their natural and historical inheritance.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding.

I rise today in strong support of H.R. 701, the Conservation and Reinvestment Act. This is truly a historic moment, for this Congress, all of us, have a unique and singular opportunity to restore and safeguard our country's natural legacy. I also must first applaud the chief architects of the bill, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER). Not always of like minds, they came together on this measure because they both recognize the significant need for providing substantial and reliable funding for our Nation's resources.

I can also safely say that it is not often that the committee presents strong bipartisan support for a conservation bill, as we have in this case. H.R. 701 enjoys wide support also from all 54 governors, and it has been cosponsored by a majority of Republicans and Democrats.

Of course, any good bill must also have its opponents, and there are also disparate groups, such as the Sierra Club and anti-conservation groups, that have become strange bedfellows in their opposition. But most importantly, the people of this country, including those in my district, want this bill.

Two years ago, both our committee, as well as its Senate counterpart, held oversight hearings on the lack of funding since fiscal year 1995 for State grants. In my district, despite our local government's best efforts with limited resources, our local parks continue to be in very serious disrepair and our young people lack adequate recreational space.

As a strong believer in recreational programs as a way to channel the youth of our country into positive activities and in safe and well-kept parks as a way to bring communities together, I am especially pleased, therefore, that this bill would dramatically increase Federal spending on outdoor recreation facilities through the Urban Parks and Recreation Recovery Program.

Today, we can change the years of neglect, preserve important natural resources, and utilize them to improve the fitness and uplift the spirit of our people and revive the village that is America.

Mr. Chairman, I am very hopeful about the prospects of this bill before us today, and I urge all of my colleagues to support its passage.

We have been disappointed that over the past several years no funds have been appropriated for the UPARR program.

Two years ago, both this committee as well as its Senate counterpart, held oversight hearings on the lack of funding, since fiscal year 1995, for state grants. In my district, despite our local government's best efforts with limited resources, our local parks continue to be in very serious disrepair and our young people lack adequate recreational space.

As a strong believer in recreation programs as a way to channel the youth of our country into positive, healthy, constructive and nurturing activities, and in safe and well kept parks as a way to bring communities together, I am especially pleased, therefore, that H.R. 701 would dramatically increase federal spending on outdoor-recreation facilities through the Urban Parks and Recreation Recovery Program (UPARR).

Today we can change the years of neglect, preserve important natural resources and utilize them to improve the fitness and uplifts the spirit of our constituents and revive the village that is America.

I am very hopeful about the prospects of the bill before us today and I urge all my colleagues to support its passage.

□ 1800

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong and enthusiastic support of this historic measure. I believe it deserves the favorable vote of every Member of the House.

I want to also extend my gratitude to the chairman of the committee, the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their leadership, creativity and persistence in shaping this bill.

This bill is a reflection of the promise of one of the wisest and most farsighted conservation measures ever, the Land and Water Conservation Act. The promise of that Act was that the Federal government, as it sold Federal nonrenewable resources such as oil and gas from the Outer Continental Shelf, that a major portion of those proceeds would be invested in conserving our lands and waters, and helping our local communities make similar investments.

Unfortunately, because of the problems over the last years with our budget deficits, we have been unable to meet those obligations. But now the budget situation is different, and we have a chance to make up for the shortfalls of the past and invest in our future.

There is much that this bill will help us accomplish. It will help communities respond to the challenges of growth and sprawl. It will help Colorado's ranchers and farmers, and those of other States, to keep their lands and agriculture through conservation easements and similar measures. It will help provide more resources to historic preservation all throughout our great country.

By bolstering the PILT program, we can help counties and local governments in areas where the Federal government is a major landowner, and we can do it the right way, by providing those funds are not tied to extractive or other uses of Federal lands.

Mr. Chairman, when we consider all that this bill will do for this country, I am convinced, as many of the previous speakers are, that this is one of the most important measures that we can undertake, not only this year but in any year. I strongly urge its passage. It reflects the spirit of the old saying, that we do not inherit the Earth from our parents; in fact, we borrow the Earth from our children.

Mr. Chairman, I rise in strong and enthusiastic support of this historic measure. It deserves the favorable vote of every Member of the House.

All of us are indebted to our Chairman, the gentleman from Alaska, and our ranking Member, Mr. GEORGE MILLER of California. Thanks to their leadership, creativity, and persistence in shaping this bill, we today have an opportunity to take a giant step toward fulfilling the promise of one of the wisest and most farsighted conservation measures ever—the Land and Water Conservation Fund Act.

The promise of that Act was that as the federal government sold non-renewable resources, particularly the oil and gas from the outer continental shelf, it would invest a major part of the proceeds in conserving our lands and waters and in helping our local communities to make similar investments.

Unfortunately, because of the budget problems of the past, for too long the Congress feel short of fulfilling that promise. But now our budget situation is different and we have a chance to make up for some of the shortfalls of the past and in fact to expand the benefits for our country.

By passing this bill, we can help our communities respond to the problems of growth and sprawl and to provide much-needed places for sports and outdoor recreation. We can help preserve our open spaces by acquiring inholdings in our parks and forest from people who want to sell. We can help protect threatened by endangered species, and can assist our state wildlife agencies to manage the fish and wildlife resources that are so important to Colorado and the rest of the nation.

We can help Colorado's ranchers and farmers—and those of other states as well—to keep their lands in agriculture through conservation easements and similar measures that enable them to reap some of the benefits of increased land values without having to sell them to developers.

By greatly increasing the resources of the Historic Preservation Fund we can help preserve the irreplaceable historic legacy of Colorado and our nation—saving historic landmarks, attracting private investment, and helping bring economic vitality to historic sites Gilpin, Clear Creek, Adams, and Jefferson Countries and to neighborhoods in Boulder, Arvada, and countless other communities in Colorado and across the continent.

And by bolstering the PILT program, we can help the counties and other local governments in areas where the federal government is a major landowner and we can do it the right way, by providing funds that aren't tied to timber sales or other uses of the federal lands and without making the local communities hostages to the debates over timber harvests or other extractive uses.

Mr. Chairman, I recognize that some Members have concerns about the bill. I am sure that we will hear more about that during the course of the debate on the bill and amendments that may be offered. And, after all, there is no perfect legislation.

When you consider all that this bill would do for our country I am convinced that it is one of the most important measures not just of this year but of many years to come. I strongly urge its passage. It reflects through action the spirit of the saying we don't inherit the earth from our parents. we borrow it from our children and I attach letters of support from the Executive Director of the Colorado Department of Natural Resources and the Chairman of the Colorado Wildlife Commission.

Mr. Chairman, I include for the RECORD the following documents:

STATE OF COLORADO,
Denver, CO, May 5, 2000.

Hon. MARK UDALL,
House of Representatives, Cannon HOBT, Washington, DC.

DEAR CONGRESSMAN UDALL: I want to thank you for prior support of HR 701, the Conservation and Reinvestment Act (CARA), and I urge you to support its final passage. Enactment of CARA is the single most effective step Congress can take to minimize the need to list declining species under the Endangered Species Act. HR 701 offers the diverse interests of our states and communities the non-regulatory tools they need to collaboratively conserve fish and wildlife, and the habitat the species depend upon, before the restorations of the Act force desperate and far more costly attempts to reverse their decline.

HR 701 invests in wildlife conservation; PILT payments; open space; farmland and historic preservation; recreation; federal, state and local parks; endangered species recovery; and landowner incentives. At the same time, HR 710 provides private property owners protection that do not now exit when Congress and federal agencies set priorities for the federal side of the Land was Water Conservation Fund, and brings balance to the federal and state side of the program.

For the reasons, Governor Bill Owens has endorsed the passage of CARA. He and I would appreciate your continued support of this historic legislation.

Sincerely,

GREG WALCHER,
Executive Director.

STATE OF COLORADO,
DEPARTMENT OF NATURAL RESOURCES,
DIVISION OF WILDLIFE

COLORADO WILDLIFE COMMISSION RESOLUTION

CONSERVATION AND REINVESTMENT ACT

Wheras, Colorado's population growth and land use changes are having a tremendous impact on Colorado's game and non-game wildlife populations, and

Wheras, Colorado faces increasing challenges in maintaining high-quality wildlife recreational opportunities throughout the state, including habitat loss, mule deer decline, whirling disease and other factors, and

Wheras, Colorado currently lists twenty species as endangered, twelve as threatened, and 41 under special concern, and

Wheras, the Colorado Division of Wildlife has been at the forefront of efforts to prevent the decline of wildlife species, thereby avoiding expensive, crisis-oriented management of Threatened and Endangered Species, and

Wheras, license buying hunters and anglers have provided the vast majority of financial support for the DOW's wildlife programs, including game and non-game programs, and

Wheras, the DOW and the Wildlife Commission have recognized the importance of developing additional alternative sources of funding for the broad array of programs demanded by the public, and

Wheras, the House Resources Committee has reported H.R. 701 to the United States House of Representatives for action, and

Wheras, the proposed legislation, if enacted, would provide a significant and much-needed boost in funding for Colorado's wildlife programs, and

Wheras, H.R. 701 is the product of extensive negotiations and includes critical new funding for wildlife programs, the operation and maintenance of federal lands, conservation easements and endangered species recovery efforts, and

Wheras, H.R. 701 also includes important provisions to provide private landowners with a higher level of protection than they receive under current federal law, and

Whereas, Governor Bill Owens, Department of Natural Resources Director Greg Walcher, along with sportsmen and conservation groups such as the Colorado Bowhunters Association, Colorado Wildlife Federation, and local chapters of Trout Unlimited, the Audubon Society and the Wildlife Society are among the 3000 organizations nationwide that support federal legislation—H.R. 701—known as the Conservation and Reinvestment Act (CARA);

Now, Therefore, Be It Resolved that the Colorado Wildlife Commission endorses the proposed federal legislation and urges the 106th Congress to pass H.R. 701 at the earliest opportunity, and

Be It Further Resolved that the Colorado Wildlife Commission commends Governor Owens, DNR Executive Director Greg Walcher, the outdoor recreation and conservation groups who have endorsed CARA, and the members of Colorado's congressional delegation who have actively supported H.R. 701, and

Be It Further Resolved that the Colorado Wildlife Commission urges all members of Colorado's congressional delegation to support, cosponsor and help pass legislation to establish the critical wildlife, habitat protection and outdoor recreation funding programs called for in CARA, and

Be It Further Resolved that copies of this resolution shall be sent to members of Colorado's congressional delegation and wildlife conservation groups throughout the state.

Adopted by the Colorado Wildlife Commission on May 5, 2000, Sterling, Colorado.

BERNARD BLACK,
Chairman, Colorado Wildlife Commission.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I thank my colleague for yielding time to me.

I hate to say is this, but listen to this quote. This is from the co-founder of Earth First. This is what he says: ''It is not enough to preserve the roadless, undeveloped country remaining. We must recreate wilderness in large regions, move out the cars and the civilized people, dismantle roads and dams, reclaim the plowed lands, clearcuts, and reintroduce the extirpated species.''

They want to get rid of the people, get rid of cars, bring back the species, get rid of everything. In short, as humans, we do not even have a right to this land. Now the CARA bill is simply making their work easier.

We can come on the floor and say this is a great bill, but frankly, we are not at the point where we can authorize more money because we are not even taking care of the land we now have. That is embarrassing. Almost one-third of the land in America is owned by the Federal government. If we add local and State government lands together, that percentage reaches 42 percent. Should half of us move?

The CARA bill will not only fund the LWCF trust fund, the key vehicle for land acquisition, at $900 million, but most of the trust funds created by the other titles can also be used for land acquisition. That totals almost $2 billion. That means that State and local governments will have unprecedented amounts of Federal money to buy more private land. We can couple this with the Clinton-Gore acquisition plan, right?

The second reason I am against this is because this bill allows the government to circumvent our existing programs, conservation needs. Both the National Park Service and Forest Service have reported billions of dollars in backlogged maintenance requests. So why are we adding more money when we have this huge backlog of maintenance requests?

Mr. Chairman, as summer approaches, our parks will again swell with families and individuals enjoying our parks. But look closer and we will see crumbling facilities, deteriorating paths, families being turned away because the parks are unable to handle them.

I encourage my colleagues, let us use some common sense here. Vote against this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a member of the committee.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in strong support of H.R. 701, the Conservation and Reinvestment Act. I want to commend our chairman, the gentleman from Alaska (Mr. YOUNG) and our ranking member, the gentleman from California (Mr. GEORGE MILLER), for the time they spent personally working on the really difficult issues which needed to be resolved in bringing this bill to the floor.

I certainly also want to commend and credit our colleagues, the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Minnesota (Mr. VENTO), the gentleman from Louisiana (Mr. JOHN), the gentleman from New Mexico (Mr. UDALL), and the gentleman from Colorado (Mr. UDALL), for all the time they have devoted in working out the details of this bipartisan legislation.

Mr. Chairman, this bill encourages the continuation of State and local funding for conservation programs. Generally, the State governments will have to continue local funding at existing levels to be eligible for Federal funding. This ensures that there is substantial local support for these programs.

Mr. Chairman, the bill also provides funding for Federal and Indian land restoration and for the Payment in Lieu of Taxes program. Again, the additional funding for the PILT program is done to assist local governments who have lost some of their tax base through the increase of Federal lands.

While I would have liked to see more than $20 million per year go to the restoration of American Indian lands, I am very appreciative that we are recognizing this need. Grants will be awarded by the Department of the Interior on a competitive basis, and no single tribe can receive more than 10 percent of the allocation in each fiscal year.

Mr. Chairman, I can understand and appreciate the concerns of the members of the Committee on the Budget and the Committee on Appropriations subcommittees, and their desire to allocate our funds each year. But given the 315 cosponsors of this legislation and the support garnered by the transportation bills, I can only suggest that, as a body, we are really ready to address certain needs more proactively.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. Chairman, I rise today in strong support of H.R. 701, the Conservation and Reinvestment Act, and I want to commend Chairman DON YOUNG and Congressman GEORGE MILLER for their leadership and the enormous time they spent personally working on the really difficult issues which needed to be resolved to bring this bill to the floor. I also want to credit our colleagues Mr. DINGELL, Mr. TAUZIN, Mr. VENTO, Mr. JOHN and Mr. TOM and MARK UDALL for all the time they devoted to working out their details on this bill.

For decades Congress has been struggling to balance our nation's desire to preserve the natural beauty of our country, against our desire to develop and expand our economy, and provide for our growing population. Many of us would like to see additional land set aside for the public as we are concerned that if we don't take steps now to preserve the land available, there won't be much left to preserve, and the land that will be available will be prohibitively expensive to acquire. This legislation puts us in a position to set lands aside for parks, forests, agriculture and other public uses.

It is my understanding that the Department of Commerce is concerned with certain provisions of Title I of this bill because of certain existing authority of the Department would be effectively transferred to another federal agency. I do not believe it is the intent of this legislation to alter any existing authority regarding the management of our commercial fishery resources and I hope this intent is clarified either in the Senate or in Conference Committee.

Mr. Chairman, H.R. 701 is opposed on both the left and the right. One environmental group, for example, opposes the bill because it threatens our coastal environment with incentives for new offshore oil and gas leasing in some sensitive coastal areas. Even with the proposed managers' amendment to address this issue, they have concerns.

On the other side, the bill is opposed by the so called "budget hawks" because it will earmark money every year for the acquisition and maintenance of public areas. This will not be all for federal land, mind you, as a sizable portion of the funding will be available for state and local governments to preserve important lands.

In response to these arguments, I can only say that I often hear the statement that we need to send funding and control of that funding to the state and local governments. This bill does that, yet the same people who generally support state's rights are now saying that we can't trust state and local governments to use wisely the money that Congress provides. I also know that there are others who say we can't trust the state and local governments, but it's for just the opposite reason. This bill strikes a delicate balance—federal agencies will get some of the money, as will state and local governments. No one is going to force any government to spend the money. If any local government believes it is better off leaving private lands private so it can continue to collect property taxes on those parcels, no new land will be acquired.

Additionally, no one is going to be forced to sell private land to any level of government. The bill balances this also so there will only be willing sellers. But I don't want to dwell on land acquisition, as the bill does so much more.

Mr. Chairman, this bill encourages the continuation of state and local funding for conservation programs. Generally, a state or local government will have to continue local funding at existing levels to be eligible for the federal funding. This ensures that there is substantial local support for these programs.

The bill limits the amount of funding which can be used for administrative purposes to no more than two percent, thereby ensuring that the money is used for the purposes intended.

The bill establishes a Coastal Impact Assistance and Conservation Fund to help coastal states mitigate the various impacts of offshore drilling and other OCS activities, and provides for the conservation of coastal ecosystems. Given the number of Americans that live close to our coasts, the number of people who continue to move to these areas, and the number who travel there for vacations, we need to do a better job of preserving our coastal areas, or they will lose those qualities which we now find so attractive.

Most of us, I think, support the Land and Water Conservation Fund, and even though it is authorized at $900 million per year, appropriations have averaged only one-third of that. This lack of funding is not the fault of the Appropriations Committee, for it is we as a body who set the funding levels with which they must operate. This bill is our chance to fully fund this popular program.

H.R. 701 also provides additional funding for wildlife conservation and restoration. There will be $350 million dedicated to the "Pittman-Robertson" wildlife conservation and restoration program, which provides for the conservation of all animals.

The bill also balances benefits to urban and rural areas. To ensure our urban areas benefit, funding is dedicated through the Urban Parks and Recreation program to be administered by the Department of the Interior.

The Historic Preservation Fund is another popular program which benefits all our districts. We are not now adequately funding this program, and even with the $100 million per year dedicated from the CARA fund under this bill, it is still not enough, but it is a good start.

For those concerned about our loss of farm land, this bill provides $100 million per year from the CARA fund for the protection of prime farm, ranch and forest lands by limiting the non-agricultural uses to which these lands could be put. There is money in this fund to provide incentives for private landowners to aid in the recovery of endangered and threatened species. This should be welcomed by those who believe the Endangered Species Act is too protective of every species but the human species.

The bill also provides funding for federal and Indian land restoration and for the Payments in Lieu of Taxes program. Again, the additional funding for the PILT program is done to assist local governments who have lost some of their tax base through the increase of federal lands.

While I would like to see more than $20 million per year go to the restoration of American Indian lands, I am very appreciative that we are recognizing this need. Grants will be awarded by the Department of the Interior on a competitive basis, and no single tribe can receive more than 10% of the allocation in any fiscal year.

Mr. Chairman, I can understand and appreciate the concerns of the Members of the Budget and Appropriations Committees and their desire to allocate funds each year. Perhaps in theory we should not have to enact legislation like this bill and recent major transportation authorization bills. But, given the 315 cosponsors this bill has, and the support garnered by the transportation bills, I can only suggest that as a body we are ready to address certain needs more proactively.

Perhaps several years down the road, we will want to adjust the priorities we are setting today. Perhaps as our economy changes we will want to use our OCS money differently. But for today, I believe this compromise bill will set the standard not only for our country, but for other countries too. For if we expect other countries, most of which are not in as good an economic position as we are, to preserve their forests and other natural areas, we should be taking the lead.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. LAZIO).

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. LAZIO) is recognized for 15 seconds.

Mr. LAZIO. Mr. Chairman, I rise in strong support of this terrific legislation.

Let me ask my colleagues for three things: First, let us not destroy the good in the name of perfection; second, let us look at the strong protections within this bill; finally and most importantly, let us consider our children. Let us leave them something of which we can be proud. Let us make sure we can demonstrate that the spirit of Teddy Roosevelt lives on in this body today.

Mr. Chairman, I rise today in support of CARA. I applaud Chairman YOUNG and ranking member MILLER for crafting this historic piece of legislation.

Mr. Chairman, I stand here today with my two young daughters in mind. As a result of our vote today, they and thousands like them will be able to enjoy the great American outdoors long into the future.

They can expect to enroll their children in little league and find a field available. They can expect to take their kids for a walk in the woods and see the joy on their kids' faces as they spot one of nature's creatures.

I find it fitting that 100 years after my fellow Long Islander, Teddy Roosevelt, put in place the basic elements of our nation's conservation program, today we are continuing the tradition. In TR's time, we declared the frontier closed. Today, we declare it open and available for the enjoyment of our future generations.

My district provides compelling examples of the dire environmental problems that this funding is intended to address. I represent a coastal district. With the funding afforded by Title I, we look forward to working with New York State to clean up the South Shore Estuary.

This enjoys widespread support on Long Island. Cleaning this body of water would be a fitting tribute to the conservation goals of this bill. But for us to realize our goals, we need to respect the delicate balance of the issues this bill addresses.

As we consider this legislation, I ask three things. First, let us not destroy the good in the name of perfection. Second, let us look at the protections within this bill.

Finally and most importantly, let us consider our children. Let us leave something to our future generations which we can be proud. Let

us demonstrate that the spirit of Teddy Roosevelt lives on in this body today.

Let us support CARA and let us not support amendments designed to undercut this important legislation. Again, I thank the chairman for bringing this monumental bill forward for consideration.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), without whose cooperation and reputation the meetings by which this bill emerged probably would never have happened. I thank him for that.

Mr. DINGELL. Mr. Chairman, I thank the distinguished gentleman from California for his kind words.

I want to pay tribute to him for his fine leadership in this matter. This has been a team effort.

I also want to pay a particularly friendly tribute to my old friend, the gentleman from Alaska (Mr. YOUNG), chairman of the committee. He and I have worked together on conservation matters for about 40 years. He has never been found wanting where there was an important, a wise, and a necessary action in the field of conservation.

This body and the Nation owe him a great debt for his wisdom, his balance, his judgment, his courage, and his integrity. I am an admirer of his, and I salute him for what he has done on this matter.

I also want to pay tribute to my good friends, the gentlemen from Louisiana, Mr. TAUZIN and Mr. JOHN, who have done a great deal of work to bring us to where we are.

The gentleman from California (Mr. POMBO) is not always in agreement with us on this bill, but I want to say that he has done a great deal to improve it from the standpoint of the property owners. It is a better piece of legislation from their standpoint by reason of the enactment of this legislation and by reason of the fact that we have worked together.

I want to say a word of tribute to the gentleman from New Mexico (Mr. UDALL), who is the other among us who worked so hard to bring us to where we are.

We have here a good bill. It is a bipartisan bill. It is perhaps the most bipartisan piece of legislation that we will see in this Congress. It is one on which a lot of people have worked together to iron out differences to come forward with a piece of legislation upon which they could agree.

Is it perfect? No. No piece of legislation is. Is it good? Yes. It is better than that, it is very, very good.

I would call the attention of my colleagues to a fact. In 100 years this Nation, at the end of this century, will have 370 million people. We are going to be crowded out at the seams. It is going to be a terrible place if we do not do something to begin to save open spaces, to preserve places where people can recreate and enjoy, and where we can actually say that this generation, who are the conservators of the land for the future and who are the people who are borrowing this land from those who will follow us, have done the job that we needed to do and we should have done to provide for the quality of life which all of us have known as we have grown up and as we have lived here. This is an enormous challenge, but this legislation provides the money in all areas.

I have heard some talk and some complaints about what this is going to do to the West. I do want my colleagues to know that the Western Governors have come out and said something. I want Members to hear it, because they are not people who are not sensitive to the needs and concerns of the people they serve.

Here is what they said at the Western Governors Association, Benjamin Cayetano and Dirk Kempthorne from Idaho, a former colleague of ours in the Senate:

''CARA makes good economic, ecological and political sense. On behalf of the WGA, we urge you to vote in favor of H.R. 701,'' and a similar statement on behalf of all of the Governors.

I urge my colleagues to endorse this legislation. It is important, it is good, it is in the public interest, and future generations will thank us.

Mr. Chairman, today is landmark day in the history of American natural resource protection.

Today, we have before us H.R. 701, the Conservation and Reinvestment Act, or "CARA". It is the product of bipartisan cooperation, compromise, and just plain hard work. Writing major legislation is never easy, and I am not aware of any significant environmental bill that passed without rigorous debate. However, I consider it a privilege to stand before you today in the company of my colleagues who have contributed to much of this effort.

Chairman YOUNG deserves our credit and thanks for the courage, strength and leadership he has demonstrated time and again during the past two years. His Ranking Member, GEORGE MILLER, came to the table and found a way to seal and hold the deal. It wasn't so long ago that people said such a deal could never be done. But now that folks on both sides of the environmental movement are finished scratching their heads, they've rallied around CARA because it's needed, it's sound, it's bipartisan, and it's affordable. DON and GEORGE have done a masterful job of holding together the CARA coalition. Their work deserves the support of every member of this body.

I also want to thank the other Members who devoted scores of hours to creating CARA, including Rep. BILLY TAUZIN, Rep. CHRIS JOHN, Rep. BRUCE VENTO, Rep. TOM UDALL and more than 300 colleagues who have ratified our work with their cosponsorship. I also want to thank the many organizations who have endorsed CARA, sent us letters and cards, made phone calls, and made sure that citizens' voices were heard throughout this process. In particular, I would like to recognize for their activist leadership Americans for Our Heritage and Recreation, the Trust for Public Lands, The Nature Conservancy, the International Association of Fish and Wildlife Agencies, the National Recreation and Park Association, the Izaak Walton League, the Sporting Goods Manufacturers Association, The National Wildlife Federation, the Outdoor Recreation Coalition of America, the Wilderness Society, Ducks Unlimited, and the Coastal States Organization for their hard work and dedication throughout this process.

Mr. Chairman, some people will assert that this bill is some sort of "huge federal land grab", that it "breaks the Federal Treasury"; that it "removes local control." Such contentions are nonsense. We do not pretend to have crafted the perfect bill. And I'm certain that there will be good changes made before it is signed into law. My hope is that we resist the temptation to hastily make a good bill perfect, and instead allow the legislative process to do its job.

What does CARA mean for the Nation? It means a renewal and extension of a commitment made by Congress more than a generation ago to reinvest federal revenues from outer continental shelf oil and gas production in our public lands, their maintenance and care. It also means meeting our standing commitment to historic preservation, while making new investments in coastal protection, wildlife, urban and suburban parks, and other modest programs which make will make a real difference when combined with state and local efforts to make our towns and cities more livable places. Every state benefits greatly by the passage of this legislation. I expect that by the time this legislation is enacted, some states may benefit even more.

CARA is widely backed by thousands of organizations—large and small—and by individuals who care about access to green space and recreation in places near and far from home. Today's Detroit Free Press, representing the views of many positive newspaper editorials around the country, said it best: "For folks who may rarely or never see a monumental piece of national land, it will be like bringing a monument home." To my colleagues who haven't read their hometown papers yet today, I urge you to look carefully. You'll probably find similar sentiments from your own editorial boards which know how much our hikers, bikers, little league players, and their mothers and fathers value the resources CARA will provide.

In my own state of Michigan, we can expect an investment of $59.9 million each year during the life of CARA (2001–2015). This includes $19 million for our coasts, $16 million for the Land and Water Conservation Fund, $11 million for wildlife, $5 million for urban and suburban parks, $2 million for maintaining our public lands, and more than $5 million to make sure local governments with federal land are helped with any revenue loss through the PILT and Refuge Revenue Sharing programs.

Michigan received 208 acquisition applications totaling $123 million for the years 1995–1999. Only half of those projects could be funded. For development projects, the record is even worse, with only $41 million dollars

available for $306 million worth of requests. The Mayor of my largest city, Mayor Michael Guido of Dearborn, made a strong and succinct case in a recent letter to me: "With your leadership, America can begin the 21st Century—as it began the last—in the spirit of President Theodore Roosevelt, with a permanent investment in our nation's parks and natural heritage."

These same sentiments have been expressed by thousands of other mayors, almost all our Governors, our counties, the U.S. Chamber of Commerce. We should pass this bipartisan bill with a resounding vote, send it immediately to the Senate, and let's finish the 20th Century with as strong an action for conservation as that taken by Teddy Roosevelt 100 years ago.

Mr. Chairman, I include for the RECORD the news release and letter from the Western Governors Association:

NATIONAL GOVERNORS' ASSOCIATION,
May 9, 2000.

GOVERNORS URGE STRONG CONGRESSIONAL SUPPORT FOR CONSERVATION LEGISLATION

Washington, D.C.—The nation's Governors today called on the U.S. House of Representatives to overwhelming support landmark conservation legislation, H.R. 701, the Conservation and Reinvestment Act (CARA) of 1999. This bill would invest approximately $3 billion annually in state, federal, and local conservation programs such as coastal impact assistance and conservation, the Land and Water Conservation Fund, wildlife conservation and restoration, and the Urban Park and Recreation Recovery Program.

''This legislation is one of the Governors' top priorities,'' said NGA Chairman Utah Governor Michael O. Leavitt. ''Its passage will provide us with a stable, long-term source of funding for vital conservation efforts. More important, it will strengthen Governors' efforts to protect our natural treasurers, for our children and for future generators. We urge the House to strongly support CARA and send it to the Senate for quick action.''

On May 8, the nation's Governors sent a letter to all House Members urging them to vote for this bipartisan bill, saying: ''The Governors are united in our belief that when nonrenewable resources belonging to all Americans are liquidated, some of the proceeds should be reinvested in assets of lasting value.''

More than $4 billion in royalties from oil and gas leases on the outer continental shelf (OCS) are paid into the federal treasury every year. CARA would use a portion of those funds for their intended purpose: to invest in state conservation activities. Congress has not appropriated funds from OCS revenues to the states for many years. In particular, CARA includes $450 million per year for the statewide Land and Water Conservation Fund.

H.R. 701 would provide funding for the following programs, on an annual basis:

Coastal Impact Assistance—$1 billion;

Land and Water Conservation Fund—$900 million;

State Wildlife—$350 million;

Urban Parks—$125 million;

Historic Preservation—$100 million;

Federal and Indian Lands Restoration—$200 million;

Conservation Easements and Endangered and Threatened Species Recovery—$150 million.

WESTERN GOVERNORS' ASSOCIATION,
May 9, 2000.

DEAR WESTERN HOUSE MEMBER: We urge you to support passage of HR 701, The Conservation and Reinvestment Act (CARA), when the full House of Representatives considers the bill this week. The bill takes a long step toward fulfilling many of the Western Governors' Association's longest held policies, and, therefore, is one of the most important bills to come before the second session of the 106th Congress.

Enactment of CARA is the single most effective step Congress can take to stem the growing need to list declining species under the Endangered Species Act. HR 701 offers the diverse interests of our states and communities the non-regulatory tools they need to collaboratively conserve fish and wildlife and the habitat the species depend upon before the restrictions of the ESA force desperate and far more costly attempts to reverse their decline. The governors have noted since 1992 that insufficient funding has prevented effective implementation of the ESA. Title VII enables landowners to be effective stewards even when the agricultural economy is in a downturn. And, Title III will finally enable the federal government to help states implement the pro-active conservation strategies that they have been carrying out, for the most part, on their own.

CARA invests in conservation by permanently appropriating a portion of the wealth the nation derives from its depletion of nonrenewable resources. HR 701 invests in coastal conservation and impact assistance, which the WGA has advocated since the last 1980s. The bill also directs these revenues to county payments-in-lieu-of-taxes; open space; farm, forest and ranch land; historic preservation; recreation; and federal, state, and local parks. These permanent appropriations should be offset in a manner that follows sound public policy and not with reductions in other vital state interests, public service and environmental protection.

Of particular note, the bill brings the state and federal side of the Land and Water Conservation Fund (LWCF) into balance, following years of neglect of the 50 percent matching grants program. Western governors have sought this change since 1991. As the same time, Title II would provide private property owners with protections that do not now exist when Congress and federal agencies set priorities each year for the federal side of the LWCF. The title also requires federal agencies to consider eastments and land exchanges as an alternative to acquisition. It protects state water rights and places priority on addressing he needs of inholders.

CARA makes good economic, ecological and political sense. On behalf of the WGA, we urge you to vote in favor of HR 701.

Sincerely,

BENJAMIN J. CAYETANO,
Governor of Hawaii, Chairman.

DIRK KEMPTHORNE,
Governor of Idaho, Vice Chairman.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, let me just summarize what I have in my prepared statement today. I think the Congress has an historic opportunity today to pass this superb piece of legislation. I think that when we do, that it will be placed right next to the import of the Clean Air Act and the Clean Water Act in terms of its effect for our great Nation.

The Land and Water Conservation Fund has done many great things for our country, but Congress really gave up on its promise. This is a renewal today of what we promised a long time ago. We will have the funds to protect, to preserve, and even the naysayers will be able to take their children and their grandchildren to the open spaces, to the parks, and to the lands that are going to be set aside for the betterment of humankind in our country.

I think this is an enormous step that the Congress is taking today. I urge my colleagues to support it. Every part of this bill really speaks to the values that the people that I represent hold.

I want to pay special tribute both to the chairman of the full committee and to the individual that we like to call our golden bear with a heart, the gentleman from California (Mr. GEORGE MILLER). We thank them for their superb work. I urge Members to support the legislation.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have profound regard for our chairman and for all the members of our Committee on Resources, but give me a break. We already have one-third of the entire land base in the country owned by the Federal government. Now they are asking us to appropriate $900 million or more annually to buy more of it.

We are not good managers in the Federal government of the land we already have. There is a $12 billion backlog in maintenance already. I ask Members to visit their National Parks and check out the condition of some of the facilities. Whenever we raise this with the Park Service bureaucrats, the answer we get back is, oh, gee, we do not have enough money. Now we are going to give even more money to buy more land.

This bill does put some money in for maintenance, that is true, but it puts nearly three times as much money into new land acquisition. Once that land is acquired, it has to be maintained. We are doing a terrible job of that as a Federal government.

One illustration, the General Accounting Office said that there are 39 million acres of Forest Service land that are at extreme risk of catastrophic forest fire. That is because that land is not being managed properly. Now we are going to add to the general burden all of this new land that we are bringing into it.

We used to talk about the idea that we ought to have no net gain in acquisition of land. If we are going to acquire some sensitive land, then we

ought to divest ourselves of other lands of equal value. Instead, we are setting up a system that is biased in favor of more land acquisition, and instead of being one-third of the land mass, we are going to see this amount steadily creep up.

I think we are going in the wrong direction. For that reason, I am going to have to oppose this bill, and urge my colleagues to do likewise.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding time to me.

Unlike my friend, the gentleman from California (Mr. DOOLITTLE), the public sets a very high priority on the protection and public maintenance of our green infrastructure.

□ 1815

The gentleman from Michigan (Mr. DINGELL) had it right. We are losing the battle and we do not have to wait until the turn the century and the doubling of our population. Between 1992 and 1997, we lost 16 million acres, an area approximately the size of West Virginia, to development. The public is starting to move at the State and local level. They passed 379 initiatives for over $8 billion in the last 2 years. It is time for the Federal Government to do its part being a better partner in that process.

The funding of CARA is a good start with historic preservation of urban parks, Native American land and allocating $150 million to conservation easement and species recovery. These long-term investments will add valuable to our communities. They are, in fact, financed on just the interest on the $13 billion in the trust fund right now.

Mr. Chairman, it is time for the Federal Government to be a better partner for liveability. The passage of this bill is a good start.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI) who has been waiting so patiently.

Mr. BALDACCI. Mr. Chairman, I thank the ranking member for yielding me the 1 minute.

Mr. Chairman, I would like to thank the gentleman from Alaska (Mr. YOUNG), chairman of the committee, for crafting such a fine piece of legislation and for working with the ranking member and the other people here in the Congress, because this certainly is landmark legislation.

I am very pleased to support this. I am very pleased to cosponsor this. This is going to make a tremendous impact in Maine. We have been looking at this legislation and, given Maine's heritage of outdoor recreation, its efforts of resource conservation and its belief in property rights, I have carefully reviewed this legislation to ensure that it meets the needs of the State and its people.

Mr. Chairman, as a good friend of mine, George Smith, who heads up the Sportsman's Alliance of Maine said and observed that, ''This could fund conservation easements that keep our lands intact, undeveloped and available for hunting, fishing and other recreational uses while still productive, in private hands, and on the tax rolls. That's a win-win situation for everyone.''

Mr. Chairman, I would like to thank the gentleman from Alaska (Mr. YOUNG) for his hard work and working with the gentleman from California (Mr. GEORGE MILLER), our ranking member, and others to craft this landmark legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise as a proud cosponsor of H.R. 701. This bill will improve funding for conservation programs by purchasing and protecting environmentally sensitive lands as well as other conservation and recreational programs.

This bill will provide $141 million annually to the State of Florida and many of the funding initiatives in this bill, such as the park acquisition and maintenance and urban recreation, will have a great impact on Florida and my district. This is extremely important to Florida's environment and is critical for preserving places like the Timucuan Preserve in Jacksonville, which is a legend of the work by my predecessor, Charlie Bennett.

Mr. Chairman, I know there are critics out there, but this bill is necessary for places like Florida that have precious ecosystems that need to be preserved in a period of extreme urban growth. Our local and State governments in Florida have made a great effort toward preserving our sensitive land, and this bill will be an enormous benefit for all of us. These monies will also allow us to promote assets such as urban fishing to serve ethnic and minority populations that would not have the resources to reach out in the past.

Mr. Chairman, this is an important bill and I urge my colleagues to vote for it.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in support of H.R. 701. I have the privilege in the House of serving as the cochair of the Congressional Sportsman Caucus, and one of the things that we do is we watch out for conservation and hunting and fishing legislation in this Congress.

This is a bill that is a good bill, and I commend the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) and all of the others for the hard work in putting this together.

In Minnesota, before I was in the Congress, I had the opportunity of serving on a similar committee in Minnesota. We have a permanent source of funding in Minnesota similar to what we are doing here today. It works, and we are known in the country as one of the places where we have great conservation and hunting and fishing. This is going to do the same thing all over the country.

This is the right thing to do. It is not perfect. All of us would like to see other things in it, but it is a great piece of legislation and our kids are going to thank us for it. I ask everyone to support H.R. 701, and I commend everyone for working on the legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in strong support of the Conservation and Reinvestment Act. I compliment the gentleman from Alaska (Mr. YOUNG) and the gentleman from California, the ranking member, for their leadership.

Mr. Chairman, it has been said that if we restore a river, we restore the community. I believe it is also true if we save open space, we save the soul of a community. We save the quality of life of that community.

It is happening around this country. It is happening in a bipartisan fashion. My predecessor in this job, John Fox, and I served together, before either one of us were Congressmen, as county commissioners in Montgomery County, Pennsylvania. We started an Open Space Program that is still going strong in Montgomery County. The capital budget in my county this year, 25 percent of it is dedicated to buy open space. In Montgomery County, there is a Schuylkill River Greenway Association trying to restore the Schuylkill River to create recreational paths, greenways, to create parkland along the river, and to encourage retail and residential use of the river.

These are appropriate and important things for us to do, and this bill continues our dedication to environmental protection.

Mr. GEORGE MILLER of California. Mr. Chairman, if I might inquire as to the time remaining.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) has 8½ minutes remaining. The gentleman from California (Mr. POMBO) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time, and I too want to add my applause to the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for putting together such an important piece of legislation.

Across this great Nation, sprawl is crowding our streets, destroying our open spaces, polluting the air we breathe and the water we drink. Almost all of America is experiencing remarkably similar patterns of growth, a rapid conversion of farmland and open space to a dizzying array of housing subdivisions, shopping centers and office parks.

In New Jersey, the State and most of the towns in my district have made a commitment of tax dollars to acquiring open spaces. In New Jersey we have 8 million people living in just 8,000 square miles. Conversion of farmland and open space to development has doubled in recent years.

Mr. Chairman, it is clear that now is the time to make open space preservation a national priority to protect the American ideal of wide-open spaces. The need to preserve goes beyond the supply of State and local funds, and that is why we need to pass the Conservation and Reinvestment Act, the most sweeping commitment to the protection of America's public land, marine and wildlife sources in over a generation. This is important legislation. We need it.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time, and I rise in opposition to H.R. 701.

Mr. Chairman, all members who care about fiscal responsibility should oppose this legislation on budget grounds alone. It continues the dangerous trend of putting more and more spending on automatic pilot outside the regular appropriations process.

According to the Congressional Budget Office, H.R. 701 would increase mandatory spending by $7.8 billion over the next five years without offsets as required by our budget rules. The spending in this bill places yet another claim on the projected budget surplus before we have established a plan to pay off our debt and deal with the challenges facing Social Security and Medicare.

While I commend the gentleman from Alaska and California for doing something about the lack of resources for things like coastal restoration and preservation of our historic treasures, I am also disappointed by the way they're gone about providing funding for these areas. By providing a mandatory spending stream outside of the appropriations process, we're shortchanging important conservation work, not to mention other priorities such as prescription drug coverage, veterans' healthcare or rural development funding.

For those of you who want more acreage in the Conservation Reserve Program and the Wetlands Reserve Program, you're made that even harder by taking this money out of the normal appropriations process and ensuring that the programs funded by H.R. 701 receive a higher priority than CRP or WRP.

You've also ensured that the 1500 small watershed projects needing nearly $1.5 billion in funding will continue to wait. Not to mention diminishing the chance of providing discretionary funding for the needed $500 million in rehabilitation work on existing PL–566 structures.

For those of you who've sent letters to your constituents telling them that you'll be working for more funds for the Environmental Quality Incentives Program (EQIP), you'll have to change that response if you support H.R. 701. The agriculture subcommittee once again limited the amount of funding available in EQIP to provide spending for other agriculture programs as they struggle with unrealistic spending allocations.

I appreciate that the Chairman and Ranking Member of the Resources Committee were able to accommodate the Agriculture Committee's concerns about establishing a new conservation easement program at the Department of the Interior instead of utilizing the existing Farmland Protection Program. The Farmland Protection Program operated by the Department of Agriculture's Natural Resources Conservation Service and provides funding to state programs designed to protect cropland, pastureland, rangeland and forestland from conversion.

I remain concerned however that we could not convince the Resources Committee to provide assistance to the Wildlife Habitat Incentives Program (WHIP), another existing program within the Department of Agriculture that has exhausted its funding. I remain skeptical about the potential landowner interest in the new "Endangered and Threatened Species Recovery" program created in title seven of H.R. 701.

As I said earlier, I applaud the gentlemen from the effort they've made to address some serious unmet needs—needs that have not been discussed and prioritized because of a lack of leadership in putting our fiscal house in order. However, I cannot condone the means they have used to address the funding challenges facing us.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO), a member of the committee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, until tonight, Congress, for more than a decade, has diverted much of the money that should have been spent on land and water conservation purposes from offshore oil royalties into virtually every other function of the Federal Government. Tonight that all changes.

This is a new commitment by this Congress in a grand bipartisan way to concerns that many of us share about our precious environment, the protection of open spaces, and the extraordinary resources that we have in this country.

The administrative costs are unbelievably low. We will hear a lot of distorted things about that later. Less than 2 percent. That is great. And there will be no taking of property without just compensation. We will hear more about that later from those who will allege otherwise.

Mr. Chairman, this is a great bill for the States, for the country, for my State, which will get more than $50 million a year to help us take care of our endangered species problems with salmon, salmon restoration, and other preservation of open spaces in a rapidly growing State.

This is a great night for the United States Congress and one of those rare nights where I am especially proud to serve here.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, throughout the history of our Nation, our elected officials have recognized when it is time to set aside specific philosophical differences and act in the best interests of the public with regard to our precious natural resources. Whether we have been inspired by conservationists such as John Muir or led by visionaries such as Theodore Roosevelt, we have always managed to meet the next step in the challenge to protect our land and to ensure that our children can enjoy a clean and healthy environment.

And now, another one of those landmark moments is upon us, and I am glad to see that the House is responding with the Conservation and Reinvestment Act of 2000. Many of my colleagues have already, and will continue to talk about the provisions in the bill that will benefit generation after generation of Americans. My home State of Massachusetts will receive millions of needed dollars for vital Land and Water Conservation Fund projects as well as urban parks and recreation programs.

Upon final action by the Congress on this legislation, we will finally support with a meaningful commitment a significant increase in efforts to restore and protect precious coastal habitats and wetlands. Certain refinements may be necessary as this bill continues through the legislative process, but I am sure we will do that by making sure that the Department of Commerce is included as a participant in the management of the funds.

Mr. Chairman, I commend both the gentleman from Alaska (Chairman

YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for the fine work they have done, and I urge passage.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I gratefully rise today on behalf of my constituents in the 9th Congressional District of Illinois in strong support of H.R. 701.

Anyone who has spent even one day in Chicago when the weather is decent, and it is often, cannot help but notice how much we enjoy every square inch of parkland, beaches, and green space. CARA will enable the Chicago Park District to do even more to improve the quality of life in Chicago.

For example, the Chicago Park District possesses over 200 field houses. Many of these buildings are large structures of great historic significance. CARA funds would help preserve many of these structures and make them more accessible.

Chicago's park system also provides employment opportunities, youth recreation-as-prevention initiatives and after-school programs for the city's children. Under CARA, Illinois will receive over $55 million in total funding annually, which, when matched and leveraged, equates to increased funding many times over.

Mr. Chairman, the time is now to advance this bill and reinvest in our quality of life for generations to come. I commend the sponsors of this legislation and urge my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Chairman, could the chair inform me how much time we have remaining?

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining. The gentleman from California (Mr. POMBO) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, a further inquiry, if I might. Could the chair tell us, my plan is to yield myself 2½ minutes, yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), and then the gentleman from California (Mr. POMBO) has 2 minutes, I believe. Is that right? So how do we go in order here?

The CHAIRMAN. Is the question directed to closing statements?

Mr. GEORGE MILLER of California. Yes, thank you.

The CHAIRMAN. The order will be the gentleman from California (Mr. POMBO), the gentleman from California (Mr. GEORGE MILLER), and the remaining time to the gentleman from Alaska (Mr. YOUNG). Is the gentleman yielding some of his time?

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG) to use as he chooses, and he can close.

The CHAIRMAN. Then, without objection, the time has been transferred to the gentleman from Alaska (Mr. YOUNG), and the gentleman from California (Mr. POMBO) can begin his closing statements.

There was no objection.

Mr. POMBO. Mr. Chairman, I yield the balance of our time to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE)

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from California (Mr. POMBO) for yielding this time to me.

Mr. Chairman, we have heard much said on this House floor about all the protections of private property rights. Let me just read from the bill exactly what is going on with our private property rights.

Yes, there is a savings clause that says that if property is going to be taken, it must be condemned. But it also goes on to say that no regulation may be applied on any lands until the lands or water or interests therein is acquired, comma, unless authorized to do so by another Act of Congress.

□ 1830

So we are funding these other acts of Congress for acquisition. Acquisition. The word ''acquisition'' appears 20 times in this bill. In addition, there is $100 million to start with set aside every single year to buy up farmland. Indeed, that money does not go directly to pay farmers for their farm. Actually, the Secretary provides this money in matching grants to eligible entities to facilitate their purchase of some other guy's farm or permanent easements on those farms. It is just the plain wording in the bill.

Do not tell me it protects private property. It does not. In addition to that, eligible entities can be the following, State or local governments, Indian tribes, or any organization that is organized for conservation purposes under 501(c)(3) or any entity that is controlled by one of these 501(c)(3)s. These are the guys that can get the money to buy one's farm.

Now, the last thing we need to do in America is take more farmland out of production.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentlewoman from Idaho has expired.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I ask unanimous consent for one more minute.

Mr. GEORGE MILLER of California. Mr. Chairman, I object.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. POMBO) has expired. The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has no time remaining.

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

Mr. Chairman, I thank all of the Members who have participated in this general debate. I think what is evolving is a picture of maybe legislation that speaks to the best of this Congress. The gentleman from Alaska (Mr. YOUNG) has said it, a number of other people have talked about it in terms of conservation, this is about the conservation of our fish and wildlife, of our wild areas in this country, of open space in our suburban communities, of farmland.

Interestingly, this also takes care of some of the values that we have heard about on this floor now for a number of years. Remember the discussion about devolution. The fact of the matter is, in title 3 of this legislation, the State and local agencies has spent that money. The Pittman-Robertson money is spent by State and local agencies. The State side Pittman-Robertson is spent by State and local agencies. The UPARR is spent by cities and counties. Coastal impact is by States, cities, and counties. The farmland Pittman-Robertson is by States and local.

The fact of the matter is what this bill is about is giving local communities the resources and the ability to deal with the problems they confront because of the tremendous growth in this country. In my area and the area of the gentleman from California (Mr. POMBO), we have cities that are springing up in dramatic rates, and they are crowding up against farmland.

Farmers who want to continue to farm want to keep their orchards, want to keep grazing cattle. Maybe now we can allow them to stay in business if the local cities and counties and organizations want to provide them Pittman-Robertson for the easements to do that, the development rights so they can continue to farm, they can continue their orchards, they can continue their cattle.

That is what this legislation is about. It is about the great heritage of this country. People from all over the world, people from all over the world come to see the great assets, the environmental assets, the Grand Canyons, the Tetons, the Everglades, Glacier National Park, the shorelines in California and in New York and Long Island.

These are great attractions, but they are under pressure, and legislation is designed to deal with that. The vast amount of this Pittman-Robertson is to empower communities and local organizations to improve the quality of life for their citizens.

We should support this legislation. It is a bipartisan effort in the biggest sense of the word. When one looks at the various viewpoints of the Members who are supporting this legislation, when one looks at our history, when one looks at our ideology, the fact that we can come together and understand how to do this right, how to enhance the protections for private property, how to enhance the roles for local government, how to enhance the roles for

private organization to participate where the Federal Government just irritates people, but local organizations and community groups are able to talk to those individuals about the futures of those communities.

So I would hope that Members would support this legislation. Again, I want to thank all of the Members who participated in this debate on both sides.

Mr. Chairman, I rise in strong support of a carefully crafted, bipartisan, consensus bill that will redeem America's promise to protect its public lands, coastlines, marine and wildlife resources and recreation opportunities for generations to come.

CARA is, without question, the most important resource protection and management bill to come before the Congress in a generation. I salute the chairman of the Resources Committee, DON YOUNG, for his leadership and his fortitude in developing this legislation, often in the face of fierce—and unjustified—criticism within his own party and from traditional supporters.

This is not just an ''environmental'' bill; it is a bill that has earned the cosponsorship of 316 Members of the House, 50 Governors, and scores of State and local legislatures, and the enthusiastic backing of a national grassroots coalition that encompasses the Conference of Mayors, the National Governors' Association, the Western Governors' Association, the National Association of Counties, National League of Cities, and the Environmental Council of the States. In short, everyone from the Sporting Goods Manufacturers Association to the American Canoe Association, American Farmland Trust, Americans for Our Heritage and Recreation, the National Association for African American Heritage Preservation, the National Soccer Coaches Association, the Rails-to-Trails Conservancy, police organizations, and wildlife and hunting groups.

The list of endorsements, in fact, fills volumes.

Those diverse interests do not often agree on a piece of legislation. For that matter, DON YOUNG and I do not often agree on legislation. But we agree on the urgency of the CARA bill. And here is why.

Time is running out for many of America's resources. Whether farmland or national parks, our coasts or our recreational sites, our wildlife or marine creatures—we simply have not accorded them the priority they deserve or that the American people support. In polls conducted by the respected Frank Luntz firm, majorities of 80 to 90 percent support full funding of the Land and Water Conservation Fund and other resource priorities—East, West, North, and South; conservative and liberal alike.

That support is reflected in the broad endorsement of this bill in the national press. Here are just a few recent examples:

Congress has habitually reneged on fully appropriating the money, though it has long been intended for environmental concerns.—Atlanta Constitution, May 9, 2000.

Reclaim this opportunity to enhance the nation's quality of life. It is past time for Washington to live up to the bargain with the American people—and their natural resources—that Congress made in 1964. The Miller-Young bill would do just that. The House should accept no substitutes or weakening amendments. A deal is a deal—and the Land and Water Conservation Fund is a particularly good one.—San Francisco Chronicle, May 8, 2000.

The Conservation and Reinvestment Act . . . would benefit Americans ranging from soccer players to farmers threatened by development.—USA Today, May 8, 2000.

A bill that could dramatically strengthen the protection of America's natural resources.—New York Times, January 10, 2000.

CARA will ''dramatically increase federal spending on outdoor-recreation facilities and safeguarding the environment—Christian Science Monitor, May 9, 2000.

Additional editorials have appeared just this week across the country—the Atlanta Constitution, the Oregonian, the San Jose Mercury, the Providence Journal, and the Mobile Register—endorsing this historic legislation.

We know our parks are under development pressure, our after-school recreational programs insufficient, our wildlife stressed, our coasts in peril: the American people want Congress to act, and act decisively.

But Congress has failed to act, and the cost of that failure is the degraded heritage we might pass on to future generations of Americans if we do not pass CARA. That is a price too high to pay.

Thirty six years ago, the Congress promised the American people that we would share the revenues generated from offshore oil development with the resources onshore. We created the Land and Water Conservation Fund, and we promised it $900 million a year from OCS revenues. But we reneged on that promise and instead of investment, we have a $13 billion deficit in the LWCF account. The OCS revenues continue to roll in; but they bypass our resources, and they betray the promise.

CARA gives this Congress the opportunity, on a rare bipartisan basis, to honor the pledge made over three decades ago. Is it expensive? Yes. But not as expensive as losing the land, water, recreation, wildlife and coastal resources of our nation which will be permanently and irreparably lost if CARA is not enacted.

If you merely took the $13 billion LWCF was promised by the Congress but never received, adjust for inflation and interest, the debt due our resources is far more than what CARA proposes to expend. Our goal is to provide that money, with certainty, so that federal, state and local planners, together with private citizens, foundations and grassroots organizations, can make those investments without fear for the second-class treatment we have devoted to our resources in recent years.

And I would add: we do not allocate this money by raising or by charging fees to those who use these parks and other public resources. The money comes from where it has always been intended to come from: offshore development.

Now, as Chairman YOUNG has noted, this bill was very carefully constructed by a bipartisan team to reflect a balanced program. No one got everything they wanted; and we remained united in the Resources Committee against those who sought to upset that careful balance. As a result, the bill before you today reflects a measured, but decisive, initiative that deserves the support of the House.

The manager's substitute that Chairman YOUNG will offer on behalf of the bill authors makes a number of changes to the bill as passed by the Resources Committee, many of them technical in nature, that were discussed with the Interior Department and other portions of the Executive Branch. We also agreed to delete a section that placed this bill ''off budget.''

In addition, we have successfully developed an amendment with Congressmen BOEHLERT, MARKEY, and PALLONE that remedies some remaining concerns about incentive for offshore oil development, uses of title I impact funds, and authorizes a competitive grant program to address multistate conservation concerns. I appreciate the hard work of those Members in resolving these issues satisfactorily, and am grateful for their support for the bill.

It is my hope that the bill will be approved by the House as supported by the bipartisan coalition that crafted this compromise and by hundreds of organizations located in every congressional district in the nation. This surely is, as the League of Conservation Voters recently stated, ''arguably the most important piece of environmental legislation this session of Congress.'' It enjoys massive support in virtually every Congressional district in the Nation. Your constituents want this bill passed, but they want more than just your vote on final passage.

There are going to be many efforts to amend this bill. Some are sincere efforts to improve the legislation; some are ''poison pills'' designed to destroy it. While I could support some of these amendments, I am not going to do so if it fractures the massive coalition inside the Congress and across this country that has labored and sweated and battled for years to get this bill passed. This bill is more important than any amendment; and some of these amendments, make no mistake, are designed to destroy the bill or make it completely ineffectual.

So I ask my colleagues today to honor the years of work, the hundreds of thousands of hours of effort that have gone into the careful crafting of this legislation, and oppose amendments. Trust your constituents on this one. Resist the rhetoric. Redeem the promise. And pass CARA—clean, effective, and by a huge margin.

Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG) for purposes of control.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in strong support of the Conservation and Reinvestment Act.

CARA will provide important environmental and conservation benefits to my state of New Hampshire and to the country as a whole. By making good on the promise to fully and permanently fund the Land and Water Conservation Fund, our National Parks, Forests and Wildlife lands will be protected. New Hampshire boasts THE most heavily visited National Forest in this country—the White Mountain National Forest—in addition to critical resource areas like Lake Umbagog National Wildlife Refuge. In addition, CARA provides funding

for other important programs such as the Forest Legacy Program, Farmland Protection Program, the Urban Parks Resource and Recovery Program, and matching grants for state and local outdoor recreation projects.

New Hampshire needs this help, to meet the conservation challenges we face.

Several Members will be offering amendments to put this bill on hold for the next five years, so that it doesn't put any strain on the budget resolution we passed earlier this year. I will oppose that amendment, because the programs in CARA should be a priority, and because we should work to put it in our budget. We will have the opportunity to do that, in our negotiations with the President on reconciliation legislation, and in reviewing the new economic information that will come before us, and we should take advantage of that to find the resources to accomplish what Chairman YOUNG has set out to do.

Amendments to put this bill on hold for 5 years mean one thing—no additional investment for 5 years. And I know that many precious places we have the opportunity to save today will no longer be there in 5 years. And I know that those that are still there will cost us twice as much as they do today.

I don't want a bigger government. I don't want more government employees. I want to invest Federal dollars in land and wildlife resources that will yield benefits to New Hampshire and the country in perpetuity. Right now, Congress has an historic opportunity to pass landmark conservation reinvestment legislation to preserve America's natural heritage and protect America's quality of life for future generations. The Conservation and Reinvestment Act (CARA) is supported by the nation's governors, mayors, county officials, conservation and wildlife organizations, sportsmen's groups, park and recreation advocates, business and industry groups, historic preservationists, soccer and youth sports organizations and more than two-thirds of my Republican and Democratic colleagues.

Unfortunately, the unique opportunity we have today in Congress to enact this landmark legislation is being threatened by a series of amendments that would undo this historic bipartisan agreement. Let's not do that. Let's pass H.R. 701.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the remainder of my time. Mr. Chairman, I want to thank those that participated in the debate, those for and against this legislation. There is a lot of concentration on the first part, the Land and Water Conservation Fund. But there are six other parts of the bill that mean a great deal. Wildlife conservation, which is really my sweetheart; urban park and recreation, very important to urban areas; historic preservation, if one does not know one's past, one will never know one's future; Federal and Indian lands have been destroyed by this government that need restoration; conservation easements. The gentleman from California mentioned this.

I have my brother in California. I have people in California who want to farm that are actually threatened by the growth of the communities that, under the easement program, can still farm and keep that land for open spaces so people could enjoy it, yet he could have his livelihood.

We have payment in lieu of taxes, fully funded, the payment in lieu of taxes. Those are the things that are in this bill besides that second title. But keep in mind it is my true belief that, under my bill, there is a much better protection for private property owners under our legislation than in existing law.

Last year alone, this Congress spent $480 million to purchase land with no input from authorizes in the Congress, with no identification to the seller of the land, unwillingly, using condemnation. Under my bill, none of those things can occur.

So keep in mind, if my colleagues wants to protect private property, they should be voting for this legislation. But beyond that, as the gentleman from California had mentioned and other people have spoken to, this is a changing society. If we do not keep those open spaces, if we do not have the farmers available who can keep their lands, we will lose that. We will not have the species which we are trying to protect under the Endangered Species Act.

There is so much in this bill for the future that we ought to consider the long haul, the long gain for the betterment of our society.

I am the Private Property Owners Award recipient all my years in Congress, and I still am rated 91 percent because I believe in it. But this bill does not hurt private property owners. It helps them, and it helps this Nation's future.

Mr. POMEROY. Mr. Chairman, today I support H.R. 701, the Conservation and Reinvestment Act (CARA) introduced by House Resources Chairman DON YOUNG and Ranking Member GEORGE MILLER. This legislation has been referred as "the most comprehensive conservation and recreation legislation the Congress has considered in decades and provides permanent funding for valuable conservation and recreational opportunities that will benefit the lives of all Americans."

The legislation establishes a permanent, automatic funding mechanism that channels the revenues from off-shore oil drilling royalties to numerous federal and state land and resources conservation programs. Also, the bill establishes a new fund—the Conservation and Reinvestment Act Fund or "CARA Fund"—within the Department of Treasury to be used for various conservation, resource protection, and recreation programs.

The cornerstone of funding for the legislation is derived from the royalties received from outer-continental shelf (OCS) drilling in conjunction with establishing a new fund to help coastal states mitigate the various impacts of offshore drilling and other OCS activities, which will generate revenues of $1 billion annually. Moreover, the legislation directs $900 million annually in guaranteed funding from the CARA fund to the Land and Water Conservation Fund (LWCF), dedicates $350 million annually for the CARA fund to the existing Pittman-Robertson wildlife conservation and restoration program, provides $125 million annually from the CARA Fund to the Urban Park and Recreation Recovery Program, distributes $100 million from the CARA fund annually to the Historic Preservation Fund, provides $200 million in annual mandatory funding for a coordinated program on federal and Indian Lands Restoration, and allocates $150 million in Conservation Easements and Endangered and Threatened Species Recovery.

In my home state of North Dakota, CARA has huge, positive impacts for our rural communities to the amount of nearly $15 million annually. According to the North Dakota State Park and Recreation Department, H.R. 701, provides North Dakota with the opportunities to provide for local communities to maintain and improve their conservation and recreation bases that need much needed assistance.

I realize that some of my colleagues have raised concerns regarding private property provision in CARA. Throughout my time in Congress, I have worked to protect the private property rights of all citizens. I am pleased that CARA has provisions in it that specifically stipulate that the federal government is not authorized to take private property without just compensation and that federal agencies may not regulate any lands until they are acquired. In fact, in North Dakota, the State Park and Recreation Department requires all state agencies to comply with regulations assuring local and state support before land is acquired.

Mr. Chairman, I am pleased to join the National Governors' Association, the U.S. Conference of Mayors, the National Association of Counties, and more than 300 of my bipartisan colleagues in support of this comprehensive, historic legislation.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act of 1999. I, like more than 300 of my Democratic and Republican colleagues, cosponsored H.R. 701 because it enhances existing environmental policy and promotes the open space conservation and recreation needs of the American people.

First, I must commend Representatives GEORGE MILLER and DON YOUNG on crafting this remarkably bipartisan legislation. This measure establishes $3 billion in mandatory spending, a reliable infusion of funding for new and existing conservation programs. H.R. 701 wisely creates a permanent stream of matching funds for states to both support and expand their land conservation and preservation efforts.

Specifically, under this bill, approximately 60 percent of the nearly $4 billion in annual revenue collected from federal offshore oil and gas production leases would be returned to state and local governments for land conservation. This legislation would make the relationship between offshore energy extraction and coastal states similar to existing programs that provide funds to communities in which resources are extracted from federal lands. Under this measure, the largest proportion of funding would be equitably applied toward energy impact assistance in coastal states and those states directly affected by offshore development.

As a representative from the Texas Gulfcoast, I am dedicated to coastal conservation. CARA provides an unprecedented opportunity to improve state and local governments' efforts to safeguard their coastlines. CARA would invigorate the now dormant funding stream for the federal Land and Water Conservation Fund (LWCF), proactively protecting wildlife. Moreover, its encouragement of private land stewardship, which protects the vast majority of wildlife habitat, is especially meaningful in a state like Texas, whose lands are predominately privately owned.

Moreover, CARA is important to the State of Texas where only three percent of all land is public. A 1999 survey performed by the U.S. Department of Agriculture documented that Texas led the nation in loss of undeveloped land from 1992 to 1997. H.R. 701 recognizes this fact and provides funding not only for specific conservation and recreation programs but also for federal and state land acquisitions. The bill employs an extraordinarily balanced approach to land acquisition for preservation and conservation under which private property owners are given strong protections. H.R. 701 provides a strong preference for willing seller transactions.

Mr. Chairman, I would also note that in addition to focusing on preservation of our nation's open spaces, CARA provides $100 million for states to administer numerous historic preservation programs under the Historic Preservation Act.

Mr. Chairman, I urge my fellow colleagues to join me in supporting H.R. 701. This historic legislation creates a significant commitment to preserve open spaces, parks, wilderness and coastal areas, directly enhancing America's environmental quality of life and ensures the long-term preservation and enjoyment of our natural world for future generations.

Ms. JACKSON-LEE of Texas. I rise in support of this bipartisan legislation. I commend my colleagues for establishing a permanent, automatic funding mechanism for land acquisition for conservation purposes. It utilizes revenues from offshore royalties to numerous federal and state land and resources conservation programs.

The philosophy of using this money for building parks and preserving natural areas and wildlife remains as sound today as it was when the fund was created. Giving protected budget status to the Land and Conservation Fund would mean that this money—generated from the government's oil and gas leases—could be allocated without requiring annual congressional approval.

We must take this action because the fund is authorized to receive $900 million each year, but since its inception Congress has diverted much of that money for purposes other than conservation and recreation.

The interest in preserving open space could not have come at a better time. According to a new comprehensive survey of American biological diversity conducted by the Nature Conservancy, the United States provides habitat for more than 200,000 native species of plants and animals. At the same time, commercial and residential development are placing those species under continuing pressure. Americans understand how precious the habitat remains across our nation.

To most Americans, this legislation will extend our nation's and Texas' open spaces and other outdoor resources. Resources for open space should never be underestimated. Through the Land and Conservation Fund, the legislation would dedicate to conservation a portion of the monies paid to the federal government by companies for offshore oil and gas drilling rights.

This is important for the State of Texas. It is important for my community. We must create greater open space for all American communities, and preserve the historic areas of our communities. My district is in great need of more green space, more park maintenance dollars and dollars to support historic preservation work in the 4th ward, 6th ward, and 5th ward, along with the Heights and 3rd ward. Money that is furnished for our state through the Land and Water Conservation Fund is used to meet the cost of state land protection and park and recreational needs. The fund has simply never had enough funds to do the job that it has been tasked with. We can change that, Mr. Chairman.

This bill would also dedicate Land and Water Conservation funds to conservation purposes, providing additional funding to create or expand parks, forest, wildlife, and open spaces. We have a moral responsibility to conserve our precious natural resources.

Future generations will judge the suitability of our land, water, air and wildlife. We owe them some appreciation in how we treat our natural resources. Finally, I would like to thank the students from the Contemporary Learning Center school in my district who visited me on Wednesday, May 10, 2000, as part of the Close-up program to present the case for this bill, I cosponsored the bill and thanked them for their advocacy.

Mr. SKEEN. Mr. Chairman, I rise today in opposition to H.R. 701, the Conservation and Reinvestment Act. I could go on and on with reasons why this legislation is bad for New Mexico and bad for the United States. There are many others today who will explain the details of this bill.

I will use my time to concentrate on the main objection New Mexicans have with this legislation. Local, county and state governments, along with the federal government have enough land. In New Mexico, only 43 percent of the land is owned by citizens. The rest, 57 percent, is owned by government and Native American tribal governments. The people of New Mexico want to know how much land government wants? Do they want another 10 percent, another 20 percent, another 30 percent?

If one looks at the amount of money this bill mandates to spend over the next ten to twenty years there is a lot of private land that is going to disappear. I would love to have government or someone explain to me how acquiring all of this new land and adding to the millions of acres that are already being mismanaged is a good thing? Over 10 years this bill could add another 2.25 million acres at $2,000 an acre to the hundreds of million of acres the federal government already owns. Who knows how much land the state and local governments will buy under this bill. Again and again we ask the question. Give us the lists, give us the parcels, give us the costs, and just tell us how much land local, county, state and federal governments want to own. Or at least tell us why these government entities won't provide this information to the public.

Please vote against H.R. 701.

Mr. SHUSTER. Mr. Chairman, I am in strong support of this bill and as a cosponsor of H.R. 701, the Conservation and Reinvestment Act, I commend my good friend from Alaska, the Chairman of the Resources Committee, Representative DON YOUNG, for his hard work and leadership in bringing this landmark legislation to the floor for action

H.R. 701 is an important bill for our environment. It provides billions of dollars in funding through revenues of outer continental shelf activities for a variety of conservation and recreation activities. It embodies the principle, embraced by the transportation and infrastructure committee, creating a trust fund with a dedicated revenue stream for conserving and reinvesting in our Nation's resources.

The Transportation and Infrastructure Committee has jurisdiction over pollution of navigable waters, including coastal waters and wetlands. It also has jurisdiction over marine affairs, including coastal zone management, as it relatives to the pollution of a navigable waters.

As such, I believe that several sections of H.R. 701, relating to state grants for activities that address water pollution-related issues and consideration of how well correlated a proposed plan is with existing federal, state and local programs, impact the Transportation Committee's jurisdiction. It is very important that in implementing these sections, they be done consistent with existing programs.

I hope to work together with Chairman YOUNG during conference negotiations and as CARA is implemented to address these general concerns. He has assured me that we will continue to work together to identify the agreed area of our jurisdiction and for solutions to concerns we may have.

I look forward to working with the Chairman of the Resources Committee in our continued efforts to protect and enhance our coastal waters. H.R. 701 is an important step forward in this direction.

Mr. NETHERCUTT. Mr. Chairman, today I express my concerns about H.R. 701, the Conservation and Reinvestment Act of 1999.

Mr. Chairman, as a member of the House Interior Subcommittee on Appropriations I have been very supportive of funding acquisition projects that are based on willing sellers, and consensus among all parties involved. I believe that overall the Land & Water Conservation Fund has provided a good means for protecting our lands, and I have been proud to support land acquisitions such as the Escure Ranch and Bowe Ranch in Eastern Washington. These projects were acquired with the full support of the communities which surround them and were funded through the Interior Appropriations process and the Land and Water Conservation Fund.

While I am supportive of the Land and Water Conservation Fund, today I am rising to share my concerns with the bill before the House, H.R. 701. Mr. Chairman, I understand that H.R. 701 is intended to supplant the current state and local funding for conservation and recreation programs and to encourage increased levels of state and local funding for

these conservation projects. But, as a member of the Appropriations Committee, I am disturbed by the fact that this bill creates a new entitlement for our public lands.

First, as currently drafted, the bill declares the entire program off-budget and takes more than $2.8 billion from the Outer Continental Shelf funds. This money is currently considered on-budget and will be a charge against the budget process annually over its 15 year life. This means that there will be more mandatory spending in the government that is essentially outside the discretion of Congress. I understand that amendments may be offered today to put this program back on budget, and I look forward to listening to the debate on this issue, but I cannot support a program that creates a new, more than $2 billion entitlement program when we are struggling to maintain our fiscal responsibility.

Under this new trust fund H.R. 701 accumulates annual deposits of $2.8 billion from oil and gas royalties that are to be deposited annually by the Secretary of Treasury. Almost $2.4 billion of these funds are transferred into accounts for land conservation, acquisition and management and would be available for spending by federal agencies without the current approval process by the Congress. The remaining monies, about $450 million, must have Congressional approval before they can be spent.

Second, over the past few months I have listened to our land managing agencies come before the House Interior Subcommittee on Appropriations and not be able to tell the Subcommittee what their current backlog maintenance is to maintain the lands that they currently own and manage. Why are we providing these agencies with more money when they cannot tell the Congress what they need to currently maintain their lands? This isn't the only problem, Mr. Speaker. The amount of money to maintain these lands is enormous, yet we are creating a $2.8 billion entitlement to buy new lands. The General Accounting Office noted when they came before the Subcommittee on Interior Appropriations that if the US Fish and Wildlife Service continues to acquire lands at the pace it has over the past few years, the costs to maintain their lands could exceed $4 billion.

Finally Mr. Chairman, while I appreciate the efforts made by the authors of the bill to address some of the concerns regarding the protection of private property, I am still concerned about the level of protection afforded. I appreciate the authors attempt under the definitions section, Section 11 to outline the protections under the Constitution, but Mr. Chairman, this section does not protect against condemnation by the federal government or for that matter by state or local governments. The restrictions that are outlined in the bill only apply to the land and Water Conservation Funds—which is only $450 out of the more than $2.8 billion program.

Mr. Chairman, I look forward to the debate today on this bill—and I am hopeful that some of the amendments offered will improve this legislation.

Mr. SHAYS. Mr. Chairman, I rise today in support of H.R. 701, the Conservation and Reinvestment Act.

I am one of the minority of members who is not a cosponsor of this bill. I chose not to become a cosponsor because the original legislation would have taken Outer Continental Shelf revenues off-budget. As a senior member of the Budget Committee, I have consistently opposed efforts to take various funds off-budget in order to maintain fiscal discipline and preserve a balanced budget.

While I am pleased the sponsors of this bill have taken these budgetary concerns into account and put the CARA Fund on-budget, this is still not an easy vote for me.

I have rarely supported increases in mandatory spending in the amounts considered today. However, an opportunity like this is extremely rare.

This bill's guarantee of full-funding for the Land and Water Conservation Fund (LWCF)—including the critical State-side funding—will rank as one of the most significant environmental accomplishments of our time. LWCF provides the ability to acquire pristine natural habitats and open space that can be preserved for generations to come. I know that once these lands are gone, they are gone forever.

I would like to thank my colleague from New York, Mr. BOEHLERT, for his efforts to improve environmental safeguards in the bill. He is to be commended for eliminating the original bill's potential incentives for increased offshore drilling activity.

It is critically important as this bill moves forward that we work to ensure the tens of millions of federal dollars that will flow to coastal states and local governments each year are spent in a way that helps, not harms, the environment.

I hope it will be made clear that authorized use under Section 102(c)(10)—"Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure"—only refers to uses that directly mitigate the environmental impacts of offshore drilling and is not intended to fund environmentally-destructive road or port expansions or construction of bulkheads or jetties. At minimum, activities permitted under this use should be capped at 10 percent or less of a state's Title I spending.

Mr. Chairman, H.R. 701 is good for coastal areas, open space, urban parks, recreational activities and wildlife. The sponsors have worked to answer the concerns of widely-varying interests, and I am pleased to support the bill.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 4377 shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute consisting of the text of H.R. 4377 is as follow:

H.R. 4377

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 "Conservation and Reinvestment Act of 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Annual reports.
Sec. 5. Conservation and Reinvestment Act Fund.
Sec. 6. Limitation on use of available amounts for administration.
Sec. 7. Recordkeeping requirements.
Sec. 8. Maintenance of effort and matching funding.
Sec. 9. Sunset.
Sec. 10. Protection of private property rights.
Sec. 11. Signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

Sec. 101. Impact assistance formula and payments.
Sec. 102. Coastal State conservation and impact assistance plans.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.
Sec. 202. Extension of fund; treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 203. Availability of amounts.
Sec. 204. Allocation of Fund.
Sec. 205. Use of Federal portion.
Sec. 206. Allocation of amounts available for State purposes.
Sec. 207. State planning.
Sec. 208. Assistance to States for other projects.
Sec. 209. Conversion of property to other use.
Sec. 210. Water rights.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

Sec. 301. Purposes.
Sec. 302. Definitions.
Sec. 303. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 304. Apportionment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 305. Education.
Sec. 306. Prohibition against diversion.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

Sec. 401. Amendment of Urban Park and Recreation Recovery Act of 1978.
Sec. 402. Purpose.
Sec. 403. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 404. Authority to develop new areas and facilities.
Sec. 405. Definitions.
Sec. 406. Eligibility.
Sec. 407. Grants.
Sec. 408. Recovery action programs.
Sec. 409. State action incentives.
Sec. 410. Conversion of recreation property.
Sec. 411. Repeal.

TITLE V—HISTORIC PRESERVATION FUND

Sec. 501. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 502. State use of historic preservation assistance for national heritage areas and corridors.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

Sec. 601. Purpose.

Sec. 602. Treatment of amounts transferred from Conservation and Reinvestment Act Fund; allocation.
Sec. 603. Authorized uses of transferred amounts.
Sec. 604. Indian tribe defined.
TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY
SUBTITLE A—FARMLAND PROTECTION PROGRAM
Sec. 701. Additional funding and additional authorities under farmland protection program.
Sec. 702. Funding.
Subtitle B—Endangered and Threatened Species Recovery
Sec. 711. Purposes.
Sec. 712. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 713. Endangered and threatened species recovery assistance.
Sec. 714. Endangered and Threatened Species Recovery Agreements.
Sec. 715. Definitions.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term ''coastal population'' means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 and following).

(2) The term ''coastal political subdivision'' means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(3) The term ''coastal State'' has the same meaning as provided by section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(4) The term ''coastline'' has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 and following).

(5) The term ''distance'' means minimum great circle distance, measured in statute miles.

(6) The term ''fiscal year'' means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(7) The term ''Governor'' means the highest elected official of a State or of any other political entity that is defined as, or treated as, a State under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note).

(8) The term ''leased tract'' means a tract, leased under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(9) The term ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of the area of ''lands beneath navigable waters'' as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(10) The term ''political subdivision'' means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(11) The term ''producing State'' means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999).

(12) The term ''qualified Outer Continental Shelf revenues'' means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(13) The term ''Secretary'' means the Secretary of the Interior or the Secretary's designee, except as otherwise specifically provided.

(14) The term ''Fund'' means the Conservation and Reinvestment Act Fund established under section 5.

SEC. 4. ANNUAL REPORTS.

(a) STATE REPORTS.—On June 15 of each year, each Governor receiving moneys from the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary concerned by the Governor regarding any portion of such moneys.

(b) REPORT TO CONGRESS.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior and the Secretary of Agriculture from the Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund which shall be known as the ''Conservation and Reinvestment Act Fund''. In each fiscal year after the fiscal year 2000, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS REVENUES.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between $2,825,000,000 and the amounts deposited in the Fund under paragraph (2), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(2) AMOUNTS NOT DISBURSED.—All allocated but undisbursed amounts returned to the Fund under section 101(a)(2).

(3) INTEREST.—All interest earned under subsection (d) that is not made available under paragraph (2) or (4) of that subsection.

(b) TRANSFER FOR EXPENDITURE.—In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) $1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6(a)) such amounts as are necessary to make the income of the fund $900,000,000 in each such fiscal year.

(3) $350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(4) $125,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

(5) $100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

(6) $200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) $100,000,000 to the Secretary of Agriculture to carry out the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) and the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(8) $50,000,000 to the Secretary of the Interior to develop and implement Endangered and Threatened Species Recovery Agreements under subtitle B of title VII of this Act.

(c) SHORTFALL.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than $2,825,000,000, the amounts transferred under paragraphs (1) through (8) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) INTEREST.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest moneys in the Fund (including interest), and in any fund or account to which moneys are transferred pursuant to subsection (b) of this section, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding

marketable obligations of the United States of comparable maturity. Such invested moneys shall remain invested until needed to meet requirements for disbursement for the programs financed under this Act.

(2) USE OF INTEREST.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under—

(A) chapter 69 of title 31, United States Code (relating to payments in lieu of taxes); and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing).

In each fiscal year such interest shall be allocated between the programs referred to in subparagraphs (A) and (B) in proportion to the amounts appropriated for that fiscal year under other provisions of law for purposes of such programs. To the extent that the total amount available for a fiscal year under this paragraph and such other provisions of law for one of such programs exceeds the authorized limit of that program, the amount available under this paragraph that contributes to such excess shall be allocated to the other such program, but not in excess of its authorized limit. To the extent that for both such programs such total amount for each program exceeds the authorized limit of that program, the amount available under this paragraph that contributes to such excess shall be deposited into the Fund and shall be considered interest for purposes of subsection (a)(3). Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of subparagraph (A) if the annual appropriation for that fiscal year under other provisions of law for the program referred to in subparagraph (A) is less than $100,000,000, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be available for purposes of the program referred to in subparagraph (B), up to the authorized limit of such program. Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of subparagraph (B) if the annual appropriation for that fiscal year under other provisions of law for the program referred to in subparagraph (A) is less than $15,000,000, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be available for purposes of the program referred to in subparagraph (A), up to the authorized limit of such program. Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of this paragraph if the annual appropriation for that fiscal year under other provisions of law for each of the program referred to in subparagraph (A) and the program referred to in subparagraph (B) is less than $100,000,000 and $15,000,000, respectively, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be deposited into the Fund and be considered interest for purposes of subsection (a)(3).

(3) CEILING ON EXPENDITURES OF INTEREST.—Amounts made available under paragraph (2) in each fiscal year shall not exceed the lesser of the following:

(A) $200,000,000.

(B) The total amount authorized and appropriated for that fiscal year under other provisions of law for purposes of the programs referred to in subparagraphs (A) and (B) of paragraph (2).

(4) TITLE III INTEREST.—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, without further appropriation, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following)

(e) REFUNDS.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund to the extent that such refunds are attributable to qualified Outer Continental Shelf revenues deposited in the Fund under this Act.

SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this Act).

SEC. 7. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

SEC. 8. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) IN GENERAL.—It is the intent of the Congress in this Act that States not use this Act as an opportunity to reduce State or local resources for the programs funded by this Act. Except as provided in subsection (b), no State or local government shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its expenditures were for such programs during the preceding fiscal year. No State or local government shall receive funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program.

(b) EXCEPTION.—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures —

(1) is attributable to a nonselective reduction in expenditures for the programs of all executive branch agencies of the State or local government; or

(2) is a result of reductions in State or local revenue as a result of a downturn in the economy.

(c) USE OF FUND TO MEET MATCHING REQUIREMENTS.—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

SEC. 9. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2015.

SEC. 10. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) SAVINGS CLAUSE.—Nothing in the Act shall authorize that private property be taken for public use, without just compensation as provided by the Fifth and Fourteenth amendments to the United States Constitution.

(b) REGULATION.—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands until the lands or water, or an interest therein, is acquired, unless authorized to do so by another Act of Congress.

SEC. 11. SIGNS.

(a) IN GENERAL.—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

(b) STANDARDS.—The Secretary shall provide for the design of standardized signs for purposes of subsection (a), and shall prescribe standards and guidelines for such signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

(1) GRANT PROGRAM.—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, without further appropriation, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) FAILURE TO HAVE PLAN APPROVED.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State

that has appealed the disapproval of a plan submitted under this title.

(b) ALLOCATION AMONG COASTAL STATES.—

(1) ALLOCABLE SHARE FOR EACH STATE.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues transferred from the Fund under section 5(b)(1) for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract with qualified Outer Continental Shelf revenues, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be based on qualified Outer Continental Shelf revenues from each leased tract or portion of a leased tract the geographic center of which is within a distance (to the nearest whole mile) of 200 miles from the coastline of the State and shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each such leased tract or portion, as determined by the Secretary for the 5-year period concerned. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues.

(d) TIME OF PAYMENT.—Payments to coastal States and coastal political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding fiscal year.

SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.

(a) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this title.

(B) A program for the implementation of the plan which, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(C) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(D) Measures for taking into account other relevant Federal resources and programs. The plan shall be correlated so far as practicable with other State, regional, and local plans.

(2) PROCEDURE AND TIMING; REVISIONS.—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) AMENDMENT OR REVISION.—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—The funds provided under this title to a coastal State and for coastal political subdivisions are authorized to be used only for one or more of the following purposes:

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with university and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

(2) The conservation, restoration, enhancement, or creation of coastal habitats.

(3) Cooperative Federal or State enforcement of marine resources management statutes.

(4) Fishery observer coverage programs in State or Federal waters.

(5) Invasive, exotic, and nonindigenous species identification and control.

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

(8) Coastal and ocean observations necessary to develop and implement real time tide and current measurement systems.

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

(10) Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure.

(11) Projects that promote research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources.

(d) COMPLIANCE WITH AUTHORIZED USES.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 7, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment

to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 and following).

SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 2(c) is amended to read as follows:

''(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 2000.''.

SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 4601–6) is amended to read as follows:

''APPROPRIATIONS

''SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000,000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001 without further appropriation to carry out this Act.

''(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.''.

SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 4601–7) is amended to read as follows:

''ALLOCATION OF FUNDS

''SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

''(1) 50 percent shall be available for Federal purposes (in this Act referred to as the 'Federal portion'); and

''(2) 50 percent shall be available for grants to States.''.

SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 4601–9) is amended by adding at the end the following:

''(d) USE OF FEDERAL PORTION.—

''(1) APPROVAL BY CONGRESS REQUIRED.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

''(2) WILLING SELLER REQUIREMENT.—The Federal portion may not be used to acquire any property unless—

''(A) the owner of the property concurs in the acquisition; or

''(B) acquisition of that property is specifically approved by an Act of Congress.

''(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

''(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress.

''(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

''(B) In preparing each list under subparagraph (A), the Secretary shall—

''(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

''(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

''(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

''(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

''(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

''(C) The Secretary of the Interior and the Secretary of Agriculture shall each—

''(i) transmit, with the list transmitted under subparagraph (A), a separate list of those lands under the administrative jurisdiction of the Secretary that have been identified in applicable land management plans as surplus and eligible for disposal as provided for by law; and

''(ii) update each list to be Indian transmitted under clause (i) as land management plans are amended or revised.

''(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list under paragraph (2)(A) shall include, for each proposed acquisition included in the list—

''(A) citation of the statutory authority for the acquisition, if such authority exists; and

''(B) an explanation of why the particular interest proposed to be acquired was selected.

''(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e)(2)(A) for the fiscal year, provides notice of the proposed acquisition—

''(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

''(A) the land; or

''(B) any part of any federally designated unit that includes the land;

''(2) in writing to the Governor of the State in which the land is located;

''(3) in writing to each State political subdivision having jurisdiction over the land; and

''(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

''(g) COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—

''(1) IN GENERAL.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

''(A) All actions required under Federal law with respect to the acquisition have been complied with.

''(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

''(C) A notice of the availability of such statement or assessment and of such summary is provided to—

''(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

''(ii) the Governor of the State in which the land is located; and

''(iii) each State political subdivision having jurisdiction over the land.

''(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.''.

SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(a) IN GENERAL.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended to read as follows:

''(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

''(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

''(A) 30 percent shall be apportioned equally among the several States; and

''(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

''(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

''(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

''(5)(A) For the purposes of paragraph (2)(A)—

''(i) the District of Columbia shall be treated as a State; and

''(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

''(I) shall be treated collectively as one State; and

''(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

''(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.''.

(b) TRIBES AND ALASKA NATIVE CORPORATIONS.—Section 6(b)(5) (16 U.S.C. 4601–8(b)(5)) is further amended by adding at the end the following new subparagraph:

''(C) For the purposes of paragraph (1), all federally recognized Indian tribes, or in the case of Alaska, Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes, or in the case of Alaska, Native Corporations shall be equivalent to the amount available to a single State. No single tribe, nor in the case of Alaska, Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe, or in the case of Alaska, Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).''.

(c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended by adding at the end the following:

''(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.''.

SEC. 207. STATE PLANNING.

(a) STATE ACTION AGENDA REQUIRED.—

(1) IN GENERAL.—Section 6(d) (16 U.S.C. 4601–8(d)) is amended to read as follows:

''(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act, so long as the priorities and criteria defined by the State are consistent with the purposes of this Act, the State provides for public involvement in this process, and the State publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the 'State Action Agenda') indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 2000, a State Action Agenda that meets the following requirements:

''(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 5 years.

''(B) The agenda must be updated at least once every 5 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

''(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.''.

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460*l*–8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking ''State comprehensive plan'' and inserting ''State Action Agenda''.

(2) In paragraph (1) by striking ''comprehensive plan'' and inserting ''State Action Agenda''.

SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 4601–8(e)) is amended—

(1) in subsection (e)(1) by striking '', but not including incidental costs relating to acquisition''; and

(2) in subsection (e)(2) by inserting before the period at the end the following: ''or to enhance public safety within a designated park or recreation area''.

SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 4601–8(f)(3)) is amended—

(1) by inserting ''(A)'' before ''No property''; and

(2) by striking the second sentence and inserting the following:

''(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.''.

SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

''WATER RIGHTS

''SEC. 14. Nothing in this title—

''(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

''(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

''(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

''(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.''.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, Indian tribes, and in the case of Alaska, Alaska Native Corporations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

SEC. 302. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term ''Federal Aid in Wildlife Restoration Act'' means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after ''shall be construed'' the first place it appears the following: ''to include the wildlife conservation and restoration program and''.

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting ''or State fish and wildlife department'' after ''State fish and game department''.

(d) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: ''the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department

and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.''.

SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting ''(1)'' after ''(a)'', and by adding at the end the following:

''(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'wildlife conservation and restoration account'. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 2000 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs.''; and

(2) by adding at the end the following:

''(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

''(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

''(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 2000; or

''(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

''(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.''.

SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) IN GENERAL.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

''(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

''(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof.

''(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅙ of 1 percent thereof.

''(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

''(i) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

''(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

''(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

''(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

''(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

''(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

''(B) provisions for the development and implementation of—

''(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

''(ii) wildlife-associated recreation projects; and

''(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

''(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

''(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

''(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

''(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

''(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

''(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.''.

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: ''Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.''.

SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

SEC. 402. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

''TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

''SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

''(b) LIMITATIONS ON ANNUAL GRANTS.—Of the amounts available in a fiscal year under subsection (a)—

''(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

''(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

''(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

''(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.''.

SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting ''development of new recreation areas and facilities, including the acquisition of lands for such development,'' after ''rehabilitation of critically needed recreation areas, facilities,''.

SEC. 405. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

(1) In paragraph (j) by striking ''and'' after the semicolon.

(2) In paragraph (k) by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

''(l) 'development grants'—

''(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

''(2) does not include routine maintenance, and upkeep activities; and

''(m) 'Secretary' means the Secretary of the Interior.''.

SEC. 406. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

''(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

''(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

''(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

''(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.''.

SEC. 407. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended—

(1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and

(2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

''GRANTS

''SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, acquisition, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

''(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

''(A) such transfer is consistent with the approved application for the grant; and

''(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities in accordance with section 1010.

''(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.''.

SEC. 408. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting ''development,'' after ''commitments to ongoing planning,''; and

(2) in subsection (a)(2) by inserting ''development and'' after ''adequate planning for''.

SEC. 409. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

''(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

''(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.''.

SEC. 410. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

''CONVERSION OF RECREATION PROPERTY

''SEC. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

''(2) Paragraph (1) shall apply to—

''(A) property developed with amounts provided under this title; and

''(B) the park, recreation, or conservation area of which the property is a part.

''(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

''(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

''(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

''(1) of at least equal fair market value, and reasonably equivalent usefulness and location; and

''(2) in accord with the current recreation recovery action program of the grantee.''.

SEC. 411. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

TITLE V—HISTORIC PRESERVATION FUND

SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting ''(a)'' before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and

(3) by adding at the end the following:

''(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be deposited into the Fund and shall be available without further appropriation to carry out this Act.

''(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.''.

SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

Title I of the National Historic Preservation Act (16 U.S.C. 470a and following) is amended by adding at the end the following:

''SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

''In addition to other uses authorized by this Act, amounts provided to a State under

this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.''.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(6) of this Act in a fiscal year shall be available without further appropriation to carry out this title.

(b) ALLOCATION.—Amounts referred to in subsection (a) year shall be allocated and available as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, giving priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this subsection.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term ''Indian tribe'' means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

Subtitle A—Farmland Protection Program

SEC. 701. ADDITIONAL FUNDING AND ADDITIONAL AUTHORITIES UNDER FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) is amended to read as follows:

''SEC. 388. FARMLAND PROTECTION PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall carry out a farmland protection program for the purpose of protecting farm, ranch, and forest lands with prime, unique, or other productive uses by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

''(1) permanent conservation easements in such lands; or

''(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

''(b) CONSERVATION PLAN.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary of Agriculture, the conversion of the cropland to less intensive uses.

''(c) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

''(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means any of the following:

''(1) An agency of a State or local government.

''(2) A federally recognized Indian tribe.

''(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

''(A) is described in section 501(c)(3) of the Code;

''(B) is exempt from taxation under section 501(a) of the Code; and

''(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

''(e) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

''(f) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

''(g) TECHNICAL ASSISTANCE.—To provide technical assistance to carry out this section, the Secretary of Agriculture may not use more than 10 percent of the amount made available for any fiscal year under section 702 of the Conservation and Reinvestment Act of 2000.''.

SEC. 702. FUNDING.

(a) AVAILABILITY.—Amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be available to the Secretary of Agriculture, without further appropriation, to carry out—

(1) the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note), and

(2) the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(b) MINIMUM ALLOCATION.—Not less than 10 percent of the amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be used for each of the programs referred to in paragraphs (1) and (2) of subsection (a).

Subtitle B—Endangered and Threatened Species Recovery

SEC. 711. PURPOSES.

The purposes of this subtitle are the following:

(1) To provide a dedicated source of funding to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(8) of this Act in a fiscal year shall be available to the Secretary of the Interior without further appropriation to carry out this subtitle.

SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts made available under section 712 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 714.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance on land owned by a small landowner.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 and following), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial or management obligations by the person in addition to any such obligations of the person under such programs.

SEC. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

SEC. 715. DEFINITIONS.

In this subtitle:

(1) ENDANGERED OR THREATENED SPECIES.—The term ''endangered or threatened species'' means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) SMALL LANDOWNER.—The term ''small landowner'' means an individual who owns 50 acres or fewer of land.

(4) SPECIES RECOVERY AGREEMENT.—The term ''species recovery agreement'' means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 714.

The CHAIRMAN pro tempore. No amendment to that amendment is in order except those printed in House Report 106–612. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 106–612.

AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. YOUNG of Alaska:

Page 21, line 9, strike ''for the'' and all that follows down through ''period'' in line 13.

Page 21, line 24, strike ''for the 5-year period concerned''.

Page 25, strike lines 11 through 15 and insert:

''(B) A program for the implementation of the plan which shall include (i) a description of how the plan will address environmental concerns, (ii) for producing States, a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf, and (iii) a description of how the State will evaluate the effectiveness of the plan.

Page 26, line 18, after ''used'' insert ''in compliance with Federal and State law''.

Page 33, line 22, strike ''Indian''.

Page 39, line 11, strike ''paragraphs'' and insert ''clauses''.

Page 39, after line 21, insert:

(d) STATE PROJECTS OF REGIONAL OR NATIONAL SIGNIFICANCE.—Section 6(b) (16 U.S.C. 4601-8(b)) is amended by adding the following at the end:

''(7)(A) Any amounts available in addition to those amounts made available under section 5 of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be available without further appropriation to the Secretary of the Interior to be distributed among the several States under a competitive grant program for State projects as authorized under section 6(e)(1) of national or regional significance involving one or more States.

''(B) The Secretary shall award grants only to projects that would conserve open space and either conserve wildlife habitat, protect water quality, or otherwise enhance the environment, or that would protect areas that have historic or cultural value. The Secretary shall give preference to projects that would be most likely to have the greatest benefit to the environment regionally or nationally and would maintain or enhance recreational opportunities.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 10 minutes.

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

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

Mr. Chairman, this is a very simple amendment. It eliminates the incentives claim. It more clearly defines the State plan within title I, and ensures the coastal impact assistance uses adhere to the State and Federal laws. It creates a multi-State competitive

grant program. It removes a typo error within title II. It clarifies a provision within title II.

It is supported by the gentleman from New York (Mr. BOEHLERT), the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New Jersey (Mr. PALLONE). The gentleman from California (Mr. GEORGE MILLER) and I have agreed to this amendment, and it is in the manager's substitute. I urge the passage of the legislation.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Young amendment. This amendment is being offered by Mr. YOUNG on behalf of Congressmen MILLER, TAUZIN, DINGELL, JOHN, MARKEY, PALLONE, and me. It reflects an agreement worked out in painstaking negotiations among the staffs on the amendment sponsors. I greatly appreciate the time and effort the sponsors of the bill were willing to put into this compromise, which I think is to everyone's advantage, and, more importantly, to the public's advantage.

The amendment makes three sets of reasonable improvements in the bill, which are in keeping with statements the bill's sponsors have been saying about the bill all along.

First, the sponsors have said again and again that this bill is designed to be neutral on the issue of off-shore oil drilling, creating neither incentives nor disincentives. This amendment will ensure that that is the case. By freezing the formula in Title I as of the date of enactment, we remove any chance that states or counties will push for more drilling in order to increase their share of Title I monies.

Second, the sponsors have said again and again that the expenditure of Title I money should help, not harm the environment. This amendment will help ensure that states explicitly address environmental concerns in their plans and that those plans comply with state and federal law. Moreover, we ask states to think about how they will evaluate the success of their plans—something that should appeal to all of us who believe in promoting a "second generation" of environmental protection that will look at actual environmental impacts not just inputs like spending.

Third, the bill's sponsors have said again and again that they want to help states provide recreational opportunities for their citizens. This amendment will help states do that, as well as protect open space and natural resources by setting up a competitive grant program for those purposes. We still need to find funding for this important program, but we have at least made clear that this program should be part of any final CARA bill.

Again, this is a good amendment on which all of us have worked hard. It is supported by all the sponsors of CARA as well as by all the elements of the environmental community. I urge its overwhelming purpose.

Mr. BOEHLERT. Mr. Chairman, at this point I submit the extraneous materials to which I referred in my previous remarks.

AMENDMENTS TO H.R. 701, AS REPORTED, OFFERED BY MR. BOEHLERT OF NEW YORK

(Page and line nos. refer to H.R. 4377)

Page 9, line 20, strike "$1,000,000,000" and insert "$900,000,000".

Page 11, after line 2, add the following new paragraph:

"(9) $100,000,000 to the Secretary of the Interior to carry out title VIII of this Act.".

Page 11, line 6, strike "(8)" and insert "(9)".

Page 20, line 15, strike "50 percent" and insert "41 percent".

Page 20, line 18, strike "25 percent" and insert "28 percent".

Page 20, line 22, strike "25 percent" and insert "31 percent".

Page 21, strike line 1 and all that follows down through line 5 on page 22, insert the following:

"(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—(A) If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph.

"(B) Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline.

"(C) If a State's allocable share under paragraph (1)(A) exceeds 35 percent of the revenues to be disbursed under paragraph (1)(A), the amount from such State which exceeds this limit shall be reallocated among the other States eligible under this paragraph in proportion to the amounts they received under the initial allocation under this paragraph.

"(D) Each State's allocable share under paragraph (1)(A) shall be calculated as of the date of the enactment of this Act and shall apply for each fiscal year in which States receive funds under this title.

"(E) In applying this paragraph, a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

"(3) MAXIMUM STATE SHARE.—

"(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with a total population less than 6,000,000 shall not be more in any fiscal year than 12 2/9 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for the purposes of this title for that fiscal year under subsection (a).

"(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are decreased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and increased by such amounts so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The increase shall be divided equally among such other coastal States.

Page 22 line 6, strike "(3)" and insert "(4)".

Page 22, line 7, strike "The" and insert "After applying the maximum share provisions of paragraph (3) to all coastal States, the".

Page 22, line 14, strike "0.50" and insert "5/9".

Page 22, line 20, strike "0.25" and insert "5/18".

Page 23, line 1, after "States"' insert "(except for those that have had their allocable share reduced under paragraph (3)(B))"

Page 23, strike line 10 and all that follows down through line 3 on page 24 and redesignate subsection (d) on line 4 of page 24 as subsection (c).

Page 24, line 5, strike "and coastal political subdivisions".

Page 24, beginning in line 15, strike "In the case of" and all that follows down through the period on line 18 and insert "The Governor shall work with coastal political subdivisions in developing the plan and may disburse funds to those subdivisions as part of the plan.".

Page 25, strike line 11 and all that follows down through line 15 and insert:

"(B) A program for the implementation of the plan, which shall include a description of how the plan will improve the environment and a program for determining whether the plan is having its intended effects.".

Page 26, strike line 15 and all that follows down through line 9 on page 28 and insert:

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—Except as provided in subsection (d), the funds provided under this title are authorized to be used only to improve the coastal and ocean environment by preserving, protecting, managing, and, where possible, restoring and enhancing coastal, marine, estuarine, and Great Lakes resources, including habitats, living marine resources, shorelines, and water quality through the following activities:

(1) Preparation, coordination, or implementation of federally or State-approved coastal, estuarine, or marine comprehensive conservation, or resource management plans or programs.

(2) The conservation, restoration, enhancement, or creation of marine, coastal, or estuarine habitats.

(3) The protection, conservation, or enhancement of coastal or estuarine shorelines, including natural protective features such as beaches, dunes, coral reefs, wetlands, or barrier islands.

(4) Preparation, coordination, or implementation of comprehensive fishery, marine mammal, avian, or other living marine resource management plans, including ratified interstate or international agreements and fishery observer programs.

(5) Identification, prevention, management, and control of invasive exotic and nonindigenous species.

(6) Data collection, research, monitoring, or other assessments, including population surveys, relating to fisheries, avian species, marine mammals, or other living marine resources, or to coastal, estuarine, marine, and Great Lakes resources or habitats.

(7) Observations necessary to develop and implement real time tide and current measurement systems.

(8) Projects that promote research, education, training, and advisory services in fields related to activities authorized by this subsection.

(9) Enforcement of Federal, State, or local marine, coastal, and estuarine resource management statutes.

(d) AUTHORIZED USE OF STATE GRANT FUNDING IN PRODUCING STATES.—In addition to the uses authorized in subsection (c), a producing State may use up to 10 percent of the funds provided under this title each year to mitigate the impacts of Outer Continental Shelf activities, including impacts on onshore infrastructure.

Page 28, line 10, strike "(d)" and insert "(e)".

Page 31, line 10, strike ''The'' and insert ''(A) Except as provided in subparagraph (B), the''.

Page 31, after line 17, insert the following new subparagraph:

''(B) REMAINING FUNDS.—If, for any fiscal year, the Acts making appropriations for the Department of the Interior and the Department of Agriculture for that fiscal year have not approved in accordance with subparagraph (A), by the date 90 days after the commencement of such fiscal year, the full amount of the Federal portion, the President may obligate and expend the remaining funds for projects on the list submitted under subsection (e). No later than 180 days after the commencement of the fiscal year, the President shall submit to the Congress a list of the specific projects he intends to fund, and no funds shall be expended until 120 days after that list has been submitted.''.

Page 31, line 24, strike the period and insert ''or is undertaken pursuant to paragraph (1)(B).''.

Page 53, line 19, strike the closing quotation marks and after line 19, insert the following new subsection:

''(e) WILDLIFE CONSERVATION STRATEGY.—Any State that receives an apportionment pursuant to section 4(c) shall within 5 years of the date of the initial apportionment develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that—

''(1) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;

''(2) identifies the extent and condition of wildlife habitats and community types essential to the conservation of species identified under paragraph (1);

''(3) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

''(4) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats, and establishes priorities for implementing such conservation actions;

''(5) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

''(6) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than 10 years; and

''(7) provides for coordination to the extent feasible by the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

Page 77, after line 22, add the following new title and make the necessary conforming changes in the table of contents:

TITLE VIII—NON-FEDERAL LANDS OF REGIONAL OR NATIONAL INTEREST

SEC. 801. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to make grants to help States conserve open space through the purchase of lands and interests in lands that are of regional or national interest.

SEC. 802. TRANSFER OF FUNDS.

Amounts transferred to the Secretary of the Interior under section 5(b)(9) of this Act in a fiscal year shall be available without further appropriation, to carry out this title.

SEC. 803. COMPETITIVE GRANTS TO STATES.

(a) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program to assist States in purchasing lands of national or regional significance or in purchasing easements to protect those lands.

(b) MATCHING REQUIREMENT.—A grant provided under this section shall not cover more than 50 percent of the cost of the purchase of the land or easement.

(c) APPLICATIONS.—Not later than 90 days after the enactment of this Act, the Secretary shall issue and publish in the Federal Register the schedule for the submission of grants and the criteria under which applications for grants under this section shall be evaluated. At a minimum, such criteria shall require that an application—

(1) be submitted by the Governor of a State, or in the case of a multistate application, by the Governors of all the participating States;

(2) demonstrate that the matching funds required by subsection (b) will be available;

(3) demonstrate that the use of the grant will conserve the land being purchased in a manner that will protect the environment; and

(4) detail what uses of the land will be allowed after the purchase.

The Secretary may revise the criteria at the beginning of a fiscal year and shall publish any revisions in the Federal Register. Any revised criteria must meet the requirements of this subsection.

(d) CRITERIA FOR COMPETITIVE SELECTION AMONG GRANT APPLICATIONS.—In carrying out this title, the Secretary shall award grants only to projects that would conserve open space, and would preserve wildlife habitat, protect water quality, or otherwise enhance the environment, or that would protect areas that have historic or cultural value. The Secretary shall give preference to projects that would be most likely to have the greatest impact on the environment regionally or nationally and would protect recreational opportunities.

(e) NOTICE TO CONGRESS.—In any fiscal year, no funds for grants under this title may be expended until 60 days after the Secretary has submitted to the appropriate authorizing and appropriating Committees of the Congress a list of States receiving awards under this title and a brief description of the project the State will undertake.

APRIL 13, 2000.

DEAR REPRESENTATIVES BOEHLERT, MARKEY, AND PALLONE: We are writing to thank you for your leadership in offering amendments to H.R. 701, the Conservation and Reinvestment Act (CARA) of 1999 and to offer our enthusiastic support for your amendments package. H.R. 701 provides landmark levels of critically needed funding for land, wildlife, marine, coastal, historic, and cultural conservation needs. Your amendments would move CARA farther down the road to becoming the first substantial conservation bill of the new century.

Your amendments would make significant improvements to H.R. 701 including:

In Title I, removing many problematic incentives for new offshore oil development, capping the amount of funding that could be used for damaging infrastructure, and better ensuring that the bulk of the funds will be spent on environmentally beneficial projects;

In Title II, taking needed steps toward ensuring the federal portion of the Land and Water Conservation Fund will be spent so that protection of lands in our national parks, wildlife, refuges, forests and other public lands will not be unnecessarily delayed;

Adding to Title III important strategic planning provisions that have been recommended almost unanimously by wildlife conservation groups; and

Adding a new competitive grant program that would provide funding for acquisition and easements for non-federal lands of regional or national interest.

Our organizations will work tirelessly to ensure adoption of your amendments when H.R. 701 is considered on the House floor. Passage of these amendments will ensure that our organizations will be united in support of CARA moving through the House.

Again, we applaud your leadership in working to obtain these needed fixes to the bill and tremendously appreciate your efforts. We look forward to working with you as H.R. 701 moves to the House floor.

Sincerely,

Barbara Jeanne Polo, Executive Director, American Oceans Campaign; Roger T. Rufe, Jr., President, Center for Marine Conservation; Rodger Schlickeisen, President, Defenders of Wildlife; Fred Krupp, Executive Director, Environmental Defense; Thomas C. Kiernan, President, National Parks Conservation Association; Richard Moe, President, National Trust for Historic Preservation; Mark Van Putten, President & CEO, National Wildlife Federation; John Adams, President, Natural Resources Defense Council; Meg Maguire, President, Scenic America; Carl Pope, Executive Director, Sierra Club; William H. Meadows, President, The Wilderness Society; Gene Karpinski, Executive Director, U.S. Public Interest Research Group; William M. Eichbaum, Vice President, U.S. Conservation and Global Threats, World Wildlife Fund.

AMERICANS FOR OUR HERITAGE AND RECREATION,
May 9, 2000.

Hon. SHERWOOD BOEHLERT,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BOEHLERT: Americans for Our Heritage and Recreation, a national grassroots organization of conservation and civic organizations, park and recreation leaders, urban and open space advocates, and the sporting goods and outdoor recreation industry wants to thank you for your leadership in joining with Representatives EDWARD MARKEY and FRANK PALLONE to seek important environmental improvements to the Conservation and Reinvestment Act (CARA, H.R. 701).

Through the hard work of House Resources Committee Chairman DON YOUNG, Representative GEORGE MILLER, and key cosponsors of the legislation, CARA affords a

unique and major opportunity to provide a permanent federal commitment to parks and open space protection through dedicated funding for natural heritage programs, including the Land and Water Conservation Fund (LWCF).

As you know, for more than three decades, the Land and Water Conservation Fund has been the cornerstone of American conservation and recreation, responsible for more than seven million acres of parkland and 37,000 state and local park and recreation projects. A visionary program, LWCF invests moneys from depleting resources—offshore oil and gas—to fund parks, protect wildlife, and preserve open spaces.

Given the $12 billion backlog in parks and special places that need immediate protection, we are especially appreciative that your amendments would provide an important assurance for LWCF's federal component that Congress keep its 35-year old promise and annually fund the program at its authorized level, and not divert or withhold funding as has been done in years past.

We also are particularly pleased that your amendments would provide funding to preserve regional lands of national significance, such as the Northern Forest and Mississippi Delta regions, without diminishing the important state and local recreation and open space components of LWCF's state matching grants program.

Finally, we commend your efforts to ensure that the legislation contains no incentives for offshore oil and gas drilling and that coastal funding is used in a manner that will not harm the environment.

We look forward to working with you and other Members of Congress to advance your amendment and the improvements to CARA, which it incorporates, and pass a final piece of legislation that truly will preserve our natural heritage and enhance America's quality of life for generations to come.

Again, many thanks for your leadership.

Sincerely,

JANE DANOWITZ,
Executive Director.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, May 5, 2000.

Re: Support the Boehlert (R–NY)/Markey (D–MA)/Pallone (D–NJ) amendments to H.R. 701.

House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: The League of Conservation Voters is the bipartisan, political voice of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

LCV urges you to support amendments offered by Representatives Boehlert (R–NY), Markey (D–MA), and Pallone (D–NJ) to H.R. 701, the Conservation and Reinvestment Act of 2000. H.R. 701 provides landmark levels of critically needed funding for land, wildlife, marine, coastal, historic, and cultural conservation needs. The Pallone/Boehlert/Markey amendments would help CARA become the first substantial conservation bill of the new century.

The Markey/Pallone/Boehlert amendments would make significant improvements to H.R. 701 including:

In Title I, removing many problematic incentives for new offshore oil development, capping the amount of funding that could be used for damaging infrastructure, and better ensuring that the bulk of the funds will be spent on environmentally beneficial projects;

In Title II, taking needed steps to ensure that the federal portion of the Land and Water Conservation Fund will be spent each year to avoid unnecessary delays in the protection of our national parks, wildlife refuges, forests and other public lands;

Adding to Title III important strategic planning provisions that have been recommended almost unanimously by wildlife conservation groups; and

Adding a new competitive grant program that would provide funding for acquisition and easements for non-federal lands of regional or national interest.

The passage of these amendments is key to LCV's support of H.R. 701. We urge you to vote ''yes'' on the Boehlert/Markey/Pallone amendments to H.R. 701.

LCV's Political Advisory Committee will consider including votes on these issues when compiling LCV's 2000 Scorecard. If you need more information, please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
President.

THE TRUST FOR PUBLIC LAND,
Washington, DC, April 13, 2000.

Hon. SHERWOOD BOEHLERT,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN BOEHLERT: I am writing to express the Trust for Public Land's appreciation and my own for your important efforts to advance H.R. 701, the Conservation and Reinvestment Act (CARA), to consideration by the House of Representatives and your constructive approach to addressing the particulars of this landmark conservation bill.

As you well know, the longstanding constraints on annual funding of such vital programs as the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program have placed enormous stresses on federal and nonfederal resource areas, on communities, and on private landowners. The Conservation and Reinvestment Act clearly affords one of the best opportunities in conservation history to rededicate federal resources to these critical national needs, providing enhanced, reliable funding levels through several well-targeted programs to secure key natural, recreational, cultural, and other resource lands before they are lost forever. Accordingly, TPL has welcomed the initiative of Chairman Young, Congressman Miller, and their many cosponsors in offering CARA, and has enthusiastically advocated swift House action on this legislation.

We also are gratified by your unflagging commitment to the crucial land-saving programs promoted by CARA, your efforts to ensure expeditious floor action, and your positive engagement on the bill's specific provisions. As we have previously indicated, we are supportive of improvements to the bill that do not impair its chance of ultimate success. As a transaction-oriented conservation organization, with experience in the real estate marketplace and a working knowledge of the need to protect willing-seller lands as they become available—we particularly commend your efforts in Title II to provide appropriate additional assurances for annual funding of federal-side LWCF, as well as the concept of additional funding for lands of regional and national significance you propose in Title VIII. We look forward to working with you toward inclusion of these and other refinements in a final, enacted Conservation and Reinvestment Act.

TPL firmly believes that the time has come for House passage of CARA. With your assistance in bringing the bill to the floor, and with appropriate deliberation of the issues your amendment raises, we also believe that Congress is within reach of a lasting victory for America's irreplaceable parklands and public spaces.

Sincerely,

ALAN FRONT,
Senior Vice President.

THE IZAAK WALTON LEAGUE OF AMERICA,
April 14, 2000.

Hon. SHERWOOD BOEHLERT,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BOEHLERT: I'm writing to express appreciation on behalf of our members for your efforts to encourage the House leadership to schedule the Conservation and Reinvestment Act (H.R. 701) for consideration at the earliest possible date. We believe it is absolutely critical that this landmark conservation bill is signed into law in this session of Congress.

I also wish to thank you for your proposed amendment to Title III that would add a valuable planning tool to the state wildlife funding program. As you know, the League along with a diverse group of other conservation and environmental organizations worked diligently to craft this broadly accepted planning provision. It would ensure that these funds will be used for the most critical wildlife conservation needs. This amendment deserves thoughtful consideration by the full House.

Like you, we want to ensure that the coastal impact assistance provision results in the greatest benefit to our valuable marine and tidal resources; however, the equitable distribution of those funds among the states is clearly a matter for congress to determine.

Your proposal to add assurances that Land and Water Conservation Fund monies be expended for the intended purposes of that program is welcomed by our members who have been among the most ardent supporters of that program. Conservation of our country's land resources for fish and wildlife and other valuable benefits that derive from these open natural spaces is becoming increasingly important.

While we will always support improvements to legislation that benefits the environment, it is of first and foremost importance that nothing impedes the final passage of CARA. We would be pleased by the addition of any improving amendments that do not jeopardize that outcome.

Respectfully,

PAUL W. HANSEN,
Executive Director.

NORTHERN FOREST ALLIANCE,
April 19, 2000.

Representative SHERWOOD BOEHLERT,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE BOEHLERT: We are writing to express our appreciation and enthusiastic support for your leadership in developing strengthening amendments to H.R. 701, the Conservation and Reinvestment Act (CARA). H.R. 701 provides the opportunity to put words into action, and enact the most far-reaching conservation measure in recent memory.

The most important accomplishment of H.R. 701 would be the restoration of full and permanent funding for the Land and Water Conservation Fund. Revitalizing this fund

will have a direct impact on conservation efforts in every region of the country, including the Northern Forest. This legislation would be significantly improved, however, by modifications embodied in your proposed amendments. In particular we strongly support the provision that would create an additional, more flexible fund which is capable of addressing important state-led projects of local, regional or national significance which exceed the capacity of traditionally administered state-side grants.

Your amendments would also remove much of the incentive for states and localities to accept new offshore oil development, cap the amount of funding that could be used for damaging infrastructure, ensure the federal portion of the Land and Water Conservation Fund will be expended, and add strategic planning provisions recommended by wildlife conservation groups.

We are prepared to communicate with your colleagues in Congress and lend our support to ensure adoption of your amendments when H.R. 701 is considered on the House floor. Thank you again for your efforts to improve and pass conservation legislation this year.

Sincerely,

ANDREA L. COLNES,
Executive Director.

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 106–612.

AMENDMENT NO. 2 OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. REGULA:

Page 4, line 13, before the period insert '', except that no State may be treated as a coastal State in any fiscal year in which there is a Federal moratorium on offshore leasing and related activities off the coast of that State''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Ohio (Mr. REGULA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I have no illusions that this amendment will pass, but my purpose in offering it is to show my colleagues the unfairness of this proposed legislation.

As my colleagues know, the purpose of Title I is to create a revenue sharing and a coastal conservation fund for coastal States and eligible local governments to mitigate the various impacts of OCS activities and provide funds for the conservation of our coastal ecosystems.

Indeed, one can make a valid argument for using Outer Continental Shelf oil and gas leasing revenues for the restoration of coastlines that have been negatively impacted by offshore drilling. The fact that the revenues for the CARA fund would be derived directly, and I emphasize directly, from royalties from offshore leases and would go for the protection of these coasts makes some sense. However, it is quite disingenuous to distribute these funds to coastal States across the country which have a moratorium on offshore drilling.

Presently, 98 percent of our offshore production comes from the Gulf of Mexico and the western Gulf of Mexico. These States include Texas, Mississippi, and Louisiana. They shoulder the risk of offshore drilling, so it would be prudent that they should receive 98 percent of the funding in this title if we are going to do what the title says: provide coastal assistance to the States that are being impacted by offshore drilling.

Currently, Title I is so broad that it provides funding to many coastline States, even those where there is some, none, or only partial OCS leasing is taking place. For example, 30 States and five territories would receive funding under this title. If 30 States and five territories were producing oil and natural gas off their coast, this Nation would not be dependent on oil imports for more than 50 percent of our oil needs, as we are now.

As my colleagues can see from this chart, this is not the case. In fact, since we began collecting OCS royalties in 1953, the U.S. has collected $127 billion, $115 billion of which has come from production in the Gulf of Mexico. That is clear on this chart.

The amendment I am offering today would merely allow these States which currently allow offshore drilling to receive the majority of funding under Title I of the bill. These States are the logical recipients of any coastal program designed to mitigate the impacts of OCS activities. I urge my colleagues to consider this common sense amendment.

This chart does not really give us the full story, because, and I again emphasize, 98 percent of our offshore production comes from the Gulf of Mexico and the western Gulf of Mexico and essentially is limited to three States and a portion of Alabama. Yet, the bulk of this distribution of this fund goes to States, coastal States that ban offshore drilling because of a moratorium.

I have to say that the moratoria are included in the Interior bill, which I chair. Why? Because I recognize it is the will of the majority of this Congress that there should be no drilling offshore in Alaska, offshore in California, offshore in Florida, and a number of the Eastern States. I recognize that this is the will of the body.

But by the same token, those States want to get a big chunk of the offshore revenues, even though the coastal impacts are limited essentially to three or four States. If we were to do anything that would be fair, we should give the bulk of the revenues to the States that are suffering the bulk of the impact of offshore drilling.

I would suggest to the sponsors that they ought to amend this bill and make it fairer and recognize the facts of life. That is that the Gulf of Mexico States are bearing the burden of offshore drilling, and obviously to the benefits of all of us. Because without that production, we would have a far more serious crisis.

□ 1845

We are indebted to those States for allowing drilling and we should reward them accordingly.

I find it eminently unfair to have a bill that says that the Gulf of Mexico States should produce the oil, should take the impact of all the on-shore environmental problems, and yet ship the money to California, that has a ban, a moratorium, and today produces very little off-shore oil; ship the oil to Alaska, that has a moratorium, and yet would get a big chunk of money. I cannot understand how that could be considered fair, and I am quite sure the sponsors would not want to do something that is unfair in their treatment of the States.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I claim the time in opposition, and I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. YOUNG of Alaska. Mr. Chairman, is the gentleman from California (Mr. GEORGE MILLER) going to claim the full 10 minutes or is he going to yield time to me?

Mr. GEORGE MILLER of California. If the gentleman would like to split the time in opposition, that would be fine.

Mr. YOUNG of Alaska. If the gentleman would not mind doing so, because the gentleman from Louisiana (Mr. TAUZIN) would like to speak.

Mr. GEORGE MILLER of California. Mr. Chairman, I will then yield the gentleman from New Jersey (Mr. PALLONE) 2 minutes.

The CHAIRMAN pro tempore. Without objection, the gentleman from Alaska (Mr. YOUNG) will control 5 minutes in opposition, and the gentleman from California (Mr. GEORGE MILLER) will control 5 minutes in opposition, and the gentleman from New Jersey (Mr. PALLONE) is recognized for 2 minutes.

There was no objection.

Mr. PALLONE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment and all destructive amendments to the bill. I supported the previously passed manager's amendment, and I would like to see the bill move forward.

At all levels of government, New Jersians and people across the Nation are showing great interest in conserving open space to enhance not only their own lives, but those of the plants and animals that depend on healthy ecosystems for survival. In my years as a Member of Congress, I cannot think of a more important environmental initiative on which I have had the pleasure of working.

Mr. Chairman, I want to thank the sponsors of the bill, the gentleman from Alaska (Mr. YOUNG), the Chairman of the committee, and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for welcoming the improvements that have been made to the bill, especially those recently suggested by myself and the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New York (Mr. BOEHLERT) that were reflected in the manager's amendment that we just passed.

Our bipartisan agreement will ensure that the bill does not include major incentives to encourage future oil drilling off our fragile coastline, and, in addition, it will create a new land acquisition and easement program to protect non-Federal lands of regional or national significance.

Ultimately, CARA will provide $2.8 billion annually to State and local communities. Under the bill, my home State of New Jersey would receive approximately $60 million each year, and this funding could be used for coastal conservation, impact assistance, preservation of farmland and open space, or even helping protect the delicate ecosystems of the Pinelands and Highlands regions of the Garden State.

There is no question that CARA is an important bill that deserves to move forward. Any further changes to the bill beyond the manager's amendment would slow the momentum the bill needs to gain serious consideration in the Senate. The House should provide the solid vote this bill deserves, the one reflected by its broad cosponsorship, to keep CARA moving in the right direction.

While I am incredibly supportive of this bill, I believe it is a work in progress. We must not lose achievable opportunities to ensure full protection for our coasts, wildlife and public lands. I look forward to working with other members and the Administration to ensure that this bill lives up to its promise.

I remain concerned about the integrity of the federal Land and Water Conservation Fund. I want to ensure that the final legislation provides for full, permanent and secure funding for the LWCF and that the money is actually spent each year. We must also make certain that our land management agencies are comfortable with the changes made to the program. Furthermore, I believe that additional provisions are needed to ensure that wildlife protection funding is spent where it is most needed.

It is for these reasons I urge my colleagues to join me in supporting CARA and the manager's amendment, and in opposing all destructive amendments. We have an opportunity today to preserve other national heritage for tomorrow. The time to act is now.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding me this time and wish to state that there are a number of reasons why we should all oppose this amendment.

Let me first thank my friend, the gentleman from Ohio (Mr. REGULA), for making the case that, in fact, our States along the Gulf Coast produce indeed the great bulk of this money. The Gulf of Mexico produces, and has produced, nearly $127 billion, he tells us, I thought it was 122 billion, not million, dollars to the Federal Treasury over the years of production. But keep in mind that these are the reasons why this amendment, I think, should fail.

Number one, the formula for sharing revenues from the offshore is not my formula, it is not the formula of the gentleman from Alaska (Mr. YOUNG) or the formula of the gentleman from California (Mr. GEORGE MILLER). It is a formula derived by minerals management after deep and intensive study of what would be a fair allocation of offshore revenues. To do what? To solve coastal impact problems of not just my State, where the problems are severe, but States all over America.

So all coastal States with similar problems share in the formula devised by minerals management.

Secondly, this bill was designed to be drilling neutral. Now, I would love to pass legislation to encourage people that have moratoriums to lift their moratoriums and make the same contribution we are doing in Louisiana, but this is not the bill. We decided from the beginning this bill would not be an incentive program for production, it would simply be a fair sharing of revenues for the problems of coastal impact assistance.

And, third, I think we need to look at the effect of this amendment. I know my friend did not intend it, but by the language he chose, the new coastal States, as he would define them, would include the Great Lakes States of Ohio, Illinois, Indiana, Michigan, Pennsylvania, and Minnesota, but it would leave out California. It would leave out Alabama, one of the Gulf Coast States where the production occurs.

So it is a defective formula even if it was the right thing to do, and I do not believe it is the right thing to do.

Now, here I am, a Louisianan, standing here and asking my colleagues to vote against an amendment that my State would incredibly benefit from. It is still the wrong thing to do. We ought to defeat this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I thank the gentleman for yielding me this time. I would like to also thank the gentleman from Ohio for his generosity to the State of Louisiana. If this amendment is enacted, Louisiana would gain about $200 million.

But this bill was borne about balance. Now, my colleague, the gentleman from Louisiana (Mr. TAUZIN), talked about the formula. The intent of the amendment, I understand, and I applaud the gentleman from Ohio for doing it, but the balance was struck in the formula. Fifty percent of the title I dollars, fifty percent are weighted on producing States, 25 percent on the amount of shoreline and 25 percent on the population along those coastlines.

So this was the balance that was struck because this is a bill not only about producing States, not only about States that bear a lot, in Louisiana's case, 90 percent, over 90 percent of the money that comes into this fund comes off the shore of my great State, but this bill was borne about balance. This upsets that balance and it ought to be defeated.

I also would like to say that the balance here was struck also in other areas, and we will hear a lot more about that in the next few amendments. I might add, in conclusion, that the gentleman from Louisiana (Mr. TAUZIN) left out the State of Florida that would not be a producing State and would not participate in this. The State of Florida has a beautiful coastline. Miles and miles of white sandy beaches that my children and I go to in the summers.

So I urge my colleagues, please, do not support this amendment.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this amendment because I think it is utterly fair that those States that are producing States are the ones that should reap the benefits. The interstates in this Nation do not reap the benefits because they are not coastal States that are producing States. So I really am very supportive of this very fair amendment.

Talk about being fair, this debate has addressed the willing buyer, willing seller, as if it was protection for private property acquisition. But, actually, the former California Director of the State Fish and Game and former President of the National Wildlife Federation, Mr. Ray Arnette, states in a letter that, ''Despite the best intentions of its authors, CARA fails on all accounts. It spells disaster for property owners. Overzealous regulators, joined by environmental pressure groups and other extremists, will make folly of the

willing seller clause by harassing owners of properties targeted for acquisition and distracting potential buyers. Very few families and small businesses in particular have the financial and emotional ability to stay over an extended period, governmental agencies and foundation-funded, richly financed pressure groups.''

I think he sums up my views about the true effect of these paper-thin protections best in stating, ''It is not possible to negotiate as a willing seller when the government is the only buyer.''

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I rise reluctantly in strong opposition to the amendment of my friend, the gentleman from Ohio (Mr. REGULA).

Mr. Chairman, I want to speak very briefly about an amendment offered by my friend, Chairman REGULA. The Regula amendment would prohibit funds in the bill from going to States that have moratoria on outer continental shelf (OCS) oil and gas leasing. For the last decade and a half, the Florida delegation has worked diligently to include in the Interior appropriations bill a moratorium on further oil and gas leases off the Florida coast. Most in Florida remain concerned about the effects of oil drilling on our sensitive marine environment. While the annual moratorium provides a stop-gap solution to this issue, it is far from ideal and actually shortchanges all parties involved.

In fact, every member of the Florida delegation has cosponsored legislation I introduced to impose a permanent policy for Florida offshore oil drilling. H.R. 33 would call for a ''time-out'' period, during which a joint State-Federal commission of scientists and other interested parties would work to craft a non-political, science based decision as to which areas—under what conditions—are appropriate for oil drilling off the Florida coast. Even with the support of the entire Florida delegation, civic and business groups across Florida, and current Governor Jeb Bush and his predecessor, Governor Lawton Chiles, we have been unable to get more than a few hearings on H.R. 33 in the resources committee. So, we are forced to continue advocating the stop-gap annual moratorium. Florida seeks merely to be a wise steward of its natural resources, ensuring that any activity off our coast does not adversely affect our unique environment. Chairman REGULA wants to deny Florida funding under this bill because of that moratorium. I agree with the basic premise of his argument.

The moratorium which he carries each year on the Interior bill is not the best solution to this issue. But I do not believe that the solution is to lift the ban and move forward on oil activity off the Florida coast absent the kind of science based approach outlined in H.R. 33. Nor do I believe Florida should be punished for trying to be a good steward of its resources. So I would encourage Mr. REGULA to join us in support of H.R. 33. Indeed, I might even go so far as to suggest that my good friend could solve this issue once and for all by attaching H.R. 33 as a rider to the Interior appropriations bill—as a replacement for a moratorium he and I both find unsatisfactory.

Mr. Chairman, I strongly encourage my colleagues to support H.R. 701 and oppose the Regula amendment.

Mr. YOUNG of Alaska. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) has 3 minutes remaining, the gentleman from Ohio (Mr. REGULA) has 2 minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 1½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the chairman for yielding me this time.

Let me make two quick points. The first is that this process started with this bill being funded with a new tax. The new tax was on recreational equipment; everything from binoculars to backpacks to off-the-road vehicles to anything else one could think of that had to do with outdoor recreation. I did not think that was acceptable, and I did not support it. And I told the chairman so, and I told the gentleman from California (Mr. GEORGE MILLER) so, and they worked out what I think is a very fair system.

Point number two that I want to make is that Members from California who support the destructive amendment of the gentleman from Ohio (Mr. REGULA) are voting to cut $67 million from California's share of this pie. Members from Florida voting for the Regula amendment would cut $68 million from Florida's share of this program. Members from my home State of New Jersey should realize that we would lose $20 million. And colleagues from New York, as the gentleman from New York (Mr. BOEHLERT) is, that State would lose $40 million.

Now, I want everybody to think about that when they go back home this fall. Colleagues from Virginia will lose $17 million; those from the State of Washington will lose $15 million; and those from Puerto Rico will lose $8 million.

Now, I have this sheet, which I will put in front of the podium, and when my colleagues all come down to vote on this amendment, I hope they will take a look at this sheet before they cast their votes.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today in strong support of CARA, the Conservation and Reinvestment Act, and in opposition to this amendment and all other amendments.

I would like to thank the chairman, the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for all of their hard work on this piece of historic legislation. This bill will restore our national commitment to America's natural resources.

CARA redeems the solemn pledge made over 30 years ago to reinvest the profits from off-shore energy production back into our natural resources. CARA will fulfill the promise of steady and certain funding for public lands. CARA will support State and local efforts to protect our wildlife and to preserve and protect our local green spaces.

Our coastal resources are under increasing pressure from population growth, expansion of coastal tourism and recreation, increased maritime traffic, threats to our water quality, and loss of essential fish and other coastal habitats. CARA is essential in helping to combat this growing problem.

Mr. Chairman, I urge Members to oppose this amendment and all other amendments to the bill. It is important that the integrity of this bill remain intact for this carefully crafted bipartisan bill.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding the 30 seconds, and I think he started off his comments by saying that he was not too optimistic about the passage of his amendment.

Just in the event, however, it does pass, I would like to inform the gentleman and the chairman of the full committee that I intend to offer a perfecting amendment, inasmuch as the boundaries now in Alabama would be divided. In a portion of our State, we have a moratorium, and another portion we do not. Under the gentleman's amendment, even though we are allowing the production and exploration, we would receive nothing.

I am sure that the gentleman, and the chairman as well, would accept that, in the event that the gentleman's amendment is adopted.

□ 1900

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, there is no Member of this body that I respect and admire more than the gentleman from Ohio (Mr. REGULA), but on this issue we simply disagree.

This amendment would not only kill CARA, it would be a step in the wrong direction at any time on any bill. This amendment is designed to weaken support for the moratorium on offshore oil drilling. This amendment in effect would punish States that do not allow drilling off their shores.

The drilling moratorium has been a good and sensible policy and should not be interfered with, least of all in this bill.

Some others also offer the argument that it is only fair to give title I money to States that are willing to accept the costs of oil drilling, but that is based on a misunderstanding of title I. Title I is not exclusively, or even primarily, an oil impact mitigation program. It is a program to help coastal States with a full range of problems they face, problems all coastal States face regardless of whether oil is drilled off their shores.

I must urge everyone who supports CARA and everyone who supports the moratorium on offshore oil drilling and everyone who supports addressing the full range of coastal issues to oppose this amendment. Let us keep CARA moving forward.

Mr. Chairman, I rise in strong opposition to this amendment. There is no member of this body that I respect and admire more than I do Chairman REGULA. But on this issue, we simply disagree.

This amendment would not only kill CARA; it would be a step in the wrong direction at any time on any bill. This amendment is designed to weaken support for the moratorium on off-shore oil drilling. The amendment, in effect, would punish states that do not allow drilling off their shores.

That's particularly ironic to do as part of CARA. CARA gives more money to oil producing states precisely because it recognizes the environmental and other costs that such drilling imposes. And now we're going to try to use federal funds to force other states to suffer these problems as well?

The drilling moratorium has been a good and sensible policy and should not be interfered with—least of all this bill.

Now, some also offer the argument that it's only fair to just give Title I money to states that are willing to accept the cost of oil drilling. But that is based on a misunderstanding of Title I. Title I is not exclusively, or even primarily, an oil impact mitigation program. It is a program to help coastal states with the full range of problems they face—problems all coastal states face regardless of whether oil is drilled off their shores.

So I must urge everyone who supports CARA and everyone who supports the moratorium on off-shore drilling and everyone who supports addressing the full range of coastal issues to oppose this amendment. Let's keep CARA moving forward.

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

Mr. Chairman, I rise in strong opposition to this amendment. I know that the gentleman from Ohio (Mr. REGULA) has struggled long and hard over many years with the problems of moratorium in his committee, but each and every time this Congress has decided that it would not punish those States that had a moratorium. Also, as the gentleman from Alabama (Mr. CALLAHAN) points out, it causes problems for States like Alaska, California and Alabama, where we are still producing, but we have moratoriums. Those moratoriums were put there by Republican governors, Republican presidents and State legislatures, and that is what the elected officials decided.

As the gentleman from New York (Mr. BOEHLERT) has pointed out, this is about the people's resources being used to protect the coast lines of this great Nation.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, let me point out and clarify something, and that is this bill defines coastal States according to the Coastal Zone Management Act, and that includes the Great Lake States, not according to OCS Lands Act. This provision is something that was established in the bill.

Mr. Chairman, let me say again this is simply a matter of fairness. Three and a half States produce 98 percent of the revenues, and yet we are proposing to share these with States, particularly the States like California and Alaska, on a much different basis.

In fact, the coastal States that are producing the revenues would get less, and I do not think that is fair. I believe a vote for this amendment is a vote for fairness in the way we manage our OCS revenues.

Now, having said that, I do not think the bill itself is a good bill, because we are giving away our responsibility that we are elected to do. We are creating a new entitlement, and this will just be the precursor of many more. I would urge a vote against the bill. I urge a vote for this amendment, simply to bring fairness to this legislation.

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

The CHAIRMAN pro tempore (Mr. FOSSELLA). The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Ohio (Mr. REGULA) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 106–612.

AMENDMENT NO. 3 OFFERED BY MR. RADANOVICH

Mr. RADANOVICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. RADANOVICH:

Page 9, line 18, after ''deposited in the fund'' insert the following: ''that remain after the application of subsection (f) for the fiscal year,''.

Page 15, after line 8, insert the following:

(f) FULL FUNDING OF PILT AND REFUGE REVENUE SHARING.—To the extent that amounts available under subsection (d) for a fiscal year are not sufficient to pay all amounts authorized to be paid for the fiscal year under chapter 69 of title 31, United States Code (relating to payment in lieu of taxes), and section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s; relating to refuge revenue sharing), amounts in the Fund shall be used to make such payments.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from California (Mr. RADANOVICH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH.)

Mr. RADANOVICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment that would fully fund the PILT program, which is called payments in lieu of taxes, and the Fish and Wildlife Services Refuge Revenue Sharing Program.

Each year we debate PILT on the floor during this appropriations time. The administration never requests full funding and the Committee on Appropriations is unable to fully fund PILT within the budget. We then see an amendment on the floor to increase funding, usually at the expense of energy research, and it always passes. Last year's amendment to increase PILT by $20 million passed on a vote of 248 to 169.

Mr. Chairman, it is time we end the appropriations game and make the Federal Government live up to its promises through PILT. In 1976, we passed the PILT Act. We did it because Congress recognized local governments must provide essential services on our Federal lands, but they get no tax revenues from them. Local governments provide emergency medical care, search and rescue, police, fire protection, road maintenance, garbage removal and a host of other essential services. Local taxpayers pay the full cost of these services, but the benefits go to all the visitors on our Federal lands.

Congress recognized this when the PILT was created, and Congress recognized it again in 1994 when we passed amendments to PILT. That year, it was necessary to update the formula to account for inflation and population changes. The House passed that bill on a voice vote, and President Clinton signed it on October 22, 1994.

Today that formula promises $320 million in PILT payments to local governments, but we continue to fund it at only $135 million.

Mr. Chairman, before coming to Congress, I served as a county supervisor for Mariposa County, California, and almost 50 percent of this county is owned by the Federal Government. Mariposa is the home of Yosemite National Park and parts of the Sierra and

Stanislaus National Forest. None of that Federal land is in our tax base, none of the economic activity on that land is taxable in our county. Still our small communities, my hometown, by the way, has fewer than 2,000 people, provide all the basic services for more than 4 million visitors that visit Yosemite every year.

PILT recognizes that the Federal Government has an obligation to contribute to these services. This amendment would fund that obligation.

It is relevant that today we are debating a bill that would create $2.85 billion in mandatory spending. That money will go to Federal land-related purposes. It mandates spending on new public land purchases, but what is not mandatory in this bill, and should be, is PILT.

Mr. Chairman, what is more mandatory than our tax obligation to local governments? Especially when the money goes to help support services like search and rescue, emergency medical, fire and sheriffs, all to the benefit of visitors on our Federal lands, ensuring full funding of PILT would be a big improvement to this bill.

It will uphold our obligations to counties and local communities before we provide mandatory spending for new programs, particularly for programs that remove land from our local tax base.

This amendment would fund PILT. I urge my colleagues to support it.

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

Mr. YOUNG of Alaska. Mr. Chairman, how much time am I entitled to in opposition to the amendment?

The CHAIRMAN pro tempore (Mr. FOSSELLA). The gentleman from Alaska (Mr. YOUNG) controls 10 minutes in opposition.

Mr. YOUNG of Alaska. Mr. Chairman, for the purpose of controlling time, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER) in opposition to the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from California (Mr. GEORGE MILLER) will control 5 minutes in oppostion to the amendment.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman. I rise in opposition to the amendment.

Mr. Chairman, I tell my good friend the gentleman from California (Mr. RADANOVICH) that this amendment is not necessary, nor needed. If we do as the Committee on Appropriations should do, we would, under CARA, fully fund PILT.

Last year, the Committee on Appropriations funded $135 million last year and $10.7 million. Under this program that is not appropriated, we would, in fact, fully fund it with $185 million and $15 million in refuge so it would be fully funded. It would be perfectly funded for the first time.

What has to happen now, the requirement now is through the Committee on Appropriations, who has not fully funded it. I agree with the gentleman, it should be. But under CARA, for the first time, we will have the money to fully fund the program as long as the Committee on Appropriations continues to do their job.

Mr. RADANOVICH. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. RADANOVICH. Mr. Chairman, as I understand it, the historical commitment or the all-time high was $135 million. That times two is not quite $300 million.

The obligation to PILT is $320 million. There is no chance that it is subject to full funding under this type of scenario because, under CARA, what was appropriated would be matched.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, CARA creates a ratio and it will be fully funded under that ratio. As long as the Committee on Appropriations continues to do as they have done in the past, we will match that under the CARA bill. It does not do it historically, but we will match it.

Mr. RADANOVICH. Mr. Chairman, if the gentleman will continue to yield, but CARA, if I may add, that their obligation is only to match what is appropriated; and what is appropriated is never even half of the $320 million obligation.

Mr. YOUNG of Alaska. Mr. Chairman, then that is the fault of the Committee on Appropriations. But they will have more money than they have now for PILT.

Mr. RADANOVICH. Mr. Chairman, if the gentleman will continue to yield, we will have more money than we will now, but under this program, they are creating seven new mandatory programs and fully funding them when we have an unfunded PILT program that even under this bill will not be funded.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, under this bill, under the provision of the title, we are fully funding PILT under CARA as long as the Committee on Appropriations does the job that they are supposed to do.

Mr. RADANOVICH. Mr. Chairman, but they never fully fund PILT.

Mr. YOUNG of Alaska. Mr. Chairman, I have not yielded to the gentleman. I just answered the question.

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

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think taking the same tact as my chairman the gentleman from Alaska (Mr. YOUNG), the purpose for this and in discussing this with supporters of PILT was to make sure that the Committee on Appropriations would continue to fund PILT to the level. But recognizing, as the gentleman from California (Mr. RADANOVICH) pointed out, that they have not funded it at full funding, we would then match up to $200 million.

So they are at $135 million. Full funding is $247 million. We would add $112 million to bring them to full funding. But they have got to continue their effort. So, as it is indexed, that would change.

So this was an effort by many of the people in the committee, as my colleague knows, who support PILT. And in the communities that support it, this was an effort to see whether or not we could take two pools of money and get us there to full funding.

Because the likelihood is, if we do not do that, we all know what happens in the Committee on Appropriations; their demands are much greater than the revenues that are available to them and we will never get to full funding.

Mr. RADONAVICH. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from California.

Mr. RADANOVICH. Mr. Chairman, as a point of inquiry, does CARA obligate full funding for PILT? Can the gentleman say that it obligates full funding for PILT?

Mr. GEORGE MILLER of California. Mr. Chairman, reclaiming my time, CARA obligates us to match the appropriation to take them to full funding.

Mr. RADANOVICH. Mr. Chairman, if the gentleman will continue to yield, so the most of this $320 million obligation that has been funded has been $135 million.

Mr. GEORGE MILLER of California. Mr. Chairman, it is $247 million I think.

Mr. RADANOVICH. Mr. Chairman, the most in the recent years has been $135 million. If they double that, it is $270 million. They are still short.

I say to the gentleman, please tell me that CARA would them come in and fund all of this up to the $320 million obligation.

Mr. GEORGE MILLER of California. Mr. Chairman, it would match the appropriations funding up to $200 million. In this instance we are full funding this $247 million. They do $135 million. We would do $112 million, to take them to $247 million.

Mr. RADANOVICH. Mr. Chairman, but what the gentleman said previously is that CARA will match what is appropriated, correct, and then do something else, or just match what is appropriated?

Mr. GEORGE MILLER of California. Mr. Chairman, that is right. Because, otherwise, the appropriators walk away from their obligation on PILT and CARA inherits it. We are trying to augment that.

Mr. RADANOVICH. Mr. Chairman, I ask the gentleman, but CARA only matches what is appropriated?

Mr. GEORGE MILLER of California. Mr. Chairman, no. Up to, whatever it takes to get to full funding.

Mr. RADANOVICH. Mr. Chairman, so the gentleman is assuring me that, under CARA, PILT will be fully funded?

Mr. GEORGE MILLER of California. Mr. Chairman, that is how the law is written. Unless appropriations just put nothing in. That is why the match is in, to keep appropriations in the game.

Mr. RADANOVICH. Mr. Chairman, I ask the gentleman, still subject to appropriations, though?

Mr. GEORGE MILLER of California. Mr. Chairman, yes.

Mr. RADANOVICH. Mr. Chairman, but there are seven new programs that are created that are not subject to appropriations anymore?

Mr. GEORGE MILLER of California. Mr. Chairman, the CARA money is not. But the appropriators have to put up their share of the funds.

Mr. RADANOVICH. Mr. Chairman, CARA creates seven new programs that are mandatory programs that will be fully funded, while PILT is not included in that.

Mr. GEORGE MILLER of California. Mr. Chairman, this is part of that money. That is what we are trying to tell the gentleman.

Mr. RADANOVICH. Mr. Chairman, but it is still subject to appropriations when seven new programs are put under mandatory spending.

Mr. GEORGE MILLER of California. Mr. Chairman, no, there are not seven new programs.

Mr. YOUNG of Alaska. Mr. Chairman, who controls the time?

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) controls the time.

Mr. YOUNG of Alaska. Mr. Chairman, I just want to remind the other gentleman from California, if CARA is not passed, how much money did they get in PILT? How much money do they get?

Mr. RADANOVICH. Mr. Chairman, if the gentleman from California will continue to yield, what concerns me is, then let us make PILT mandatory.

Mr. YOUNG of Alaska. Mr. Chairman, that is what we do under CARA.

Mr. GEORGE MILLER of California. Mr. Chairman, our share is mandatory.

Mr. RADANOVICH. Mr. Chairman, let us make PILT mandatory. The $320 million obligation, why do not my colleagues join me in this amendment and make it fully mandatory like they have made seven other new programs that are created by this bill mandatory spending? This is an unfunded obligation.

Mr. GEORGE MILLER of California. Mr. Chairman, under CARA, that share is mandatory and it will be matched by the appropriators.

Mr. RADANOVICH. Mr. Chairman, I ask the gentleman, why does he not join me in adding PILT to the other seven mandatory programs?

Mr. GEORGE MILLER of California. Mr. Chairman, it is. To the extent to which we fund it, it is mandatory.

Mr. RADANOVICH. Mr. Chairman, it is still subject under the appropriations.

Mr. GEORGE MILLER of California. Mr. Chairman, I say to the gentleman, no. The appropriators have to do their share, as they are doing today, which is $135 million, or whatever.

Mr. Chairman, I yield to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, if I could maybe try to explain the situation as it deals with PILT versus the appropriations.

First of all, this was about enhancement, not supplanting. So we took an historic number of what the Committee on Appropriations over the last few years has actually allocated to PILT.

Last year, in fiscal year 2000, they appropriated $135 million.

□ 1915

The bill that is in front of us says that if the Committee on Appropriations appropriates $100 million, at least $100 million, then the difference would be made up through the interest payments on the bill. So what it basically would do, it is not a match, it is more of $100 million for PILT and $15 million for refuge revenue sharing. So if the appropriation comes up with that commitment, and these numbers were not pulled out of the air, they were historical in nature, if they make that, then CARA will enhance the rest.

Mr. RADANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I urge the founders of this legislation to join in this amendment. Let us look at the history of PILT. Everybody says they are for PILT. PILT has never been fully funded. Why do we have PILT? We take hundreds of millions of acres out of rural counties, rural communities and we take them out of the tax base, and PILT is allowed, it says we are going to pay you so much back to help with local services.

Last year, $320,000 million authorized, we only funded $135 million, and that is historic. It has never been funded. If you are serious about mandating $480 million worth of purchases by the Federal Government, $480 million worth of purchases by the States hereafter, live up to the law of PILT. Make it mandatory funding. Do not make local governments go without services, fire services, emergency services, road services without a tax base.

Our rural lands that people go to, we need services. PILT was set up to pay for that. We pay pennies per acre. In Pennsylvania where I came from, we paid $1.20 an acre for every acre. That was not enough, in my view. You are taking money out of the land base. PILT is a formula to help local government provide the services that are necessary for the people who are going to use that land. In fairness, join us tonight and make PILT mandatory funding so we do not have to have this battle that we have launched year after year after year. Rural America has taken it in the neck long enough.

Mr. RADANOVICH. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from California for yielding me this time. I rise in strong support of this amendment. In fact, this amendment is the only way that logically PILT can be funded under CARA, because where the rubber really meets the road in the plain language of this bill is that PILT will be funded only if there is interest left over in the accounts, not spent by the Secretary of Interior on various other programs.

Now, you tell me when any Federal agency has money left over that can generate interest. So the bare bones fact is that there will be no money generated for PILT under the present language. All of these lands in yellow and green are lands that are dependent upon PILT for their very existence. In some counties in my own State of Idaho, only 4 percent of the counties' lands are in private holdings that provide for the necessary services that counties must fund. They are even cutting back on the number of days that they can hold school. Now, that is a shame. And fire and police and maintenance are going wanting because we have not funded PILT. But CARA will not fund PILT unless we get this amendment. Because, as I say, no agency leaves money in their funds to generate interest. That is the only way that PILT money would be funded.

Mr. RADANOVICH. Mr. Chairman, I yield myself such time as I may consume.

My concern, and I represent mainly a rural area of California. About 330,000 acres were just taken up in the Sequoia National Monument, displaced about 100 workers and cost my communities that have about 16 percent unemployment about $8 million in revenues a year. I am concerned about this bill because I do not agree with any further Federal funding being spent on States or counties that have more than 50 percent Federal land ownership, because you are taking tax base revenues away from counties. The problem that I have with CARA is that there are seven new programs being created that require mandatory spending: Coastal impact

assistance, Land and Water Conservation Fund, Federal Aid in Wildlife Restoration, Urban Parks and Recreational Recovery, National Historic Preservation Act, Indian lands restoration, farmland protection easements and endangered species recovery. I understand a lot of people think that those programs are good and I see some merit in quite a few of them. But when you are taking away the tax base from small counties that have to provide emergency services at their local levels in rural areas, you are treating rural areas unfairly. That is why I think PILT in this bill and my amendment would make it mandatory. There would not be any question that the obligation, created by PILT was passed by this Congress, would not be met. If you vote to pass my amendment, it means that PILT, those counties that provide all of the services for the local people in the rural areas would be included in this preferential category of mandatory spending. It would fully fund that $320 million obligation annually, would not subject it to the whims of the Congress through the Committee on Appropriations.

If it is good enough for environmental measures, it is good enough for those that guard and protect and enhance human life in small rural counties. For that, I hope that people will support this amendment and vote it in.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. FOSSELLA). Does the gentleman from California yield for a parliamentary inquiry?

Mr. RADANOVICH. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I had 2 minutes left for closing. I did not know the gentleman was closing, that he was speaking on the remaining 5 minutes he had. Do I still have the right to close or do I have to use up the time?

The CHAIRMAN pro tempore. The gentleman from California is just exhausting his own time. The gentleman from Alaska still has 2½ minutes remaining.

Mr. RADANOVICH. May I inquire of the remaining time that I have?

The CHAIRMAN pro tempore. The gentleman from California has 1 minute remaining.

Mr. RADANOVICH. Mr. Chairman, the only point that I want to make is that those who provide services in rural America that are getting blighted by this kind of Federal land purchase dollars deserve the right to have PILT funded on a mandatory basis and not subject to appropriations, just the way these other seven programs that you have created for Federal land purchases in blighting rural communities and putting them all on welfare deserve to have that right, too. So I hope that people will vote for my amendment and make PILT mandatory.

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

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

I would tell the gentleman I am very sympathetic and would support his amendment if we had not reached this agreement in the delicate balance which we did arrive at. I want to, again, stress that last year the Committee on Appropriations, by the way, because there are certain individuals in the Committee on Appropriations that do not like this bill, if they had been doing their jobs, they would have fully funded it.

In fact, the Committee on Appropriations owed this America $13 billion which was collected in offshore development that we said we were going to spend, we spent it for other reasons. This is what I am very concerned with. I want to remind the gentleman that last year the Committee on Appropriations only funded $135 million for PILT, $10 million for the refuge sharing program. What we tried to do and, by the way, this was insistence from one of the Western Caucus members that we consider the PILT.

We tried to take and say, all right, we will fully fund it with the help of the Committee on Appropriations, which we do. After we did that, the National Association of Counties supports the bill. It is their interpretation that it is the full funding. I can assure the gentleman, I may not be on this committee next year, I will be the vice chairman of this committee, it is my intent to make sure that this does occur. I hope he has a little faith in what we are trying to do here because I think he is absolutely correct. To have a small community have to shoulder the burden for the national good is wrong. They ought to be reimbursed for those lands that are taken out of production. But we thought we were doing it. We really thought we had a formula here. Really this idea came from the National Association of Counties. That is who we were working with.

Mr. RADANOVICH. If the gentleman will yield, it does not give this Congress the right to further fund programs that are causing further harm to rural America without giving them any further assurance that their problems are going to be solved.

Mr. YOUNG of Alaska. We are attempting to make sure that any lands that are acquired, it takes it off the tax roll, that there is full reimbursement for those small communities. I understand the problem. We have gone from 7.5 in 25 years to 1.5 of rural community. I understand the problem, because I have this affecting me in Alaska. But we were trying to do something correct. Very frankly I think we did do something correct. We fully funded it.

Mr. RADANOVICH. The problem is that you provide no assurance that these PILT obligations are going to be met. Then you are wildly increasing funding for more of the same programs.

Mr. YOUNG of Alaska. We claim there has been no land purchased, number one, under my program. There has been land purchased under the other program, about $480 million a year, which you voted for, by the way, $480 million a year for the last 6 years which we have been in control. I just want people to remember that.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. RADANOVICH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. RADANOVICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from California (Mr. RADANOVICH) will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 106–612.

AMENDMENT NO. 4 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TANCREDO:

Page 10, line 2, strike ''$900,000,000'' and insert ''$450,000,000''.

Page 10, line 8, strike ''$125,000,000'' and insert ''$350,000,000''.

Page 10, line 17, strike ''$100,000,000'' and insert ''$225,000,000''.

Page 10, line 24, strike ''$50,000,000'' and insert ''$150,000,000''.

Page 11, line 5, strike ''$2,825,000,000'' and insert ''$2,700,000,000''.

Page 30, beginning at line 24, strike ''Act—'' and all that follows through page 31, line 5, and insert ''Act, 100 percent shall be available only for grants to States.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from California (Mr. GEORGE MILLER) each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume. As we are all aware, there is more to CARA than just land acquisition. It is a bill that was designed in part to combat the fast paced growth of urban areas. I am pleased to offer this amendment with the gentleman from California (Mr. POMBO) to direct our efforts toward mitigating the impacts of urban and suburban growth. I represent two of the fastest growing counties in the United States, Jefferson and Arapahoe County in Colorado.

Having witnessed this growth firsthand, it perplexes me that the focus of the debate surrounding this bill should remain squarely on Federal land acquisition. CARA provides other mechanisms to meet our environmental obligations, especially in those suburban areas which are most impacted by rapid growth.

Under our amendment, funding to the Urban Parks and Recreation Recovery program, or UPARR, will increase by $225 million over the current bill, improving the quality of life and environmental integrity of the urban areas. If we are going to spend this money, let us spend it where people can experience these improvements on a day-to-day basis.

We will increase funding to the farmland protection program by $125 million. In Colorado, I would argue that the farmers of Jefferson, Arapahoe Douglas and Boulder Counties should be listed and protected as an endangered species themselves. Instead, they are under attack by the current endangered species policies of the Federal Government and they are afforded little, if any, help by the same Federal Government to protect their property. Our amendment can fix that.

Our amendment offers a substantial increase in the funding made available to the endangered species recovery programs in title VII of this bill. If we want to recover a species of wildlife that are declining in population, let us do it by addressing the issue and not by acquiring more land. Make no mistake, this amendment does not prohibit the Federal acquisition of land. We can still pay for that through the normal appropriations process. However, it does remove a fund designated for that purpose.

I challenge the notion that land is actually preserved by Federal land acquisition. It is true that development on that land may be prevented, but the Federal Government must become the steward of this land for the years to come once it obtains that land. In Colorado, even the United States Forest Service does not pretend that our national forests are healthy. They are diseased, infested and their roads and trails are deteriorating as well. We should provide local landowners, farmers and local governments the financial resources to better care for these lands themselves.

If my colleagues want to address the issue of urban sprawl or urban growth, then let us allocate the money in this bill in a way that actually reflects that purpose. A dedicated fund for Federal land acquisition will not prove to be the answer. By and large, it will be a burden. Instead, let us empower our localities and property owners to better manage their own land. This amendment is a long-term solution to a long-term challenge that our country faces.

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

□ 1930

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

I rise in opposition to this amendment. This is an amendment that essentially guts this legislation, because the authors of this amendment are very much aware of how valuable the people of this Nation hold the Federal expenditures that we make under the Federal Land and Water Conservation Act. This is the program that we use to preserve the headwater forests, the great redwood forests in northern California. This is the program that we use to preserve the Baca Ranch in New Mexico, the great holdings that are supported by the people of that State, the people of the region and across this Nation to protect those lands. This is money that we use to try to protect the great Everglades, as we have tried to restore the Everglades. There is overwhelming support across this Nation for the protection of the Everglades and the augmentation of the Everglades so that we can try to clean up the water pollution problems and the other problems that we have there.

That is what the Federal Land and Water Conservation Act does. It is not a matter of trading in this money for money that would go to State or suburban programs. This bill is about a balance, about a balance of the amendment that we just heard before, trying to help out counties with PILT payments, about a balance of trying to help the Federal Government meet its obligations to protect the great assets, what many people consider the wonders of the world, the Zions, the Arches, the national parks, the Grand Canyon, the Grand Tetons, Yosemite, King's Canyon, all of these areas that are so dramatic that are under threat. We have people who have areas inside of those parks who want to sell those lands who have inholdings who want to get out. This is the means by which we do that.

This is very, very important. Let us not act like this is some new land rush that was $450 million. This was set back in the 1970s, this amount for Federal land acquisition. The Committee on Appropriations appropriated somewhere around $300 million or so for Federal acquisition, and they do it at the request of the Members of Congress. Elected officials walk into the Committee on Appropriations and ask, and they ask that these lands be acquired in their State, in their congressional district, as do Senators. Under this process, if those are authorized by the Congress of the United States, only if they are authorized by the Congress of the United States, and if they are submitted by the President of the United States and the Committee on Appropriations approves them and the authorizing committees approve them, then and only then will they be acquired for the people of the United States of America.

Very shortly, school will be out, the summer season will start, and millions of Americans will travel across this country to see these great assets, to see what we call the crown jewels of the Federal land system. Millions of Americans will power into Yosemite, into the Grand Tetons, into the Grand Canyon, into the Everglades, into the Great Smokies. All of those parks are under threat. This is the source of revenues that we try every year to protect those and to augment others that are worthy of being in this system.

Mr. Chairman, to kill this is to kill the Federal Government's ability, the Federal Government's ability to protect those resources and to enhance those resources on behalf of all Americans. It is not just that the Yosemite is in California, because people come from all over the country and all over the world. These are dynamic engines of economic activity around Yellowstone, around Yosemite, around the Everglades, and it is important that we take care of them. That is what Federal land and water conservation funding does. This amendment guts that proposal. It guts that effort. This money is erased from the bill.

Mr. Chairman, it is not about trading it off, as the gentleman has said, to sprinkle it through the other programs. Those programs were funded in this legislation, in the balance, in the balance that was achieved by long, tough, difficult, bipartisan negotiations with many, many, many of the interest groups, outside interest groups, those who are concerned about national parks and fish and wildlife and habitat and hunting and fishing and all of the rest. So we ought not to gut this bill with this amendment, and I would hope that the House would overwhelmingly reject this amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, did the gentleman yield 5 minutes to us?

Mr. GEORGE MILLER of California. Mr. Chairman, I am happy to yield.

Mr. YOUNG of Alaska. Mr. Chairman, how much time did the gentleman from California yield to me?

The CHAIRMAN pro tempore (Mr. FOSSELLA). The gentleman from California (Mr. GEORGE MILLER) has 5½ minutes. He controls the time.

Mr. GEORGE MILLER of California. Mr. Chairman, I meant to yield the remaining time to the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore. Without objection, the gentleman from Alaska (Mr. YOUNG) now controls the 5½ minutes remaining.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the net effect of this amendment is to take $500 million out of the Land and Conservation Fund, which monies are used as one of a number of tools that we have to preserve open space: acquisition. Now, I understand to some in this room that the word ''acquisition'' has a negative meaning, but to those of us who represent States and communities, or let us just say on the East Coast between Boston and Florida, this tool is extremely important.

In my district, for example, every year I go to see the gentleman from Ohio (Mr. REGULA) and I ask for funds to expand the Forsythe Refuge; Ed Forsythe was my predecessor and they named the wildlife refuge after him. We have so much development pressure in New Jersey that we have programs to retire development easements. We have so much development pressure in New Jersey that we have used State Green Acres money to buy land. We have so much development pressure that we use Land and Water Conservation monies to preserve open spaces through acquisition. It is usually sensitive land. It is usually land where we as human beings have no business building housing developments or shopping centers or parking lots or whatever other uses these lands may have.

Without these funds, Members will lose a good deal of the abilities they have to help the folks back home live in an environment that has conservation policy that is good for the folks back home.

So as well-intended as this may be, it is destructive to the process that we are all involved in in trying to maintain a quality environment with open space in the coastal States that are highly developed and under development pressure.

Mr. TANCREDO. Mr. Chairman, I would inquire as to how much time remains.

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. TANCREDO) has 7 minutes remaining.

Mr. TANCREDO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I rise in support of the amendment, but against the bill. This is very, very interesting, what we have going on here. Everybody is talking about how the Federal Government has to own it. The Federal Government has to own it, or else it does not seem to count for the proponents of this bill. The Federal Government seems to have the franchise on environmental consciousness. Of course we do not want the private property people in on it because of private ownership, and the State governments which, under the Tancredo amendment, are not only supported, but encouraged to buy the land. The State governments are not given any credit.

We do not hear from the proponents of CARA which, as we all know, stands for Congress abdicating the rights of Americans, because what it is is we are running from our responsibilities of voting for land acquisitions or voting against land acquisitions. We are going to turn it over to other people.

Mr. Chairman, the curious thing is that the proponents of CARA do not say how much land we should own. I will ask them, can any of my colleagues who are supporting CARA tell me how much Federal land we should own in this country?

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from California, and I just want a quick answer. Twenty-five percent, thirty-five percent, forty percent, fifty percent? How much?

Mr. GEORGE MILLER of California. Mr. Chairman, they will make that decision under the democratic process, just like the gentleman from Georgia (Mr. KINGSTON) asked us to buy Cumberland Island.

Mr. KINGSTON. Mr. Chairman, reclaiming my time, regular order, please, Mr. Chairman.

The question is, how much land should the Federal Government own? Twenty-five percent, 35 percent, 40 percent, 50 percent? The lead cosponsor of this bill cannot answer the question and instead gives us this fishy answer.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from California. I will give the gentleman one more shot. How much, 50 percent?

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman will let me answer, right?

Mr. KINGSTON. Absolutely. I am looking for a percentage, 25 percent, 50 percent? How much land should the Federal Government own?

Mr. GEORGE MILLER of California. Mr. Chairman, the fact is, in recent years Federal ownership of land has been going down, so that is the trend, that is the trend. Mr. Chairman, if I can finish my answer.

Mr. KINGSTON. Mr. Chairman, reclaiming my time.

The CHAIRMAN pro tempore. The gentleman from Georgia's time has expired.

Mr. KINGSTON. Mr. Chairman, I reclaimed the time before it expired.

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. TANCREDO) controls the time.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I want to say to the gentleman, I will be glad to continue the dialogue under the gentleman's time. But here is the question. They do not know how much Federal land we should own. Right now it is 32 percent. Basically, that is everything east of the Mississippi River. Now, how much should it be? Maybe the current 32 percent is not enough. Maybe we should have 50 percent in Federal Government hands. I do not know. I wish the people who are pushing CARA, $2.8 billion a year in Federal acquisition money for 15 years, could tell us.

The point is, we are concerned on behalf of our State governments, on behalf of private landowners that this is a Federal Government land grab, and we are very concerned about that.

Mr. Chairman, I am a member of the Subcommittee on Interior of the Committee on Appropriations, and as the gentleman from New Jersey (Mr. SAXTON) says, colleagues come to our committee every year for this land in New Jersey and we have been supporting it. We will continue to support it under the Tancredo-Pombo amendment. What is wrong with that? That is the constitutional process laid out by our Founding Fathers in 1789. But suddenly, that is not good enough. We have to have this new law.

I urge my colleagues to look at this very carefully.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I rise in opposition to this amendment.

This amendment would eliminate the bill's provisions for land acquisitions, eliminate the provisions for land acquisitions by Federal agencies, and instead, increase the emphasis on assisting the States and local governments. Do not get me wrong; I want to assist the States and local governments, but sometimes Federal acquisitions are appropriate and necessary.

Three examples in Colorado that exist right now. We are trying to get a bill through this body that would authorize acquisition of lands next to the Great Sand Dunes National Monument, partly for addition to that unit of the national park and also to create a wildlife refuge. Secondly, there is a need to acquire inholdings in the Black Canyon of the Gunnison National Park we just created in this body. Thirdly, right in my district, right in my district there are lands in the Beaver Brook watershed that the City of Golden wants to sell for addition to the Arapaho National Forest. This proposed acquisition has broad support and needs to go forward on a priority basis.

These are just a few examples in Colorado. It is clear that this amendment is a poison pill. In Colorado, 35 percent of our lands are owned by the Federal Government. As a Coloradan, as a Rocky Mountain Westerner, as an

American, we ought to pass this bill but defeat this amendment. This is nothing but a poison pill.

Mr. TANCREDO. Mr. Chairman, may I inquire again as to how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. TANCREDO) has 4 minutes remaining; the gentleman from Alaska (Mr. YOUNG) has 2½ minutes remaining.

Mr. TANCREDO. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. POMBO).

The CHAIRMAN pro tempore. The gentleman from California (Mr. POMBO) is recognized for 4 minutes.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding and I thank the gentleman for cosponsoring this amendment.

We have heard a lot of things about this amendment, most of which have absolutely nothing to do with this amendment. What this is all about is the Federal acquisition of new land. It has nothing to do with Yosemite or Yellowstone or the Grand Tetons or any of the other stuff. They are already federally owned. The Federal Government already has those.

This map will probably be shown quite often tonight. This is Federal ownership of land. Everything we see colored on here is Federal ownership of land.

What this amendment says, quite frankly, is the Federal Government already owns enough land. They do not need to buy more. Now, everybody that is coming down here tonight is talking about all the great things this bill is going to do. We heard people one right after another coming down. They are talking about their urban parks, they are talking about protecting their wetlands, they are talking about doing things so that their States can buy land. They are talking about all of these things. Well, I say to my colleagues, that is what this amendment puts more money into. It puts more money into urban parks, it puts more money into our endangered species recovery. It puts more money into protecting farmland. All of the things my colleagues have been talking about.

All I am saying is the Federal Government owns enough land. Now, if there is something that is that important, if there is something that we really need to buy, then sell something and buy it. The Federal Government owns 700 million acres of this country already.

□ 1945

All of that is not environmentally sensitive. All of that is not important to be held in public trust. They can sell some of it and buy something, if they want to. But if Members really do care about urban parks, about protecting farmland, about protecting endangered species and doing endangered species recovery programs, this gives more money, $450 million a year in more money for the things they say they want. That is why they are supporting this bill.

Nobody has the courage to come down here and say they think the Federal government ought to own more land. They own one-third of this country already. They own too much already. Members know that. Members know they own too much already.

Talk about State ownership, in the 13 Western States alone, the States own 142 million acres, besides the literally hundreds of millions of acres that the Federal government owns. In my State of California, the government owns over half of the State. Everybody thinks California is this developed, packed State. Over half of the State is owned by the government, over half of it.

When we talk about government ownership, do Members realize that the 700 million acres that the government owns, that the Federal government owns, that half of that is held with some kind of conservation easement? It is held as National Park Service land, as wildlife refuge, as wilderness area. Three hundred fifty million acres is already held with a conservation easement on it. How much do they want?

They say they are in favor of this bill because of all the great things it does. We do not take a dime away from any of that. What we are saying is, the Federal government owns enough land. If Members really want to protect urban parks, really want to put money into protecting farmlands, really want to put money into protecting endangered species, this is the amendment that does it. This is the one Members have to support.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I see the gentleman from Ohio (Mr. REGULA) standing there. This discussion about we own too much land, the gentleman from Ohio (Mr. REGULA) tells us this year that the demands from Members of Congress far exceed what this committee could do; that over the vast majority of this Congress go before that committee and they ask, would the Federal government please purchase this inholding, will they expand this boundary, will they provide this new section of park, will they provide this unit?

That is the fact of the matter. That is the democratic process. Members of Congress represent their constituents and make these requests. In recent years, the total land mass has gone down. I think we should trade out and swap out more lands. I agree with all of that. The fact of the matter is, it is Members of Congress and Members of the Senate that believe that these acquisitions should be made, these inholdings should be bought.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, that is true, but what the gentleman wants to do is to give authority to the States to buy the land, so they will go to the State legislators to get the requests.

Mr. GEORGE MILLER of California. No, we are going to come right back to the gentleman to get that long list. The gentleman will be so happy as an appropriator.

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

Mr. Chairman, I would like to remind my colleagues that this bill has been a very long process with many, many meetings. We reached a very balanced bill supported by 4,000, and every governing organization in this Nation.

I can agree about what has been said about this amendment, but the reality is this amendment should not be adopted.

I got interested about the gentleman from Georgia talking about how much we own. Last year he asked us to buy Cumberland Island. If that is the case, that he does not believe in Federal ownership of land, and I have not mentioned anybody's name so I will not yield at this time, if anybody would like to have purchased the land, then maybe we ought to take and have that land sold back to the private sector. The private sector would be the best way, because the Federal government should not have any more land.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, the 4,000 or 5,000 or 100,000 that the gentleman has on that sheet, none of those people are badgering for more Federal land acquisition. That is all the State side money, the $2.8 money in State side.

Mr. YOUNG of Alaska. Reclaiming my time, I happen to agree with the gentleman, but remember the balance that I was talking about. Without this provision, if this amendment was adopted, if this amendment was adopted, then, very frankly, the package falls. I have to tell the gentlemen that. They understand that.

So I would suggest respectfully that we defeat the amendment.

The CHAIRMAN pro tempore (Mr. FOSSELLA). All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 106–612.

AMENDMENT NO. 5 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 106–612 offered by Mr. SOUDER:

Page 15, after line 8, insert the following:

(f) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL APPROPRIATIONS FOR NATIONAL PARK SERVICE.—Amounts made available by this Act are intended by the Congress to supplement, and not detract from, annual appropriations for the National Park Service.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin to explain my amendment, I want to commend the gentleman from Alaska (Mr. YOUNG), our committee chairman on the Committee on Resources, and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their work in crafting this bill.

As a cosponsor of this fine piece of legislation, I strongly support this epic bill. My amendment is very simple. It merely clarifies that funds provided under CARA are intended to supplement and in no way detract from annual appropriations for the National Park Service.

We are going to hear a lot of debate through tonight and possibly into tomorrow that is very contentious, and I as a strong conservative would like to make a brief statement in clarifying both my position regarding this bill and this amendment.

A fundamental question is, what is in fact a conservative? I believe a key, fundamental part of being a conservative is conservation. That is what we do as conservatives: We appreciate our heritage, our natural beauty in America, whether it is the wonder of parks like Yellowstone and Yosemite and Glacier and the Grand Canyon; the rivers, the wildlife, which illustrate the wonder of intelligent design of our world.

The cultural heritage of America, the Independence Halls, the Gettysburgs, help us understand who we are as a people. The national lake shores like the Indiana dunes, or the amazing combination areas like the Golden Gate recreational area, where we have cultural and natural beauty, that is the legacy that we want to pass to our children and to our children's children.

We need to have a passion for that heritage. That is part of being a conservative. We can argue how much the government should own, how much regulation there should be. But the fundamental thing that we want to pass on in generations is a sense of who we are, both in our natural and cultural beauty.

The reason that is important is there are charges made that those of us who back CARA are somehow trying to gut some of our national mission, that this is a zero sum game; if funds move to the State and local level, that in fact we would reduce the Federal funding for our National Parks.

I really respect the difficult job that our chairman of the Subcommittee on Interior of the Committee on Appropriations has every year in his difficulty meeting the $13 billion backlog in facilities and $26 billion in operations in the National Parks. I think it is important to make a statement in this bill that CARA is meant to be a supplement to what we are doing in the National Parks, and that it is part and parcel, part of and not just similar to the principle of the social security trust fund, the gas tax.

When we say we are going to take revenue for a particular function, in this case environmental, or whether it is hunting and fishing fees, they should be used for what they are intended to be collected for.

In the pattern over the last number of years, when we have had a deficit we have diverted these funds. This bill is not intended to take the funds from Interior, but rather to add a supplement to environmental legislation.

Let me make one other point. I come from Indiana. I understand the frustrations of a lot of the Western States with high public lands. We have 3 percent public ownership of land in Indiana, 2 percent Federal. I have none in my district.

I sought out the Committee on Resources, not because of anything directly related to my district, but because I am a strong believer in preserving our natural and historic heritage. We need a program like CARA, because our only wildlife programs are State parks, county parks. That is where our recreation funds are. We see our dollars constantly come to Washington and be diverted into the West. We need to have these things in the Midwest, as well.

At the same time, the people of northeast Indiana, while we strongly want additional dollars, our tax dollars, for things to be matched in our local areas, we also support our National Park system. Almost every family, or a high percentage of the families, in my district will visit at least one or probably multiple of our kind of classic National Parks, as well as many regional National Forests, fish and wildlife settings, and national lake shores and other things that fall under our public land system.

But this amendment is essential to say two things: One, we want to preserve our National Parks, and this is not meant to reduce any dollars in that area; secondly, that we need additional dollars to build up our State and local resources, because many of us, that is our primary way of appreciating the nature and our cultural heritage.

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

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

Mr. GEORGE MILLER of California. Mr. Chairman, I do, and I yield to the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) controls the 5 minutes in opposition.

Mr. YOUNG of Alaska. Before we go any further, Mr. Chairman, we are in a one, two, one, two. The Chair does not have to take care of us, but once in a while, I believe last time the gentleman controlled the time and yielded to me. I am just suggesting we do that. That is off the record, but I hope everybody sees it.

The CHAIRMAN pro tempore. Is the gentleman from Alaska (Mr. YOUNG) claiming the time in opposition to the amendment?

Mr. YOUNG of Alaska. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

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

With the concurrence of the gentleman from California, we are willing to accept the amendment, because it makes great sense.

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

The CHAIRMAN pro tempore. Does the gentleman from Indiana (Mr. SOUDER) wish to seek further time? The gentleman has 20 seconds remaining.

Mr. SOUDER. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA).

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized for 20 seconds.

Mr. REGULA. Mr. Chairman, I have no problem with what the gentleman is trying to do. I only wish it could be expanded for the forests, like the gentleman has Hoosier National Forest. We have a lot of responsibilities: The Bureau of Indiana Affairs, all the cultural agencies in town are afraid they are going to get shorted, even though we may give extra for the parks. I am for that, but there are other areas that also need to be funded.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 106–612.

AMENDMENT NO. 6 OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SHADEGG:

Page 15, after line 8, insert the following:

(f) ENSURING SOCIAL SECURITY AND MEDICARE SOLVENCY.—The Secretary of the Treasury shall not transfer funds to the Conservation and Reinvestment Act Fund under this Act during any fiscal year unless—

(1) the Director of the Congressional Budget Office has certified that the House and Senate have approved legislation that—

(A) ensures that a sufficient portion of the on-budget surplus is reserved for debt retirement to put the Government on a path to eliminate the publicly held debt by fiscal year 2013 under current economic and technical projections; and

(B) ensures that there is not an on-budget deficit for that fiscal year;

(2) the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund has certified that outlays from such trust funds are not anticipated to exceed the revenues to such trust funds during any of the next 5 fiscal years; and

(3) the Board of Trustees of the Federal Hospital Insurance Trust Fund has certified that the outlays from such trust fund are not anticipated to exceed the revenues to such trust fund during any of the next 5 fiscal years.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the American people have spoken. They agree that conservation funding is important. I commend the sponsors of this bill on that point.

But there is a very important condition. They do not agree that we should raid the social security surplus. They have made that position extremely clear last year and the year before. They want 100 percent of the surplus set aside.

They also want to know that Medicare is funded and solvent. They have made that very clear. They want to know that it is there for their health care as seniors. And they want to know that the public debt will be paid off by the deadline of 2013 that this Congress and the President have agreed upon.

Mr. Chairman, we are being urged tonight to vote against every single amendment to this bill. I would urge my colleagues, do not put their brains on hold. Listen to the debate.

I urge Members to vote for this amendment. If they vote against it, they will hear from America's seniors. Let me explain why.

CARA creates a $3 billion mandatory spending program to provide funds for land acquisition and conservation activities. If this bill is signed into law as the authors have written, this $3 billion will be spent every single year, no matter what. Under this bill, if Congress and the President do nothing, the money will nonetheless be spent.

If the government is running a deficit and raiding the social security trust fund and stealing money from social security, then this $3 billion will still be spent on land acquisition and conservation. If social security or Medicare are going bankrupt, this $3 billion, which is what we are putting on auto pilot, will still be spent. It will not be set aside for Medicare. If there is not enough money to pay down the publicly-held debt by 2013, a commitment that this Congress and this president have made, nonetheless, the $3 billion in this bill gets spent, no matter what.

Congress should support conservation, I agree with that, but not at the expense of our commitment to protect social security, not at the expense of our commitment to protect Medicare, not at the expense of America's seniors, and not at the expense of our grandchildren by burdening them with additional debt.

The American people have spoken, Mr. Chairman. In a poll conducted, 20 percent of voters said preserving social security was their top priority. Ten percent said paying down the debt was important. Only 1 percent said creating more parks and additional conservation was important to them.

Yet, under this bill, if social security is bankrupt and the debt is increasing and we are raiding the social security surplus, the law would require that we still must spend $3 billion a year on acquiring more Federal land and more conservation funding. It would not allow that money to be spent on saving social security or paying down the debt.

The Shadegg amendment is simple and straightforward. It deals with this very problem. It protects social security. It protects Medicare. It says that the Secretary of the Treasury would have to certify that four conditions are met: First, that we are on track to eliminate the $3 trillion debt by 2013; second, that we are saving the social security surplus; third, that Medicare is not expected to run a deficit within the next 5 years; fourth, that social security is expected not to run a deficit within the next 5 years.

□ 2000

If the answer to each of these four questions, and they are laid out right here, is yes, then the money gets spent under the bill. If the answer is no, that is, if we are raiding Social Security or if we are raiding Medicare or if we are not paying down the debt, then the money would not be spent before the Congress acts.

Mr. Chairman, I urge my colleagues to support this amendment, and I point out that it has the support of the United Seniors Association, the Sixty Plus Association, and it addresses the concerns of the Concord Coalition.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I urge my colleagues to strongly support this amendment. I think it is an excellent amendment. It points out the economic impact this could have. And I think it clearly also points out that what we are creating is an entitlement, as the gentleman from Arizona points out.

This money is going to be spent if we are running a deficit and the ultimate result would be to dip into the Social Security trust fund, because we have to spend it every year. We are creating an entitlement. And I commend the gentleman for what he is proposing and I urge our colleagues to vote for it.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, I would point out that this still allows these monies to be spent. It requires a straightforward certification that these conditions are met before those monies can be spent. And it is a straightforward attempt to make sure that we protect Social Security, we do not raid it; we protect Medicare, we do not raid it; and, we stay on the commitment of this Congress to pay down the debt, the publicly held debt, by 2013.

It is a straightforward and honest amendment that says conservation funding is still important and it ought to occur, but not at the expense of Social Security, not at the expense of Medicare, not at the expense of paying down our debt.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to claim the time in opposition, and I ask unanimous consent that the time be split with the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Alaska (Mr. YOUNG) will each be recognized for 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER)

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

We are going to have a whole series of amendments this evening that are offered by opponents of the legislation to essentially try to gut the legislation. This amendment, in fact, is

flawed and it is trying to obviously use, as so many have from time to time on this floor, the emotionalism of Social Security.

Mr. Chairman, as we know already, there is the pledge by the President, there is a pledge by the Democrats, the Republicans, the leadership on both sides of the aisle, the leadership in both Houses that there is a lock-box proposal that Social Security will not be invaded. This would suggest that CBO is supposed to certify that to eliminate the debt by 2013.

CBO tells us they cannot certify any such thing. They can tell us, as they do now, their best estimates of where we are going and where we are at a particular time in terms of deficit reduction, as we have experienced over the last several years in the size of the surplus.

This is simply an effort by opponents to kill this legislation. We have a number of programs where we spend money automatically, whether it is Robinson-Pittman, whether it is the crime legislation and all the rest of that, and nobody for a moment believes that the Congress is going to do that at the expense of Social Security.

The reason, one of the reasons this Congress has done so little legislatively is that we have a clear commitment to using the deficit to protect Social Security, to protect Medicare, and to pay down the debt.

Due to our good fortunes, we also have the ability to fund a program such as this and I would urge the Members to vote against this amendment.

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

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

Mr. Chairman, I would just like my colleagues to look at this little diagram. This is what CARA would take out of the total budget. It is 0.002 percent. That is all it takes out of it. And this amendment would be the first time that a new criteria is set on every bill. Only CARA does it apply to.

Now, the thing that bothers me is that CARA is not about new spending. There is approximately, with the help of the gentleman from Ohio (Mr. REGULA) $1 billion a year that has already been spent. But under this amendment, none of that money would be spent. So we would cut out. No new parks, no wildlife refuge additions, no grants to States, no assistance to landowners or endangered species. None of that would occur.

So what the amendment does is eliminate, in fact, until all that criteria is met, no more spending period for the Department of Interior. And I am sure the gentleman from Ohio (Mr. REGULA) would love that.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I simply want to point out that it does not stop that spending. It only stops that spending from automatically happening. The spending could still occur with the approval of Congress.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, yes, but the spending could not occur until we reach that goal. Although I think some of those are meritorious.

Mr. SHADEGG. No, no, no.

Mr. YOUNG of Alaska. Mr. Chairman, that is my interpretation. I believe that is the way it was presented. And, again, I would like to suggest that this is the only bill that this amendment would apply to. And, of course, this is the only bill before us today.

But if we were going to do as the gentleman wishes to do, then we should apply that to everything. I happen to think, by the way, and I happen to think very frankly one thing we have to keep in mind, if we were to take a poll of all of our senior citizens, I think that we will find that they support this overwhelmingly. They are the ones that use the parks. They are the ones that go to the refuges. They are the ones that are worried about the redwoods, and they are the ones, frankly, worried about the endangered species.

So keep in mind, although the gentleman says that we are going to spend the money away from Social Security or divert it away, remember the intention of the original act, the Land and Water Conservation Act. The Congress owes the American people $13 billion which we have not used correctly, that the law said we should use. That is my concern.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Alaska (Mr. YOUNG) for yielding to me. I only want to point out that there are other revenue sharing mandatory programs in this government. For example, interior States get 50 percent of the sharing of Federal mineral resources on Federal lands within the State. That is paid out every year regardless of our budget problems. Paid out every year.

We just passed mandatory spending for airports. We passed mandatory spending for highways in this country. Those are paid out regardless of our budgetary problems under those mandatory programs. This is nothing new.

None of those programs are conditioned upon anybody certifying the future. Who could predict that future? The bottom line is that this is a red herring to kill the bill and we knew it.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I simply want to clarify the intent of the amendment and the language of the amendment, which says the funds simply would not be automatically spent under those conditions. If the Congress wanted to go ahead and make the appropriations to spend them, then that could occur. It does not prevent them from ever being spent; it simply says they are not spent as an entitlement.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding. I would say the whole point is to stop the funding. That is the situation we have today. That is the situation by which Congress took $13 billion out of what was supposed to be spent and went off and spent it on something else.

And the gentleman from Alaska is correct. No money would be spent unless we could certify that we going to eliminate the national debt by 2013. The very people the gentleman tells us to certify it say they cannot certify any such thing. Remember, 6 years ago, we thought we were going to have $300 billion deficits as far as the eye could see, is what they said. And now people want to tell us that we are going to have surpluses as far as the eye can see now of $300 billion.

So the CBO is trying to say that we cannot certify that. And if they cannot certify that, none of this money can be spent for any of these purposes. And that is the gentleman's intent because the gentleman opposes the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I appreciate the gentleman's comment. I just suggest respectfully that amendment should be rejected. It is a small, small part of this total budget, and I do go back to my senior citizens and I do think they frankly support this legislation.

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

Mr. SHADEGG. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Arizona (Mr. SHADEGG) for yielding me this time, and I must say this debate is absolutely phenomenal. All of the arguments that are being made about the automatic spending are precisely why I oppose the bill. Not because I do not support the conservation, all of the wildlife, all of the good things that are in it.

But remember, 2 years ago we came before this body and we took highway spending off budget. Last year we took aviation off budget. Now we are taking conservation off budget. We are creating new entitlement programs, and I do not know how many times I have stood on this floor and listened to people say we have just got to stop and restrain entitlement spending.

But, Mr. Chairman, because it is a good purpose, and who can argue against all of the good things that are in this bill? But no matter how we color it, spending is spending. And no matter how many times we talk about the good parts of legislation, ultimately we are going to have to make some decisions. And this amendment today does not say we cannot spend it. It just says that we have got to look at what actually is happening in the year in which we are going to be appropriating for various conservation programs and say whether the money is there or not. If it is not there without touching Social Security, we cannot do it.

How many times have we unanimously agreed on both sides of the aisle we are not going to touch Social Security? But now tonight we are going to put automatically in place, on auto pilot, something that will spend $3 billion a year no matter what. We are going to wake up here maybe next year, maybe the year after, maybe the year after that, maybe in 4 or 5 years, but sooner or later the chickens are going to come home to roost.

And we can say all we want to say about the merits of it. I agree with all of my friends on both sides of the aisle that are absolutely, totally in favor of this legislation. But it really bothers me when we continue, year after year, to put new programs on auto pilot and then we are going to come back to the American people and say we are for balancing the budget, we are for not doing anything to Social Security. In the meantime, we have not done anything to protect Social Security.

Mr. Chairman, I urge my colleagues to support the gentleman's amendment. He is right on target.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to make one clarification. The highway funds were tax dollars collected for gas used on the highways. The airport funds were dollars collected for those who use the airports and the airplanes and the fuel that was used. It was not supposed to go to the general fund anyway.

This is exactly the same, because we have $13 billion that is owed to the public because we collected it. It was supposed to be spent in the Land and Water Conservation Fund, and we spent it. We spent it on God knows what. All we are doing in this bill is paying back the public and land and water conservation, endangered species, historical preservation, land easements, and all the rest of things in this good bill, just doing what is correct.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time. There is a lot of discussion here today about this is going to be another entitlement, and we need to correctly budget the tax dollars that come in to this great city.

But that is exactly what we are doing. The gentleman from Alaska just said that the tax dollars that are designated for highways go to highways. They do not go to all the other programs that are out there. The tax dollars designated for airports go to airports. The revenue that we are collecting for conservation, for land easements, for fisheries, for agriculture, for all those things, the dollars collected for that specific purpose from those programs now are not going to be scattered throughout the Federal budget. They are going to be designated with a succinct budget for these conservation programs.

In our home, we designate a certain amount of money from our budget for the mortgage or rent, for water or electricity, for clothing, for recreation. That is exactly what we are doing here.

Mr. Chairman, I ask my colleagues to oppose the amendment.

The CHAIRMAN pro tempore. The gentleman from Arizona (Mr. SHADEGG) has 3 minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. SHADEGG. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

□ 2015

Mr. OBEY. Madam Chairman, I rise in support of the Shadegg amendment.

Mr. SHADEGG. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I want to go back to the chart that was used earlier. This, Madam Chairman, is the $2.8 billion that each year goes to CARA. Do my colleagues know what, in relation to the large $1.8 trillion budget, one can argue that is a very, very thin slice of the pizza.

However, let me speak to you as an appropriator. We have lots of competing needs: education need, children with disabilities, defense needs, Social Security, grandmothers raising grandchildren, foster kid care, Medicare, day care, Kosovo. Everything that is in the Federal Government has to come out of this pie.

Now, this $2.8 billion in relation to $1.8 trillion is not that much. But let me tell my colleagues, $2.8 billion a year is not a small amount of money. That is a huge amount of money. I can tell my colleagues one thing. If they got home to their seniors and say, ''Would you want to spend that money on Social Security or on new lands when we already have one-third of the land in America owned by the Federal Government'', they are probably going to say, ''Do you know what? I am more concerned about long-term health care.'' Because seniors cannot afford $50,000 a year for long-term health care. They could come up with other ways to spend that $2.8 billion.

So the question is, under the Shadegg amendment, do we put this land acquisition money in front of Social Security? Do we put land acquisition in front of paying down the debt for our children? Do we put it in front of Medicare. I do not think we do. I do not think our seniors want us to do that.

If my colleagues think they can vote on this one because it is going to gut this bill, they are going to vote against it, let me tell them, I would be very careful because they will be explaining this vote for a long, long time.

We have all worked very hard to support debt reduction, protecting Social Security and Medicare. This gives us a chance to make sure that we all come together and say, does one know what? These are very important things, and I am going to support the Shadegg amendment for that.

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

Madam Chairman, I simply rise again in opposition to this amendment, recognizing that the purpose of this amendment is to make sure that no funds can ever be spent under this program. Because what this amendment says, it needs to be certified. The gentleman from Arizona (Mr. SHADEGG) knows very well the CBO has told us they simply cannot certify that.

So in absence of that certification, it has nothing to do with Social Security, it has nothing to do with Medicare, it has to do with the fact that they have to certify something that is 13 years in advance. They cannot certify that. That is the reason why this amendment is designed to kill this bill. This would kill the funding.

I guess maybe this is a fight among the appropriators and everybody else where they apparently can spend money and take everything else into consideration, but we cannot do that with this legislation because it does not run every nickel through their committee.

I think the point is this, this is simply an amendment to strike this legislation, and it is to try to do it using the emotionalism of Social Security and all of the rest of that. The fact of the matter is we know that people value these programs. They think that we have been derelict in our duty in responding to the needs for these conservation measures.

We ought to oppose this amendment for what it is. It is an effort to kill this legislation.

Madam Chairman, I yield back the balance of my time.

Mr. SHADEGG. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me simply point out, just to use their words, this is an attempt to strike the legislation, to gut it, it is a red herring, it is to make sure that no funding can ever be spent. The whole point, so my opponents say, is to stop the funding. They used the word ''kill''. They say it is designed to kill. They say it would kill the funding. Indeed they are prescient because they can read my mind and understand my intent.

Well, let me make clear. This year the Secretary of Treasury could certify that, in fact, we are paying down the debt. We are on the track to eliminate the publicly held debt. This year, the Secretary of Treasury could certify and would certify we are saving 100 percent of Social Security. This year, the Secretary of Treasury could certify and would certify that we are not expected to run a deficit in Medicare within the next 5 years, and that Social Security is not expected to run a deficit within the next 5 years.

All of the conditions set in this legislation are met this year. Indeed, it is very clear that this year, 2001, even if the Shadegg amendment is adopted, the bill's money will be spent exactly as urged. It is no attempt to gut the bill. It is about protecting Social Security. It is about protecting Medicare. It is about paying down the debt. This year, the money could be spent. It is not an attempt to gut the bill. I urge my colleagues to support it.

The CHAIRMAN pro tempore (Mrs. EMERSON). All time for debate has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SHADEGG. Madam chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 106–612.

AMENDMENT NO. 7 OFFERED BY MRS. CHENOWETH-HAGE

Mrs. CHENOWETH-HAGE. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. CHENOWETH-HAGE:

Page 15, after line 17, insert the following new section and make the necessary conforming changes in the table of contents:

SEC. 6A. NATIONAL MONUMENTS.

No funds made available by this Act (including the amendments made by this Act) may be used for the establishment or management of a national monument designated after 1995 under the Act of June 8, 1906, commonly known as the ''Antiquities Act'' (16 U.S.C. 431 and following).

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment very simply prevents funds from CARA being utilized for the management or creation of national monuments designated after 1995 under the Antiquities Act.

Madam Chairman, for the past 5 years, the current administration has grossly misused the 1906 Antiquities Act to lock up literally millions of acres throughout the United States from production. This first occurred in 1996 when President Clinton, on a campaign stop in Arizona, much to the surprise of every State official in Utah, declared millions of acres in Utah as the Grand Escalante Monument. He pulled this maneuver with virtually no environmental or Congressional process, but simply as a political favor to the Sierra Club.

Now, as the Clinton-Gore administration winds down, Secretary Babbitt has traversed the western United States, declaring ''monuments'' of massive proportion in Arizona and California and scoping others in my own State of Idaho and also in New Mexico, keeping in mind, Madam Chairman, these designations, which have the impact of shutting down activity and economies in the affected areas, are done without any Congressional authorization or even oversight, without any real local input, and without any environmental assessment as required by the National Environmental Policy Act.

In short, Madam Chairman, the President has tortured and twisted a well-intended law to exercise his executive will over the people and livelihoods of the rural West.

While I have worked vigorously with my colleagues to, at the very least, inject due process for these designations, the administration has fought us all the way, not even agreeing to require a basic NEPA analysis.

The one saving hope that we have, Madam Chairman, is that because these actions have occurred through executive order and are thus temporary, we can work with the next administration to once again restore the intended purpose of the Antiquities Act, which is to designate actual monuments which are of truly historic and natural significance.

I believe this is a responsible amendment that even cosponsors of this bill should support. I do urge its passage.

Madam Speaker, I reserve the balance of my time.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Alaska (Mr. YOUNG) rise?

Mr. YOUNG of Alaska. Madam Chairman, I rise in opposition to the amendment, and I ask unanimous consent to yield 5 minutes of my 10 minutes to the gentleman from California (Mr. GEORGE MILLER) for the purpose of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Madam Chairman, I yield myself such time as I may consume. Madam Chairman, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) makes a lot of arguments about the designation of monuments, but this bill has nothing to do with monuments. In fact, very frankly, I do not think if this amendment was adopted, it would stop the President from designating monuments. Only on Federal lands can monuments be created, and it has to be by an edict of the President.

As my colleagues know, the gentleman from Utah (Mr. HANSEN) introduced the bill, and we voted for that bill, and it moved out of the House and sent it over to the Senate to, in fact, keep this type of action from occurring. I supported that and voted for it. Because I think what has been done in Escalante, what was done in Alaska by Stewart Udall, those things were done incorrectly. But that was the prerogative of the President. Until we change that law, that is the only way we can address that problem.

But under this bill, it does not pertain to the monument problem at all. There is no money spent out of this bill for monuments. There is no action out of this bill for monuments. In fact, this bill has nothing to do with monuments.

Now, although I sympathize with the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and the problem of monuments, in fact, I would support it, have supported the legislation, this is not the place to try to have an amendment adopted to solve that problem. In fact, I oppose the amendment. I strongly object to the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman from California for yielding me this time.

Madam Chairman, I would like to thank the gentleman from California (Mr. GEORGE MILLER), ranking member, and the gentleman from Alaska

(Mr. YOUNG), chairman of the Committee on Resources, for what will prove to be a unique opportunity in conservation and reinvestment when it comes to our green spaces, when it comes to the idea of conservation of our land.

Let me thank constituents of mine from the Contemporary Learning Center, young people who came up and advocated for this legislation because it has great impact on inner city parks, more green space, although it has far-reaching impact.

Let me acknowledge with respect to the amendment of the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) to indicate that I would hope that we would be cautious in the amendments that have no bearing on the particular underlying legislation.

For example, there are no funds in this bill for the establishment of national monuments. Obviously, monuments can be established by the Antiquities Act by the Presidential proclamation.

I happen to believe, however, that we should consider on a case-by-case situation the idea of monuments. The gentleman from Ohio (Mr. REGULA) knows I have discussed with him over a number of years a tribute to Sojourner Truth.

But I think we should stay focused on H.R. 701 and what it does do, which is provide $2.8 billion for annual funding for important conservation and recreation programs. For my community, this is a great influx or insertion of dollars and energy around this idea.

As well, we who are collectively in urban areas and rural areas, can find opportunities in this legislation that will respond to the desires of our communities to be involved in more green space.

I would hope that we would spend time on recognizing that this bill does need to move forward and that we not shackle it with a number of amendments that may inhibit its movement and also opportunity to create greater spaces for our constituents.

Madam Chairman, I ask the support of this entire legislation, and I would ask for the opposition or the opposing of the present amendment.

Mrs. CHENOWETH-HAGE. Madam Chairman, may I inquire as to the time remaining.

The CHAIRMAN pro tempore. The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 7 minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 4 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 3 minutes remaining.

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield 3 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Chairman, I appreciate the gentlewoman from Idaho for yielding me this time.

I would like to point out that Theodore Roosevelt was the man who sponsored this 1906 Antiquities law. And he was the man that got it through. Why did he do it? He did it because there was nothing to preserve things. There was nothing to preserve Indian ruins, historic things, scientific things, or nothing. So out of that, fortunately, we have got the Grand Canyon, we have got Zion and Bryce, we have got other great parks.

Since that time in 1915, we got the organic act or the park law. We have got all kinds of bills that now protect the public ground. In fact, even a judge has said this law should probably be repealed because there is no need for it; and besides that, the Constitution is abundantly clear that Congress is the organization that handles the public lands of America, not the Executive Branch.

The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) alluded to the fact that, on September 16, 1996, safely on the South River of the Grand Canyon, the President came there and put 1.7 million acres in the Grand Staircase Escalante.

□ 2030

The bill that I have been referring to says what? That the President in his proclamation shall state the historic or archeological reason for doing something, and in this particular instance, the President failed to do that. I urge my colleagues to read that proclamation; it did not say anything.

Now, what they do not understand is the next sentence in the law says this: And he shall use the smallest acreage available to protect that site. First, he does not tell us what it is. Then he uses 1.7 million acres, and then he goes around the next year in Arizona, right on the Arizona Strip, we get another million acres. Then he goes down to Phoenix, then we get more acres. Then he goes to the coast, and we get more. Then he goes to Sequoia and we get more. Then there are people stand on the floor, Democrats and Republicans, saying Sequoia is well taken care of. Now, do you blame us for being paranoid?

We find ourselves in a situation where my AA called up the day before they did the Grand Staircase Escalante, talked to the top person in the White House, and said we are hearing this rumor, is the President really going to do this? We are hearing the same rumor. Of course not, we do not know anything about it. And the next day he is standing on the south rim of the Grand Canyon and doing this. Do you think anyone else would be paranoid if you get that kind of information?

Right now, my good friends, I am hearing about the Missouri up in Montana. I am hearing about the Four Corners. I am hearing about the Salton Sea. Sure, we are paranoid. I think the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has come up with a great idea. There should be no funding for these things, because Congress is the one to do it.

Madam Chairman, I would appreciate the Members of the House giving some real thought to this. This is true, it is an antiquated law. There is no reason to have it, and I can see no reason in the world to fund this.

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield 4 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Madam Chairman, I thank the gentlewoman for yielding me the time.

Madam Chairman, this amendment is very simple. It says that none of the money within this act can be used for the establishment of monuments under the Antiquities Act. Now, I agree with the chairman of the committee that this legislation does not deal directly with that, but the reason that this is so important, I think, has been proven time and time again over the past 8 years, when the administration has found it inconvenient or not enough money has gone into the areas that they wanted, they turned around and they took money from other places, as the gentleman from Alaska (Mr. YOUNG) is very aware, when it came to Pittman-Robertson money, if they did not have money for the projects they wanted, they just took it out of Pittman-Robertson.

What I am afraid of is that under this act, when $3 billion a year is thrown out and we let them spend it on whatever they want, it may become convenient for them to establish a new monument and then not have the money for it and just take it from here, because there is really not enough sideboards, oversight on this particular spending.

What the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is trying to do is she is trying to rein in the administration. She is trying to rein in the executive branch. She is trying to pull them back and say, no, it cannot be done unless Congress specifically authorizes it.

I believe this is a very important amendment, and there may be those that sluff it off and say that this does not deal with the Antiquities Act, that this underlying legislation does not deal with monuments, but there is not enough oversight within the legislation to stop them from spending the money on things that they want.

I support the gentlewoman's amendment wholeheartedly. I think it is an important amendment, and I think that it should be added on to the bill.

Mr. GEORGE MILLER of California. Madam Chairman, I believe I have the right to close. Are there any remaining speakers?

The CHAIRMAN pro tempore (Mrs. EMERSON). The gentleman from Alaska (Mr. YOUNG) has the right to close.

Mr. YOUNG of Alaska. Madam Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I want the right to close.

Mr. YOUNG of Alaska. Madam Chairman, I will close if I have to.

Mr. GEORGE MILLER of California. Is the gentleman yielding me the balance of the time?

Mr. YOUNG of Alaska. I yield the gentleman from California (Mr. GEORGE MILLER) the balance of my time for purposes of control.

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes remaining. The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Madam Chairman, I reserve the balance of my time to close.

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank the House for allowing this amendment to come up. It is a very, very important amendment, because even as I speak, Secretary Babbitt is in my State, looking at setting aside three different sites as a national monument under the 1906 Antiquities Act. This is a clear distortion of the Antiquities Act. The Antiquities Act very clearly says that the area immediately around the antiquity shall be protected, not one 1.8 million acres like was set aside in Utah and the hundreds of thousands that we expect in Idaho and various other States.

I think this is an amendment that will rein in the kind of ambition that we have seen in this administration. I urge its support.

Madam Chairman, I yield back the balance of my time.

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

Madam Chairman, I rise in opposition to this legislation. I think this amendment is a bit off the mark here; the concern here is with the President using the authority that he has under the Antiquities Act to establish monuments. There is nothing in this legislation that gives us the opportunity to do that. We do not have the authority to do that, only the President has the authority to do that.

I think the problem occurs, and this may even be a problem for people who have these monuments in their districts, that is, conceivably under this act, under title VI, some monies might be used for restoration and maintenance; now you have created two classes of antiquities. We can use it for all of the existing antiquities, but for those since 1995, we cannot.

In Utah, where they have this massive track of Federal lands out there, the monies cannot be used to take care of it, to restore it or to maintain it, and that would also be true I guess in California, where I know local citizens are concerned about exactly that effort, now that it is in antiquities how will it be managed, and conceivably some of these funds could be used for that purpose.

I think the gentlewoman is sort of throwing out the baby with the bathwater here and using the idea that somehow Congress can use the Antiquities Act, when Congress has no ability, no authority to use the Antiquities Act.

I do not know if the gentlewoman wants to withdraw the amendment or wants to go ahead with it, but it clearly misses the mark. I think it creates a worse problem for people who already have these, because clearly we cannot establish them. In Utah and in Colorado and Arizona, where they have them, I think they would like to know that they could have some ability to take them.

The gentleman from Utah (Mr. HANSEN) has indicated already the substantial increase in tourists and others who are going to this area, which is a burden on the State in terms of maintenance; that is why I do not know if this is what the gentlewoman really wants to do. The gentlewoman ought to take the first part out, because there is no authority in law for us to do that.

Mrs. CHENOWETH-HAGE. Madam Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentlewoman from Idaho.

Mrs. CHENOWETH-HAGE. Madam Chairman, I must say to the gentleman that, clearly, the Committee on Rules felt that the amendment was in order.

Mr. GEORGE MILLER of California. Reclaiming my time, Madam chairman, the amendment is in order. It is fine. But the President has the authority under the Antiquities Act to do this. There is nothing in this bill that establishes any authority for us under the Antiquities Act because it does not pertain to us.

The gentlewoman is welcome to the amendment.

Mrs. CHENOWETH-HAGE. Well, if the gentleman will continue to yield, this administration usually uses money that has not been either authorized or appropriated, and this just puts a fence around money being used for this purpose. So it is in order.

Mr. GEORGE MILLER of California. Once again reclaiming my limited time, I appreciate that. All I am saying is for Representatives who have had these established in their areas, I am not sure this is what they want to do, to cut off the money for those areas, because that is the law now.

Nobody here is offering to repeal the Utah one or the California one or the Arizona one. So now they have to be maintained because there is increased traffic and tourism and all the rest going to these areas. So the gentlewoman now wants to cut off the ability, by chance, to use this money for the purposes of maintenance or restoration.

Madam Chairman, I urge opposition to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 106–612.

AMENDMENT NO. 8 OFFERED BY MR. POMBO

Mr. POMBO. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. POMBO:

Page 18, line 1, after ''unless'', insert ''specifically''.

Page 18, after line 2, insert the following:

(c) PROTECTION OF RIGHTS IN NON-FEDERAL PROPERTY FROM FEDERAL ACQUISITION OF NEARBY LANDS.—The right of an owner of non-Federal real property to use and enjoy that property shall not be diminished based on the property being—

(1) within the boundaries of a Federal unit as a consequence of the acquisition of lands for that unit with amounts made available by this Act; or

(2) adjacent to Federal lands acquired with amounts made available by this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from California (Mr. POMBO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Madam Chairman, I yield myself such time as I may consume.

This is an extremely important amendment. I think it cuts to the heart of a lot of what is wrong and what is broken with our current land management system at the Federal level in this country.

This amendment speaks to when the Federal Government goes into an area by action of this bill, by taking money that is appropriated under this bill and authorized under this bill, and buys one piece of land. And I held this up a little earlier. It is a map of Federal land ownership in this country. And we can see throughout the West most of it is owned by the Federal Government right now. But let us say that they went just outside of this, take Texas as

an example, or Louisiana, or any of the States that have very little Federal land, and let us say that they drew on the map a little circle and said we want this to someday be a wildlife refuge, and they buy one little piece of land. Well, what this amendment says is that if they do not own it, they do not control it.

Under current law, under current practice, under current interpretation of the morass of laws that are currently on the books, the Federal Government, just because it draws something on a map, they have not paid for it, they have not exchanged money, they have not paid the rightful property owner anything, all they have done is they have gone in and drawn something on a map, what this amendment says is that they do not control it, then. It is very simple.

Now, I know most Members of the House, most people in this country believe that, well, the Federal Government cannot control it. The Federal Government cannot put special restrictions on one property owner that it cannot put on another just because some bureaucrat sitting in an office in Washington, D.C. drew a line on a map. But the truth of the matter is they can, and they literally have hundreds of rules and regulations on the books that come down on the head of the poor unfortunate property owner who happens to be inside the line instead of outside the line.

What this amendment quite simply says, if they do not pay for it, they cannot control it. The Constitution states, ''nor shall private property be taken for public use without just compensation.'' It says that if it is for the public good, a wildlife refuge, a national park, a wilderness area, or for something else that people support, they have to pay for it before they can take it. And what I am trying to do is to protect those property owners, the unfortunate property owners, who happen to fall inside the line instead of outside the line.

Madam Chairman, I reserve the balance of my time.

Mr. TAUZIN. Madam Chairman, I rise to claim the time in opposition, and I ask unanimous consent that my friend, the gentleman from California (Mr. GEORGE MILLER), be allowed to control 5 minutes.

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes in opposition to the amendment.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the gentleman from California (Mr. POMBO) seeks to change a line that is in the CARA bill that reads, as follows: Let me read this sentence to the Members: The CARA bill provides currently that Federal agencies using funds appropriated by this act may not apply any regulation on lands until the lands or water or an interest therein is acquired.

□ 2045

CARA already does that. It says, in effect, that before the Government actually acquires a land, it cannot impose any regulations or limitations on use on that land even though it proposes to buy that land.

CARA also says, ''unless authorized to do so by another act of Congress.'' That gives the gentleman from California (Mr. POMBO) some trouble and other Members some trouble. But let me tell my colleagues what that means.

What that means is that Congress has, in effect, passed laws that regulate property, not all of which I agree with, not all of which many of us agree with. Congress has passed laws to protect, for example, mining in public parks and recreational areas and wilderness areas to protect against certain activities in those parks.

It certainly has passed a lot of laws and regulations aimed at protecting species that are endangered and threatened and the wetlands and a whole host of Federal environmental protective legislation. That does affect potentially the use of their property.

CARA also includes the language, I should point out to my friend the gentleman from California (Mr. POMBO), of the fifth amendment. It restates it. It says that whenever any property under CARA, or otherwise, is affected by a taking under the fifth amendment, due compensation is going to get paid.

But CARA does precisely what the gentleman from California (Mr. POMBO) wants. It says that until the Government actually acquires the property that is proposed to be acquired, no new regulatory authority is granted under this act that does not already exist in some other act.

Now, I would like to change some of those other acts. I know the gentleman from California (Mr. POMBO) would, too. But that is not what we are doing today. We are discussing CARA. And we are talking about a problem that the gentleman from California (Mr. POMBO) has. And I agree with him, it does happen. But agencies do, on occasion, try to impose regulations on proposed acquisitions. And those things do happen. It is unfortunate. The gentleman from California (Mr. GEORGE MILLER) and I went over some examples of that.

CARA tries to cure that and says so very clearly, no regulations under CARA can be imposed upon proposed acquisitions until the Government takes title. It is as clear as a bell.

CARA does correctly recognize, however, that there are other acts of Congress that may impose certain restrictions on the private use of private property. If they impose a taking, CARA provides compensation rights under the fifth amendment. And that is precisely what CARA ought to do.

The amendment of the gentleman from California (Mr. POMBO) would seek to interfere with those other statutes through this bill. I do not think this is the place to do it. And the amendment of the gentleman from California (Mr. POMBO) therefore would cause some real problems not only with this bill but many other statutes, such as those that protect against mining in Yellowstone Park, for example.

I would suggest that this amendment needs to be defeated.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, the gentleman from Louisiana (Mr. TAUZIN) has just accurately explained the situation within CARA. We went around and around on this in the negotiations for many, many days and many, many hours; and we provided exactly the protection that the gentleman from California (Mr. POMBO) says that he wants.

What we could not assure, as the gentleman from Louisiana (Mr. TAUZIN) has pointed out, we could not assure him that other laws of the United States would not come into play, such as clean air and clean water.

If they have a national park and somebody on the boundary of that national park wants to put in a gas station and they want to sell gas with MTBE, and we now know that leaks into the groundwater, under the Clean Water Act, under the Clean Air Act, they might be able, like any other landowner, to say, I do not want them to do this, they are infringing on my property rights.

And one thing we said was that we could not diminish the right of the Federal Government that other property owners have. If they have a piece of property and a person comes along and they want to put in a smelting plant, they might want to know what the air quality coming out the smokestack is. So would the National Park Service.

If they want to put in a mine, if there is going to be toxic waste in that mine that goes through and into a river that runs through one of our national parks, the National Park Service may want to ask some questions about that. That is under the other laws. But in and of this act, they do not get to impose the burdens on property owners. That is what was hammered out, and the gentleman from Louisiana (Mr. TAUZIN) has explained it perfectly right. That is the agreement that was handed out.

But we are not going to use CARA to waive the Clean Air Act, to waive the Clean Water Act, to waive the Superfund legislation. That is not what CARA is going to be used for.

CARA, with this amendment, would be used as a battering ram by landowners against other basic environmental laws in this Nation. And that is not what is to be done. If somebody wants to do that some day when the Clean Air Act is on the floor or the Clean Water Act, they can hammer that out. But they cannot use the Pombo language to strike down the basic environmental laws of this Nation.

We have protected the landowner from CARA. We have protected those people. The one incident that the gentleman from California (Mr. POMBO) brought to our attention, in fact inside that refuge line vineyards have been planted, wineries have been started, subdivisions have been started, homes have been remodeled. All of these activities have been carried on. Because you do not have the right to do that without just compensation, as the gentleman from California (Mr. POMBO) and the gentleman from Louisiana (Mr. TAUZIN) pointed out.

Madam Chairman, I reserve the balance of my time.

Mr. POMBO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would like to point out that my colleague from California is absolutely wrong, did not read the amendment; and what he is talking about I would not propose and has absolutely nothing to do with this particular amendment.

What this amendment says is that just because as an action taken under this act that they get put inside one of these Federal boundaries, they would not be treated differently than someone outside of the boundary.

The Clean Air Act still applies, the Clean Water Act still applies, the Endangered Species Act still applies just like it does today. This amendment does not change any of that.

Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Chairman, I rise in strong support of this amendment, which will provide common sense protections and peace of mind to property owners affected by this bill.

H.R. 701 enhances the Government's appetite for an ability to own and control even more of our country's land even while reducing the amount of private property individual Americans can own.

Madam Chairman, where does it stop? The Federal Government already owns nearly one-third of the total land base in the United States. In the West, Government ownership is staggering. They control 54 percent of the land in 12 western States. In some counties in California, it is 90 percent.

If they want more land, great, buy it in the East. The Government only owns 6 percent of the land east of the Mississippi.

We are being reassured that this bill will not coerce the sale of private land because it has a willing seller requirement. The idea of a willing seller is a myth. The reality is that, with enough government pressure, a private landowner will become willing to sell as the rights to use his land are squeezed by burdensome Federal, State, and local government ordinances, policies, and laws.

The Federal Government can and does regulate property owners into submission, making them willing sellers only after the value of their land has dramatically fallen and only after they have lost their ability to earn a living.

Madam Chairman, H.R. 701 has grave consequences for private property ownership. I urge my colleagues to support the protections proposed in the Pombo amendment.

Mr. TAUZIN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me point out that in the negotiations on this bill, when the gentleman from California (Mr. POMBO) raises the question of whether or not there were in fact regulatory authorities that affected lands that were not yet in the park ownership yet but, nevertheless, around it; and we were told at first that there were no such things. And then, sure enough, there are all kinds of laws in effect right now that do in fact provide some regulatory authority under existing law for those lands.

They include, for example, under the NMPS Organic Act, NMPS can regulate inholdings where there is a session of jurisdiction from the State to protect park resources, provide wildlife protection, preclude discharge of firearms, forbid the starting of fires, to prohibit gambling, to name just a few.

In short, there are other laws that protect parks and resources from all kinds of activities, the likes of which I do not think my colleagues would probably want around a place like Yellowstone. Those laws are in effect today.

The problem with the Pombo amendment is that it would threaten the implementation of those laws even though the bill as written clearly says that no new regulations stem from CARA. In other words, nothing in the act crafted through these delicate compromises increases nor diminishes any authority under existing law to regulate private property that is not already enjoyed by the Government in fee ownership. Nothing in CARA increases or diminishes regulations on private property.

But just to make it abundantly clear again, we have included in CARA the protection of the fifth amendment, that if any other regulation that exists in current law operates to so limit the use and enjoyment of private property outside of a park, that that landowner is entitled to the fifth amendment protections of just compensation.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I reserve the balance of my time.

Mr. POMBO. Madam Chairman, may I inquire how much time remains.

The CHAIRMAN pro tempore (Mrs. EMERSON). The gentleman from California (Mr. POMBO) has 4½ minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 15 seconds remaining. The gentleman from California (Mr. GEORGE MILLER) has 3 minutes remaining.

Mr. POMBO. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I want my colleagues to pay real close attention to what the Pombo amendment is saying. It simply says, if they are a landowner and they are next door to Federal land, then their property rights should not be diminished.

For crying out loud, this is a no-brainer. Is this not the United States of America? I know Cuba has been in the news a lot lately. Are we starting to emulate what goes on in other countries or imitate it?

We are saying, if they own private land next to private land, their rights should not be diminished and this is being rejected by people who have sworn an oath of loyalty to the Constitution of America? This amendment is being rejected by fellow Americans?

For crying out loud, all we are saying is that if they own land next to the Federal Government, they get their constitutional rights. But I cannot believe it. My friend and colleagues are saying, no, no, no. We are the Government and there are things the common people do not understand, because we are Washington and we have the franchise on this intellectual elitism that is going to run the country in the new world order and we do not want fellow Americans to enjoy the right of pursuit of happiness and property.

This is a sad day, my colleagues. I may say this speech with a little flippancy. But all the Pombo amendment says is that, if their land is next to the Federal Government land, they can enjoy their private property rights constitutionally given to them, written at the Constitutional Convention in 1789.

We are saying, no, the Congress of the United States in the year 2000 is too advanced to accept those longstanding principles.

This amendment should be accepted without a vote.

Mr. POMBO. Madam Chairman, I yield myself the balance of the time.

Madam chairman, I would like to bring us back to what we are doing here today. We are approving legislation which will shove almost a billion dollars a year into land acquisition every single year.

What I am saying is that, if under this act, because we are shoving so much new money at new land purchases, if the Federal Government goes in and goes after land that is around their property or adjacent to the land that they own, that the Federal Government is not going to control the land that they own, as a private property owner and as an American citizen, that they are not going to take away their property rights just because we are shoving another billion dollars a year into land acquisition.

□ 2100

This is one of my major complaints with this legislation. The Federal Government goes in and through adverse condemnation takes away property rights through regulation, away from private citizens. They do not pay for it. They do not sit down and negotiate a fair price. They just take it.

Now, let us just say that you happen to know a little inn on the side of a river somewhere. It is a beautiful place. The government comes in and buys the land around you and they tell you, ''We don't want you there anymore.'' Under current law, they can shut you down. They can say, you cannot improve your place anymore, you cannot discharge anymore, you cannot put a fire in your fireplace anymore, all because they came in and bought land around you. This bill has a provision for a willing seller in it and I will be damned if you are not going to become a willing seller under that provision. That is exactly what is going to happen.

All I am trying to do is to protect those property owners that end up because of this bill getting stuck inside some green area, not because of any action of their own but because of an action of this Congress. I just want to protect those property owners. That is all this amendment is trying to do. Darn if Members should not accept it.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume. It is very interesting rhetoric. He says if you own some land inside of a green space. Yes, if you have an inholding inside of Yellowstone Park or Yosemite Park or Grand Tetons or the Everglades, there are other laws on the books that keep you from strip mining inside of that park, from oil and gas development inside of that park, because of the impact on the parks, the national park system of this country. Waste disposal. You do not get to just create waste disposal. You do not get to create a toxic site and have it run off your land.

The fact of the matter is under this legislation, CARA gives no authority to regulate as the gentleman from Louisiana (Mr. TAUZIN) pointed out in his opening remarks. No authority to do that. There are other laws. There are other laws on the books such as Clean Air and Clean Water, the mining act, mining in the park lands. Those laws still continue to apply. That is just a matter of a good neighbor. All we are saying is that there is nothing in CARA that expands that authority. They cannot shut down your inn. If they do, they owe you just compensation. That is the way the Constitution of the United States exists.

This amendment ought to be rejected because it is designed to undercut the other basic laws of the land that might apply to those lands that have nothing to do with CARA.

Mr. TAUZIN. Madam Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Chairman, I thank the gentleman for yielding. Let me read to my colleagues what is in CARA again. CARA says right now, Federal agencies using funds appropriated by this act may not apply any regulation on any lands until the lands or water or an interest area is acquired in effect by the government. Until it is acquired, no new regulations. As far as other acts that apply regulations to those lands, they still apply. We do not change that. But we do protect against CARA increasing any regulatory authority on any land located next to any park. This amendment ought to be rejected.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentleman from California (Mr. POMBO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. POMBO. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from California (Mr. POMBO) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 offered by the gentleman from Ohio (Mr. REGULA); amendment No. 3 offered by the gentleman from California (Mr. RADANOVICH); amendment No. 4 offered by the gentleman from Colorado (Mr. TANCREDO); amendment No. 6 offered by the gentleman from Arizona (Mr. SHADEGG); amendment No. 7 offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE); and amendment No. 8 offered by the gentleman from California (Mr. POMBO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. REGULA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. REGULA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 317, not voting 8, as follows:

[Roll No. 160]

AYES—109

Archer
Armey
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Chabot
Chenoweth-Hage
Coburn
Combest
Cook
Cubin
DeLay
DeMint
Dickey
Doolittle
Doyle
Duncan
Ehlers
Emerson
Ewing
Fletcher
Ganske
Gekas
Gibbons
Gillmor
Goodlatte
Granger
Green (TX)
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Istook
Jenkins
Johnson, Sam
Kasich
Knollenberg
Kolbe
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
Manzullo
McInnis
Miller, Gary
Mollohan
Murtha
Ney
Nussle
Obey
Ortiz
Oxley
Paul
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Ryan (WI)
Ryun (KS)
Salmon
Schaffer
Sessions
Shadegg
Sherwood
Simpson
Skeen
Smith (MI)
Smith (TX)
Stenholm
Stump
Sununu
Talent
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Visclosky
Wamp
Watkins
Whitfield
Wicker

NOES—317

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement

Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Oberstar
Olver
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Vitter
Walden
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Bateman
Berman
Campbell
Coble
Franks (NJ)
Lucas (OK)
Martinez
Wise

□ 2126

Messrs. BLILEY, KINGSTON, EVERETT, ROYCE, McNULTY, GOODE, SCARBOROUGH, DREIER, and YOUNG of Alaska, and Ms. EDDIE BERNICE JOHNSON of Texas and Ms. DUNN changed their vote from ''aye'' to ''no.''

Messrs. LEWIS of Kentucky, GANSKE, MURTHA, WHITFIELD, ORTIZ and HINOJOSA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mrs. EMERSON). Pursuant to House Resolution 497, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. RADANOVICH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. RADANOVICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 273, not voting 8, as follows:

[Roll No. 161]

AYES—153

Aderholt
Archer
Armey
Ballenger
Barr
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Condit
Cook
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Fletcher
Fossella
Fowler
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller, Gary
Myrick
Nethercutt
Ney
Norwood
Nussle
Obey
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Pryce (OH)
Radanovich
Regula
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Young (FL)

NOES—273

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pickett
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Sisisky
Skelton

Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Bateman
Berman
Campbell
Coble
Franks (NJ)
Lucas (OK)
Martinez
Wise

□ 2134

Mr. HOLT changed his vote from ''aye'' to ''no.''

Mr. SWEENEY changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY TANCREDO

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 315, not voting 10, as follows:

[Roll No. 162]

AYES—109

Aderholt
Archer
Armey
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Burton
Buyer
Calvert
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cubin
Cunningham
DeLay
DeMint
Dickey
Doolittle
Emerson
Everett
Fletcher
Fossella
Gibbons
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Johnson, Sam
Kingston
Knollenberg
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McHugh
McKeon
Metcalf
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Ose
Oxley
Paul
Petri
Pitts
Pombo
Radanovich
Regula
Reynolds
Rogan
Rohrabacher
Royce
Ryun (KS)
Salmon
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker

NOES—315

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Bateman
Berman
Camp
Campbell
Coble
Franks (NJ)
Istook
Lucas (OK)
Martinez
Wise

□ 2143

Mr. POMEROY changed his vote from ''aye'' to ''no.''

Mr. HOBSON changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY SHADEGG

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 208, not voting 10, as follows:

[Roll No. 163]

AYES—216

Aderholt
Archer
Armey
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Evans
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler

Hulshof
Hunter
Hutchinson
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Luther
Manzullo
McCollum
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Ehlers
Engel
English
Eshoo
Etheridge
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Shuster
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—10

Bateman
Berman
Campbell
Coble
Franks (NJ)
Istook
Jefferson
Lucas (OK)
Martinez
Wise

□ 2152

Messrs. HILL of Indiana, EHRLICH, GEKAS and COOKSEY changed their vote from ''no'' to ''aye.''

Ms. RIVERS changed her vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MRS. CHENOWETH-HAGE

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 265, not voting 9, as follows:

[Roll No. 164]

AYES—160

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCollum
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wilson
Wolf
Young (FL)

NOES—265

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor

Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

Bateman
Berman
Campbell
Coble
Franks (NJ)
Istook
Lucas (OK)
Martinez
Wise

□ 2201

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. POMBO

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. POMBO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 253, not voting 10, as follows:

[Roll No. 165]

AYES—171

Aderholt
Archer
Armey
Baca
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Danner
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Manzullo
McCollum
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wilson
Young (FL)

NOES—253

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—10

Bateman
Berman
Campbell
Coble
Franks (NJ)
Hall (OH)
Istook
Lucas (OK)
Martinez
Wise

□ 2208

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. PEASE). It is now in order to consider amendment No. 9 printed in House Report 106–612.

AMENDMENT NO. 9 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PETERSON of Pennsylvania:

Page 18, after line 15, insert the following:

SEC. . FEDERAL ACQUISITION OF LANDS ONLY WITHIN DESIGNATED BOUNDARIES.

Notwithstanding any other provision of this Act, the amendments made by this Act, or any other provision of law, amounts made available by this Act (including the amendments made by this Act) may not be used for any acquisition by the Federal Government of an interest in lands except lands located within exterior boundaries designated before the date of the enactment of this Act of an area designated by or under Federal law for a particular conservation or recreation use, including lands within such boundaries of a unit of—

(1) the National Park System;

(2) the National Wilderness Preservation System;

(3) the National Wildlife Refuge System;

(4) the National Forest System;

(5) the national system of trails established by the National Trails System Act (16 U.S.C. 1241 et seq.);

(6) federally administered components of the National Wild and Scenic Rivers System; or

(7) national recreation areas administered by the Secretary of Agriculture.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment before us this evening will help us to focus on our land purchases. It is my view, in America, we have not focused on what we are purchasing. It is like we purchase everything that we possibly can purchase; and sometimes it is appropriate, and sometimes it is not. We own one-third, over 700 million acres of America at the Federal level. When we add the States, we are approaching 45 percent land ownership by government. When we add local government, we are approaching 50 percent of America owned by government.

So I think it is important now that we are going on a track where we are going to be purchasing a mandated amount each and every year hereafter that will be mandated through this legislation. This legislation will focus to purchase within the boundaries and including the National Park System, the National Wilderness Preservation System, the National Wildlife Refuge System, the National Forest System, the National System of Trails established by the National Trail System Act, federally administered components of the National Wild and Scenic River System, and the national recreation areas administered by the Secretary of Agriculture. It will keep us busy for many years finishing the projects we have started.

I think it is important that we focus. Just a few weeks ago, at a hearing in the Subcommittee on Interior, it was obvious that the Fish and Wildlife Service is focused. They are starting five new refuges each year without legislative authority, without any approval by anybody. One was with two-thirds of an acre.

In the last 6 years, they have started 30 new refuges without legislative approval. Those refuges must be maintained by the taxpayers of this country. We do not get even adequate reporting on how much it costs to maintain them and to complete them.

So I think it is important in this legislation that we focus on our priorities and that we finish the projects we have started.

Should we pay our current taxes before we buy more land? We had that argument earlier, and we lost it. I do not think any of us would advise our children if they could not pay their taxes to buy more land. But this Congress has never paid its taxes, which is PILT, as legislated by law to the county and townships and the boroughs across this land that lost their tax base. It is not urban America. It is not suburban America. It is rural America that continues to lose its tax base.

We buy more land, and we do not pay our taxes or PILT. It is our tax payment. We should pay PILT first. We should focus on our inholdings. We should have some sense as to why we are buying what we are buying. We should put our resources to complete the projects we started.

□ 2215

That is the reason I have offered this amendment, and I ask for your support.

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

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to divide my time with the gentleman from California (Mr. GEORGE MILLER).

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the business of the amendment limits Federal acquisitions to in-holdings, unless the property is within the boundaries of an existing Federal property an in-holding, there can be no new acquisitions. In doing so, of course, it says, in effect, that if a willing seller wishes to sell property that is partially in, partially outside the boundaries of an existing Federal facility or if he wants to sell property that is adjacent to, if the government is interested in launching a particular reserve or wilderness area and there is willing sellers willing to sell that property, this amendment would prohibit that sort of a purchase.

In a sense, it inhibits the property rights of the landowners who want to sell, who want to sell their property for the expansion of a park.

The gentleman from Pennsylvania (Mr. PETERSON) makes much of the fact that under current law, agencies are creating new parks in wilderness areas by acquiring an acre, or some acreage, without ever coming to Congress, without every notifying Congress.

The beautiful thing about CARA is that that can no longer happen. Under CARA, every land acquisition has to be reported to Congress, whether it is from a willing seller or not, and Congress makes a determination by specific grant of authority through the appropriations process to acquire a piece of land.

The argument that the gentleman makes that current law is failing counties and States of America is correct, CARA fixes that by requiring, in effect, that any new acquisitions be approved by Congress, not just approved by Congress in some report language, approved by Congress in specific line item appropriation by the committees of Congress. Not only does CARA provide for that, but it provides that the government must notify all the local officials, including the Congressman, that a land acquisition is proposed, so that there is full notice, the government has to go through the full process of saying it really would like to have this property.

Congress has to come in and say that it wants to acquire it and it has to appropriate a specific line item to do it. To limit the acquisition to in-holdings severely restricts the ability of this program to, in fact, work to build a refuge, a wilderness area or reserve where there are willing landowners prepared, and, in fact, anxious to sell their property to do so.

I hope Members look at it that way. It is a limitation on the property rights of the landowner who wants to sell, who happens not to be completely an in-holding property within the Federal Reserve. This amendment ought to be defeated, and I hope it will be.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise in strong opposition to this legislation, let me tell the Members why. I hope the Members will follow this along, this is really strong anti-property rights legislation.

If we look at the bill, it prohibits the government from buying land that people may want to sell to the government, so you are a landowner next to a national forest, there is a lot of rural America that is in that, and I happen to represent one of those districts. And I actually have many people, more people want to sell their land because it is rural. They do not want to see it developed, they protected it as families, and their number 1 interest is selling that land to the National Forest Service; they are not an in-holding, but they are next to the line.

Under this legislation, they cannot be a seller. They are prohibited from selling, and why that affects property values is there may not be another buyer around. So we are curtailing the free market, a lot of people have been arguing in legislation like this that it ought to always be one where there is only willing sellers. Well, here is the case where the willing sellers are there, the line is longer than the money we have appropriated, and we are denying them under this legislation, even when the money is there.

Secondly, look what it is, it is not against cities that want to do this or Washington, D.C. that would like to expand in the urban area, this strictly limits recreational areas, the places where people in America like to go, the place that makes this country grand, this country magnificent, this country bold. It is our national resources that

make people want to take pictures of and postcards of. This limits national parks, national wilderness preservation system, national wildlife refuge system, the national forest system, the national trail system, the national wild and scenic river system and the national recreation areas. That means if you are a private landowner around any of these areas, under existing law, you would be allowed to sell your land if you wanted to at a price agreed to by you, you could not do it.

This is anti-property rights. I urge a strong no.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I find it interesting, to listen to the last speaker, you would think that every person that owns a land next to Federal land who wants to sell it, the Federal Government should buy it. When the Federal Government owns a third of America, I believe we ought to focus on completing the parks, completing the areas that we have already started, completing our State parks, national parks instead of having in-holdings that are valueless to people in them. We ought to be focusing there.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I support the amendment, but I am really curious as to how the authors of the bill do not quite seem to understand their own bill yet, because they keep saying if this bill passes, we will not be able to purchase more land. Well, the distinguished chairman of the Interior Committee on Appropriations is here, and he will tell us the committee can continue buying land as it is. It is just that $2.8 billion becomes a land entitlement, which I know is the goal of the Democratic party to create a new entitlement. The Republicans seem to be going in agreement with that. Some of them are. The reality is you can still, on top of this, buy land.

If Members do not believe me, go back to 2 hours ago, where you accepted the amendment of the gentleman from Indiana (Mr. SOUDER) and the gentleman's amendment says that the CARA funding will simply supplement annual appropriations for activities of the National Park Service.

Now, that is making it clear. It is just a supplement, a $2.8 billion supplement. It is one that unfortunately a lot of our Members seem to want to put in front of Medicare and Social Security, I am very upset about that, as I know seniors are, that some people are still concerned about putting land acquisition in front of Medicare and Social Security, which seems to be one of the purposes of CARA.

One of the other points that was mentioned earlier tonight is that this fixes something that is broken. Let us. The Federal Government owns 32 percent of the land in the United States of America, not counting military posts, but it is broken. The purchasing mechanism is broken? I do not follow that. It does not make sense to me. I would say it is working real well.

Then this concept of any willing buyer, as the gentleman from Pennsylvania (Mr. PETERSON) said, what is this, a garage sale? Somebody has got some land and the Federal Government is obligated to buy it?

What about the vision and the question that still remains unanswered by the proponents of CARA; how much land in the United States of America should the Federal Government own? 25 percent, 30 percent, 50 percent. I would love to hear that answer from the CARA people so we can put a cap on this.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me read the amendment, it says, in effect, that notwithstanding any other provision of the act, amounts made available by this act may not be used for any acquisition of the Federal Government of an interest in lands, except lands located within exterior boundaries already designated.

It says you cannot spend the money to buy anything but an in-holding. Now, I did not argue that the government ought to have to buy every land from every willing seller who lives adjacent to a wilderness area. I simply argued if the government wants to buy it and if the Congress actually considers an appropriation and passes an appropriation under CARA to buy that property and it is not an in-holding, but it is adjacent and a willing land owner willing to sell it, that we ought not prohibit that transaction.

This amendment prohibits that transaction by simply saying that none of the funds are in CARA. Of course, Congress, if it wishes to, can change CARA, it can also amend CARA next year. It can pass a special bill changing this provision that says you can now buy in-holdings, or this particular in-holding if it wants to, but this language going into CARA says as a principle of the expenditure of these funds, that only in-holders need apply when it comes time to selling land to the government anywhere near a Federal Government reserve wildlife system or national forest service.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, the point of the Peterson amendment is that it limits CARA funds, but it does not limit the ability of the Committee on Appropriations or the authorizing committee.

Mr. TAUZIN. Mr. Chairman, reclaiming my time, it is exactly what I just said, that it certainly does not limit future Congresses to change CARA. It does not limit future Congresses to make a special appropriation for an in-holding if it wants.

It sets down as a principle of law in CARA, that CARA funds cannot be used where there is a willing seller and the government is interested in purchasing the property and the Congress follows all of the steps outlined in CARA for its acquisition.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I strongly support the gentleman's amendment. If we are going to have this $2.8 billion annually, it seems to me that the focus ought to be on the in-holdings. Obviously, there are other funds available as was brought out in the earlier statements by the Members, but the Federal Government can still purchase land if it feels it needs to, but in-holdings are a big problem throughout our Nation with the national parks, and the wilderness areas and so forth. This bill, if it is going to provide this kind of funding, it would be well used to start there.

I represent a mountainous and rural district in parts, and I can tell the Members that it would be helpful to focus on the in-holdings.

I think the gentleman from Pennsylvania (Mr. PETERSON) has made a very valid point. I think his point about getting full funding for PILT is key. We debated that issue and lost on it. We hope somehow we can get that addressed in the future, but the Peterson amendment is a good place to start. And I urge an aye vote.

Mr. PETERSON of Pennsylvania. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. PETERSON) has 3½ minutes remaining, the gentleman from California (Mr. GEORGE MILLER) has 2½ minutes remaining; the gentleman from Louisiana (Mr. TAUZIN) has no time remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time to close.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. PETERSON) for yielding me the time.

Mr. Chairman, we just had a vote on an amendment that I offered which would have protected the property rights of those in-holders that we are talking about in this particular amendment, unfortunately that amendment

was defeated. My friends voted against it. They said that the Federal Government could come in and control the land that they did not own; that they could tell private property owners what they could do or could not do with their private property, and the will of the House was that that would proceed; that we would do that to those private property owners.

Now, having voted that way, having made that decision and told those property owners that we were going to control their property, even though we did not know own it, the least we can do at that point is to approve this amendment, because this amendment now says that that is our priority, we have to go in and buy out those in-holders. We have to go in and pay those people for their land, because see we do not want to protect their property rights, we voted against that, we said we want to control them.

Now, the least we can do is pay them for the land that we are taking from them. That is the only consistent vote that we can cast now in terms of protecting those private property owners, unless, of course, we just want to say we do not care. We want to take your property; we do not want to pay you for it. We want to expand all over the country and create more in-holders and never pay for the land that we are taking through adverse condemnation.

It is a very simple amendment. It is very straightforward. The decision was made on the previous amendment. Now, I believe we have no choice but to support this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) has the right to close with his time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we conclude this discussion on this legislation, it is one thing that is obvious to me; there is no plan, there is no focus, and that enough land is not enough land for the government to own. But the Federal Government owning a third, when we combine State and local, we are close to half.

□ 2230

The strength of America has been private property ownership. We certainly have enough Government ownership.

The example I gave of the Fish and Wildlife Service will continue. They have their own pot of money. Congress somewhere along the way erred and gave them the ability to buy land without Congressional approval. And they are going to continue to do that, five refuges a year, growing them into thousands-of-acre refuges. This we to maintain.

We are building a backlog. We already have a backlog on Federal land owned from 30 to 50 billion dollars. And we just wink at that and we take every nickel and dime we have to buy more land, as if we do not have enough public land.

Now, we may not always have the right land, because we do not want to trade. We do not want to have no net gain. This body has resisted anything that would bring common sense to this legislation.

I urge my colleagues to think seriously that, as we obligate the taxpayers of the future, we ought to focus on what land is appropriate, and inholdings seem they ought to be first, and when we complete our inholdings we can change it and do something else, but we ought to complete what we start, we ought to inventory what we own, how much it is going to cost to maintain it, and we ought to pay for it and we ought to pay our taxes before we buy another acre of land that is PILT.

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

Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this kind of simple prohibition simply is unworkable and takes the thought processes out of setting priorities and making determinations about different values, about different emergencies, about different situations.

The fact of the matter is very often we buy some private property to relieve pressure on other private property owners. We know that a number of endangered species problems have been solved because the Federal Government was able to aggregate some areas for protection that then freed up other landowners so that they could put their lands to the productive use or the changes or whatever that they wanted to participate in. So now we would say, no, they cannot do that.

We know very often that we buy property sometimes because it threatens the values and the purposes of the national preserve, whether it is a park or whether it is the forest. We buy some lands so that we can then swap those lands for some other lands that private property or a city or a county wants to put to use. They want us to buy certain lands and swap different lands with them.

Those are all determinations made by elected officials at local levels and in the Congress and in the Senate and city council members. They use their judgment.

Yes, there is a backlog. But let us not pretend like this Congress has been working it off recently, because the Congress has not funded that. But we should not take away those kinds of determinations.

Under this thinking, what they would say is that they could not build three fighter planes at the same time or they could not build a new class of submarine until they finished the old one.

No, we have different situations that emerge in the running of this Government; and the fact of the matter is that we make determinations and we use our best judgments. And so, now they want to say that they can only use this money for inholdings. But, in fact, if an emergency comes up or they have to protect a Federal asset, then they have to go through a lot of rigmarole.

The fact is that this system has worked very, very well. Because we have purchased inholdings. We have purchased lands contiguous to these lands where we think they have a particular value or in some cases where landowners want out because they want to do something to the land, they want to go into some other business and the Federal Reserve is inconsistent with that.

These people use it. They do not run around willy-nilly. Most of these purchases from the Land and Water Conservation Fund are made because Members of Congress go to the Committee on Appropriations and ask that they be made.

Every year we trudge down there, we send letters, we get all the people in our delegation to sign them. And they come from both sides of the aisle, and they come from most of the Members who have spoken here tonight asking for the Federal Government to buy these lands. And they want to posture and put a straitjacket on these Federal agencies so they cannot provide the kind of stewardship that the Nation's lands deserve.

I ask for a no vote.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

It is now in order to consider amendment No. 10 printed in House Report 106–612.

AMENDMENT NO. 10 OFFERED BY MR. CHAMBLISS

Mr. CHAMBLISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CHAMBLISS:

Page 19, line 3, strike ''without further appropriation'' and insert ''subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 30, line 12, strike ''without further appropriation'' and insert '', subject to appropriations for fiscal years before fiscal year

2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 48, line 8, strike ''without further appropriation, in each fiscal year'' and insert '', subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 56, line 6, strike ''without further appropriation'' and insert '', subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter,''.

Page 63, line 5, strike ''without further appropriation'' and insert '', subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 64, line 17, strike ''without further appropriation'' and insert ''subject to appropriations for fiscal years before fiscal year 2005 and without further appropriation for fiscal year 2005 and each fiscal year thereafter''.

Page 70, line 10, strike ''without further appropriation'' and insert ''subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 71, line 20, strike ''without further appropriation'' and insert '', subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter,''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Georgia (Mr. CHAMBLISS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a bill that addresses the concerns of a number of my colleagues, along with myself, have with respect to a budget issue with this bill.

CARA sets up mandatory funding mechanisms whereby $3 billion in mandatory spending is annually taken from the Outer Continental Shelf revenues to the various programs and it goes to the various programs under the bill.

This means that if the requirements are met under each title of the bill that that money automatically goes to the State, the grantees, or whoever the recipients may be in the form of mandatory spending. The appropriators would play no role in controlling how a vast amount of the money is spent unless this amendment is adopted.

Now, the problem with the bill is that it requires this $3 billion in mandatory spending and 4 weeks ago we adopted a budget that simply makes no provision for this $3 billion.

Now, if this bill becomes law as currently structured, the amount of debt paid down or available for tax relief as assumed by the budget resolution will be reduced by this $3 billion every year, or roughly $15 billion over 5 years. Such a bill is at odds with the budget resolution that was adopted 4 weeks ago.

Now, my friends, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Louisiana (Mr. TAUZIN), who are my dear friends and my hunting buddies, they have done a great job of putting this bill together and bringing in an awful lot of folks in support of this bill. I think the bill is a good bill and I think, with some addressing of concerns, we are going to make it a better bill.

As they know, my amendment does not gut the bill. My amendment simply ensures that we are consistent with our budget resolution. This amendment makes sure that the integrity of the budget process is protected, because the ink is not even dry on the budget resolution and already we are trying to unravel some of the key commitments and assumptions that are laid out in the budget resolution.

It is not like we are not going to be able to fund the provisions of this bill if my amendment is adopted, because all we are saying is that the appropriators will have to deal with the funding in this bill because there is no provision for it in the budget. It would go through the normal appropriation process.

In our budget that we did adopt, over the next 5 years, we have approximately $1 billion in Function 300, which is the resources provision, that is available for funding programs that are included within CARA.

Then starting in the year 2006, the bill moves forward just as laid out in the base text today; and that will, thus, give us time to make plans for the spending of this money.

Now, I appreciate the fact that my friend the gentleman from Alaska (Chairman YOUNG) took the off-budget language out of the bill in his managers amendment. Now, that somewhat helped improve the situation, but it did not resolve the budget issue. Because when we take it off budget, then that means that it is subject to the budget law, which means that we are subject to pay-go rules, we are subject to sequestration rules, and that we have got to have either offsets or we are going to run into those sequestration rules.

Now, as I have said, the bill addresses that problem by simply shifting the year in which the mandatory spending begins from fiscal year 2002 to year 2006. After that, then we can fit it within the budget resolution, hopefully. At least we will be able to plan for that.

If my colleagues are conservation minded and want to support the bill without gutting it, this is a good amendment. If they are a fiscal conservative and care about maintaining the integrity of the budget process, this is a good amendment.

I urge the adoption of the amendment.

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER) for the purpose of controlling the time.

The CHAIRMAN pro tempore. Without objection, each of the gentlemen will control 5 minutes.

There was no objection.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, CARA is financed from the receipts of the Outer Continental Shelf oil and gas production. It is not coming out of general revenues. Since the inception of that OSC program, Congress always intended that a portion of these receipts would be reinvested in conservation purposes through programs like the Land and Water Conservation Fund.

Now, I do not know if my colleagues are aware of it, but there are nearly $13 billion now in the Land and Water Conservation Fund and over $2 billion in the Historic Preservation Fund in unappropriated balances that already have been authorized by Congress.

Congress has fully intended to do this. We just have not been doing it. And the source of the funding has always been intended for this purpose. It has just never been spent. Well, not all of that after all.

We are talking about a total program that costs about 2 cents out of every $100 of the Federal budget. And Congress has been, in fact, spending a good portion of it in. In fiscal year 2001, for example, there is a $1.4 billion request in the administration's budget. That is half of this program right there.

In other words, we are talking about one penny out of every $100 of Federal spending, a minimal effect on the budget, but a maximum effect on the purposes of this act if this amendment is adopted.

Now, the gentleman from Louisiana (Mr. JOHN) and I come from a State that is losing 25 square miles a year. That is 125 square miles in the next 5 years that we are going to have to endure that is in our district gone every year while we wait for somebody to recognize that the OSC obligation is real and ought to be funded and ought to be provided for.

Now, in the next 5 years, interior States are going to receive the 50 percent allocation from interior production on lands located in their States. I do not see them suspending that because of the Budget Act. I do not see them telling us do not make those mandatory spending allocations to interior States, States that have been collecting billions and billions of dollars for Federal Reserve production on Federal land in interior States.

But they would tell the coastal States they have to wait another 5

years before they get any help, they have got to wait another 5 years before the lands located right adjacent to their State that produce all this revenue for the Federal Treasury, not in general funds but in OCS funds, are not used for the purpose Congress said they intended them to be used when the program was started.

No, this amendment is just basically unfair. It says, let us not fund this extra penny out of the $100 that we spend on the Federal accounts to do what Congress said we ought to do a long time ago and to begin remedying the wrong on these coastal States that have endured and sacrificed in order to produce those billions and billions, $127 billion, to their budget efforts.

This amendment ought to be defeated.

The CHAIRMAN pro tempore. Without objection, the gentleman from New Mexico (Mr. UDALL) will control the time allocated to the gentleman from California (Mr. GEORGE MILLER).

There was no objection.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is a pretty incredible story here tonight. I think of how the Congress has acted in the best interest of the American people. I want to congratulate the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, on how they pulled together what were two very different, divergent bills. It took the leadership of both of these gentlemen, working long and hard over 30 hours with Members and testing I think all of our patience. These were very tough-minded sessions, no doubt. We listened to each other, and I think we really acted in the best interests of the American people.

But what this amendment does here this evening is delay funding until fiscal year 2009. And so, what we are talking about, as the gentleman from Louisiana (Mr. TAUZIN) has said, is $13 billion, $13 billion that was spent from the fund and other places and who knows where. But this one amendment would make us wait once again.

The programs that need to be funded now are important programs. They are programs that need adequate funding in this fiscal year. Park plans, farmland, open space are under tremendous development pressure now. Coastlines and marine resources are highly stressed now. Wildlife need habitat now. Inner city kids need recreation areas now.

□ 2245

Why would we want to wait until the 109th Congress to fund these programs?

I think it is about time that we move on with the legacy that Teddy Roosevelt talked about when he talked about conservation and when he set such a great example. He said at the time, and I quote, of all of the great questions which can come before this Nation short of the actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land even a better land for our descendants than it is for us. That is what I think those of us that are supporting CARA are trying to do under the leadership of the gentleman from Alaska and the gentleman from California. This amendment would gut that effort, it would delay the funding, it would set us back in terms of urgent needs.

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

Mr. CHAMBLISS. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I flatly disagree with those who say we do not need substantially more land acquisition. We are going to have 35 million more people knocking on the doors of national parks in 10 years and we need to buy a lot more land in order to preserve it for posterity. But I also support this amendment.

I am uncomfortable being here. I do not like to oppose my friends, and I do not like to be standing in the way of this legislation. But I think there are some substantial problems with it. The Federal Government has the responsibility to take care of our national parks and our national forests and our national wildlife refuges in dealing with national environmental priorities. This bill takes almost $3 billion of national resources and locks them into a handful of projects, many of them focused on dealing with State parks, State forests and State priorities.

Every year for the next 15 years that money is steered to acquisition of land, to specific wildlife programs, to coastal environmental projects. Those programs are good, and I strongly support them, but they are not the only priorities we have as a Nation and they are not even the only priorities we have on the environmental front. They are important to me, but they are not any more important than is education or health care or some others.

I do not understand why we are taking Federal money and using it to fund State priorities when many of our States have been running budget surpluses. I did not come here to be my governor's tax collector. I came here to deal with responsibilities that could not be dealt with at any other level of government. I simply do not believe in insulating even my favorite programs from congressional oversight for 5 years. I believe in a much larger land acquisition program. But I do not put land acquisition ahead of other priorities like education and health care.

I want to make it very clear, I will work to the fullest extent of my ability to make land acquisition a much higher priority of this Congress. But I will not support the idea of making it an exclusive priority. That is not fair to other environmental problems, it is not fair to our other national obligations. We sit here and see, for instance, that half of our national wildlife refuges have no staff. I do not think that we should make it more difficult to correct that problem by something we do tonight on this bill.

I congratulate the gentleman for his amendment. I think it is a responsible middle ground. I intend to support it when we vote on it tomorrow.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. I also rise as an appropriator. I hate to dispute my own chairman on this and my ranking member, but I think we forget where this money comes from. It also comes from sale of public resources. The oil and the mineral rights under the land owned by the public is sold and the revenues therefrom have been promised to the people of the United States for the history of this legislation. Only we in Congress have never fulfilled that promise. We have collected the money, we have promised it would be spent for these purposes and we have withheld it to use for other things. The same kind of argument we hear with the Social Security and other things.

Now, this is not the only program where we have devised a formula to give moneys to States and local governments. We also do that with community development block grants. That is Federal money. We give it out there without a lot of strings attached. Look at what we do in transportation. The national Federal sales tax on gas sales at the pump, we collect that money, and we block-grant it back to States and cities and counties.

It seems to me, if we adopt this legislation, what we are denying is a promise made to the people of the United States that the funds that we collected would be used for preservation of farmlands, would be used for improvement of camping facilities, would be used to help inner cities buy parks, would be used for habitat protection, would be used to enhance that growing America that is demanding recreational resources. This amendment continues to deny the promise made. That promise is that these moneys would be returned to the people in a way that they could enjoy the natural resources. It is a bad amendment. As an appropriator, I would argue against it.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

What my friend apparently does not understand about this amendment is

that we are not saying we do not carry out every single provision in this bill, all we are saying is that we need to be consistent with the budget resolution and be fiscally responsible and take the time to allow the administration and Congress to work on a plan to find the funding for it.

Now, this funding, the source of this funding that was intended in 1953 when these revenues were first found and generated were to go into the general treasury. They have been in the general treasury from 1953 into the 1970s, I think is when they were taken out and dedicated for other purposes. But in any event, it gets back to the point of we have got $3 billion in mandatory spending.

I spoke in favor of the bill earlier today, because I think the bill is a good bill. But the funding aspect of it needs to be better planned for than what we have done within the framework that we are operating under tonight. All I am saying is that we need to take the time and be judicious and find the $3 billion to fund it rather than being inconsistent with the balanced budget resolution that we passed 4 weeks ago.

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

The CHAIRMAN pro tempore (Mr. PEASE). Without objection, the gentleman from Alaska (Mr. YOUNG) will control the time remaining of the gentleman from Louisiana (Mr. TAUZIN).

There was no objection.

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

In respect to my good friend, the gentleman from Georgia (Mr. Chambliss), I have to keep reminding everybody that this is on-budget. We did do that. This is money that we have collected for this program that has not been spent. I frankly, as one of my biggest loves, is for fish and wildlife do not want to have them wait for 6 years. I think that is a terrible, terrible blow to this bill.

If you believe in conservation, if you believe in the establishment and protecting endangered species that are endangered or will be endangered if we do not act these next 6 years, there will be a lot of areas shut down. I honestly will tell you, I think this 6 years would be a terrible detriment. I did request from the leadership prior to this bill before the budget was acted on to have this included. That was denied. They said, ''Don't worry about it. We'll make sure if the bill passes that the money will be there some way.''

If we pass this bill, which I hope we will, we will find that money. This bill will go to the Senate. The President has a plan of his own. We have a plan of ours. Eventually we will reach a solution. But to have us wait 6 years, in fact, will defeat the purpose of the whole bill. Animals will not be around. The parks that these kids need will not be there. The crime rate will rise. Lands that were destroyed by the government on Indian reservations will not be reclaimed. Farmers that want to remain farming will not be able to farm because they will not have the easement provisions. Coastal States that are losing acres of land every minute will not have any recourse. Six years from now, probably most of us will not be here, in all due respect. I will be because I am going to be chairman of another committee. But I am just suggesting that to wait 6 years is a bad precedent to be set. I urge the gentleman to consider that. Keep in mind this process is begun. Let us finish it.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of this amendment. The base text of this legislation would create new mandatory spending for: impact assistance to coastal states; Conservation and Reinvestment Fund activities; wildlife conservation and restoration activities; Urban Park and Recreation Recovery Program activities; Historic Preservation Fund activities, Federal and Indian lands restoration activities, Farmland Protection Program activities; and endangered and threatened species recovery activities. The currently authorized version of these programs are funded through annual discretionary appropriations.

Without getting into the merits of the authorizations, the funding mechanisms included in this proposed legislation would represent a huge increase in backdoor spending if it were adopted by this House. The amendment before us would return the funding for these authorizations to discretionary appropriations for fiscal years 2002 through 2005. This is the right way to approach funding these activities, and this amendment should be adopted.

Establishing mandatory spending for these activities is exactly contrary to what this House has been attempting to do in getting control of the runaway spending of the past and establishing controls and priority setting mechanisms for all spending. Mandatory spending should only be used for programs whose needs are paramount and nearly absolute. Even though many activities are funded by trust funds or other direct revenue sources, this is not justification to pass through these funds to program beneficiaries year after year without annual review.

For those of you that think that the programs in this proposed legislation deserve funding compared to other discretionary programs, there is a way to make that happen. It's called the appropriations process. It's the best priority setting mechanism in the government. It reflects better than anything else the annual spending priorities of Congress. For those of you that say the overall discretionary levels are too low to accommodate funding these programs, there is a way to address that. It is called the congressional budget resolution. If you think the overall level discretionary level is too low, you can make your feelings known in the budget resolution process.

For those of you that think the discretionary levels are about right but you want these activities funded anyway, you can put pressure on the appropriations process to do so. But, it would be extremely inconsistent with the established budget process to create this type of new mandatory spending while supporting tight discretionary spending.

This mantra of ''unlock the trust funds'' has got to be recognized for the bad budget process that it is creating. One of the reasons that we have trust funds is so that we can review the spending needs placed on them, not so that there is just an automatic pass through mechanism. They are trust funds, not revolving funds. The people that pay the money into them need to be reassured that the Congress is continuously reviewing spending priorities. It is the rightful purview of Congress to decide to reduce or increase trust fund spending as it sees fit based on priorities, not based on the fact that the revenue source is a trust fund.

Without the fixes proposed by this amendment, this is bad legislation. Members shouldn't think that this is a free vote to support your particular program interest and ignore the financing mechanism. Don't think that the budget problems will get sorted out later. There is a very bad track record being developed in that regard. Don't think that the Senate or the President will do the right thing later even though we won't now.

Mr. Chairman, the fiscal year 2001 appropriations process is getting into full swing. We have a lean overall allocation. We will be bringing lean bills to the floor. We will have high priority needs that those bills won't be able to fund. It just seems to me that if we defeat this amendment and allow new mandatory spending at the same time we are trying to establish priorities on a discretionary allocation, things are out of whack. That would be an insult to the process. We need to adopt this amendment and get back to a rational priority setting system.

Vote ''yes.''

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. CHAMBLISS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CHAMBLISS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Georgia (Mr. CHAMBLISS) will be postponed.

It is now in order to consider amendment No. 11 printed in House Report 106–612.

AMENDMENT NO. 11 OFFERED BY MRS. CHENOWETH-HAGE

Mrs. CHENOWETH-HAGE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. CHENOWETH-HAGE:

Page 23, in line 18, strike ''except that a coastal political'' and all that follows down through line 3 on page 24.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentlewoman from Idaho (Mrs.

CHENOWETH-HAGE) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield myself such time as I may consume.

This amendment strikes a provision in title I of the bill which treats one county in California not eligible to receive impact assistance as if it were eligible to receive funds. The actual effect of this amendment is somewhat complex and obscure, but its premise is basic. No county or other governmental entity should receive a special carved-out privilege when it is not eligible to receive funds in the first place. So to do so would establish an unprecedented mandatory line item for one county in one Congressman's district and quite frankly, this is irresponsible legislating.

Mr. Chairman, the county in question is Contra Costa, California, and is more than 200 miles from a leased tract for oil drilling, making it ineligible otherwise for funds under title I. However, H.R. 701, as strange as it is, provides a special exemption to one California political subdivision which has one or more oil refineries, treating it as if it were only 50 miles from a leased tract. The provision violates the very intent of title I which is to provide impact assistance for mitigation of offshore oil drilling. In short, there is no real reason for this provision other than to establish a very special porky cash flow specifically for one county in California.

But, Mr. Chairman, this provision also exemplifies the underlying problem with this bill. It establishes a massive fund, taking from revenue which would normally be allocated by Congress and specially designates money to a select few while at the same time empowering government to impose its agenda on others. This is not how we should legislate in this body. This is not how our Founding Fathers intended for us to handle the power the people have given us, the power of the pursestring. I urge the House to adopt this amendment which restores some fiscal sanity to this legislation.

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

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

First of all, let me state that Contra Costa County, which I represent is, in fact, qualified as a coastal county. The issue was whether or not they got that portion of funding under the legislation that dealt with the burdens, and the question there was the proximity. As the gentlewoman points out, this is not proximate to the production of the oil, but the fact of the matter is it is the home to six oil refineries which produce all of the various products from offshore oil that is drilled in California, Alaska and elsewhere. This is an area of the country that has been impacted by explosions, by leaks, by toxic leaks, by toxic pollution and so it is a part of the cycle, if you will, of developing energy in this country that goes from exploration to refining to marketing.

□ 2300

Because it happens to be located in one central area that is not on the coast, and the reason it is not on the coast is because it is on the bay in the deep water harbor. Otherwise it would be on the coast like in Los Angeles, Long Beach or elsewhere. It ought to be treated the same, because the citizens are there, and this is what the offshore oil revenues were about, was to deal with mitigation of burdens that communities suffer as a result of that kind of activity. Here are all of the press clippings of all of the explosions, all of the toxics spills, all of the spills in the bay, the ships that have run aground, the barges that are broken open, the pipelines that have broken open, and this is just simply to provide the same kind of resources that a county would get if we had production and it was that proximate.

Mr. Chairman, that is the purpose of it. I think it is clearly justified because so much of the West Coast and the Alaskan oil is, in fact, refined in this one county of California. So I would urge a defeat of the amendment.

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

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, now we peek behind the curtains of the back room of the great CARA brain trust and we find, behind the platitudes of all of this fairness and this need for consistency which seems to be driving CARA, we find a special interest exemption for one particular county in California. How curious. How curious that we keep hearing the need for CARA is for consistency, to get away from politics, and yet we find one county outside the 200-mile limitation, cut out a special little special interest, a cherry stem. Let us bring it in.

Well, this is one of the problems with CARA. It is a bill, and it is probably full of other sweetheart deals for counties. Yet, under their own CARA rules, if CARA was such a big deal, such a great bill, such a consistent bill, such a fair bill, why would we need to have a special little cherry stem for a county. It does not make sense. If this county deserves special emergency or Federal funds or assistance, then let it come out in the daylight, not in some little amendment. Let them go through the appropriations process, the authorization process.

Mr. Chairman, I think that that is just typical of what the whole bill is full of, particular little special interest things. We have had the opportunity to peer behind the curtain and see what is really going on.

We keep hearing this bill is so good for the States. Well, California is one of those States with a $3 billion surplus. Yet, under CARA, we are going to send them Federal tax money, and as the gentleman from Wisconsin (Mr. OBEY) says, we are the national Congress, we are not the State of California Congress. It is our job to look after the national picture, not special interest in California. Let the California legislature, with its $3 billion surplus, spend money on the needs of this county.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding.

I want to suggest two things. One is, I know this county; I was raised just about 75 miles above it. It was one of the larger refinery areas that refined oil. They have lost a lot of those refineries. They have 2 major refineries left, and I will be right up front with everybody, they happen to refine Alaskan oil. That gasoline that is produced is really burned in the State of the gentlewoman that is offering this amendment. If we think gas prices are high now, we should just try driving those refineries out of that area.

It does not increase the amount of money for California. It does allow monies for this area; it is heavily impacted. Like the gentleman mentioned, now that California has different areas along the coast, some of the refineries are right on the coast, this happens to be about 75 miles inland or a little further.

So I want to suggest that the amendment is aimed towards the gentleman from California (Mr. GEORGE MILLER), there is no doubt about that, but the justification I do not think merits the offering of the amendment.

I believe that the area which is identified in this amendment is an area that is highly intensified by refineries and should get some of this impact money.

Now, as far as California having a surplus of $3 billion, I have heard this over and over and over again, States having surpluses. Are we going to condemn the States that have surpluses because they have managed their money well? The money that comes from this bill comes from the Gulf States or for specific reasons that should be spent. I believe, very frankly, we ought to commend the States that have the surplus. I thought this was a Republican policy, to make sure those that reward themselves and work well

should be rewarded, not those that do not. So I am a little bit confused by the offering of this amendment, when it would not, in fact, address the issue of an impacted area.

The CHAIRMAN pro tempore (Mr. PEASE). The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 30 seconds remaining, and the gentleman from California (Mr. GEORGE MILLER) has the right to close.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield myself the remaining time.

I did not mention that this bill had to do with a county in the gentleman from California's district, but the fact is that there are many counties throughout this Nation that are on their knees for one reason or another, but they do not ask for, nor do they receive special treatment, special pork treatment like this county is receiving. It is pure pork, it is the kind of legislating that Americans dislike, and it leaves a great distaste in the hearts and minds of the American people to see this kind of special interest legislation.

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

I would say this is not about pure pork, this is not to be hidden. The gentlewoman should have stood up when she opened her remarks and said that it was aimed at me and then everything would have been on the table, but we have discussed that.

Many people in this county would be happy to be rid of these refineries. We have had hundreds and hundreds and hundreds of people go to hospitals; we have had millions and millions of dollars in lawsuits. But the fact of the matter is, that is where the refineries are. We could never locate them in any other part of the United States and that is why they are treated as an impacted area. If they were on the coast, they would be treated as an impacted area. They are 30 miles from the coast on San Francisco Bay, so they are not treated as an impacted area, and this is to treat them the same as we would treat refineries in Long Beach or southern California or Louisiana or Alabama or wherever. If my colleagues do not think this is a coastal area, this is where the Naval base is. This is a coastal operation.

If my colleagues want to take a potshot at me, they can take their potshot. But the fact of the matter is this is about an impacted area from offshore drilling; this is about an impacted area where many, many, many accidents have taken place. That is part of the price we pay for energy development in this country, and I ask for a no vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) will be postponed.

It is now in order to consider Amendment No. 12 printed in House report 106–612.

AMENDMENT NO. 12 OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HASTINGS of Washington:

Page 31, after line 24, insert:

''(3) APPORTIONMENT FOR MAINTENANCE.—Not less than 50 percent of the Federal portion shall be used by the Secretary of the Interior and the Secretary of Agriculture only for purposes of carrying out maintenance operations on Federal lands managed by such Secretaries.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio (Mr. REGULA) control half of my time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment that is offered jointly by the gentleman from Ohio (Mr. REGULA) and myself.

As the last several hours in this debate have made clear, fewer issues inspire a more contentious debate in this Chamber than Federal lands policy. There is, however, one aspect of the Federal lands policy on which I believe every Member of this House can agree. We simply must do a better job of maintaining our national parks, our wildlife refugees, recreation areas, and our national forests.

Our constituents know, and so do we. Every one of us have heard about families from our district that have visited these natural resources and found shabby facilities and deteriorating conditions when they arrive at these places that are, in many cases, the crown jewels of our park and recreation system, this legacy that was entrusted to us by past generations.

Yet, tragically, Mr. Chairman, the unfunded backlog of deferred maintenance work in this country at these facilities has reached the tens of billions of dollars.

□ 2310

As a matter of fact, it is growing every year. Just 2 months ago, on March 21, this House voted 392 to 2 to underscore our concern about this backlog. Unfortunately, that vote was largely symbolic because it was a House Resolution and it committed no actual funds to address this problem.

Tonight by voting for the Hastings-Regula amendment we can back up our rhetoric with real resources. Our amendment would provide a dedicated funding stream to meet the maintenance needs that have been deferred for too long, and it would do so without adding one penny to the bottom line on this bill.

Simply stated, our amendment requires that for every dollar spent from the Federal share of the Land and Water Conservation Fund to purchase land, $1 must also be spent to maintain the lands that we already own. After all, to me it is just common sense to stop buying more of something unless one is ready to maintain what they already have. The Hastings-Regula amendment makes it possible to do both.

Our dollar-for-dollar approach is a simple, straightforward, and balanced approach to at least one problem that the American people really do think that the Federal government should address. Whether one is from the East, West, rural, or urban areas, the public has consistently ranked maintaining parks and recreation facilities among the top priorities for public funding.

Tonight let us show our constituents that their priorities are our priorities. Mr. Chairman, no Member of Congress has worked harder on this than the gentleman from Ohio (Mr. REGULA). I am honored that he joins me in this endeavor. I am sure his remarks will explain much better than I can the need for this.

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

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Alaska (Mr. YOUNG) is recognized for 10 minutes.

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

Mr. Chairman, as much as I respect my good friend, the gentleman from Washington (Mr. HASTINGS), this bill does what he asks to do.

Last year, the ratio was 3 to 1, $3 for every $1, $3 for every $1 spent for purchase. If we are not doing this job as we should be, it is the appropriators' fault. If they appropriated the money as they should have from the monies

that were derived from offshore, we would not have this problem. But it has not been done. It has not been done.

Under this bill, we put $200 million additional maintenance into the program for the maintenance. So really, this amendment is not necessary. It is really not necessary, unless one wants the appropriators to do all of the work. If they want the appropriators to make the decision, then support the amendment. If one wants appropriators writing legislation, then support the amendment. If we want the appropriators running this House, then support the amendment.

The appropriators have been making legislative action every end of the session without any through-put through this Congress, without anybody having anything to say about it, without going to the authorizing committee. Those who voted for last year's final bill voted for $600 million, and the year before that, $420 million, and the year before that, without any through-put from the authorizing committees.

In this bill, though, we say okay, if they want maintenance, we will give them an additional $200 million for maintenance. That is not appropriated. It should have been appropriated, but it was not appropriated. Three to one, though, for maintenance. If we have a backlog, it is because the appropriators did not use the money for the maintenance part.

I am going to suggest that although the amendment sounds good, we recognize the maintenance problem in this bill. We recognize the need to take care of our parks and refuges. We added $200 million. If Members adopt this amendment, they are back where they started from, $450 million, just about where we were last year. We are letting the appropriators run the program. I do not think that is what this Congress wants.

I do not have any particular fight with the appropriators, other than the fact that they missed the idea that the authorizers also have a role in this body. Does anybody know what the money was spent on last year? No. Did they come to us and ask us? No. It was given to the President.

I say, maintain them, yes. We are going to do that. But let us use this bill, with the additional $200 million. If we do not defeat this amendment, we are going to end up right back where we were last year with no maintenance, other than about $450 million. If that is what Members want, then fine. If they want their parks to fall apart, fine, or refuges not to be maintained, fine. I do not think Members want that.

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

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret that I do not have a copy of the letter that I received from the chairman of the authorizing committee last year requesting me to put in a number of authorizing provisions in our bill, since he seems to feel that we abused that privilege. But I am pleased that he feels we should address the backlogged maintenance. It seems to me if the gentleman is saying he wants three to one, he certainly should be supporting this amendment, which is only one for one.

All we are saying in this amendment is that as we buy land, for each dollar we spend on land, we should spend $1 on maintenance. Certainly that makes a lot of sense.

Here is the list: The National Park Service, $3 billion: toilets that do not work, roads that are not safe, bridges that are not safe, campgrounds that are not safe; Bureau of Land Management, $100 million; Fish and Wildlife, $790 million; the Forest Service, $8.9 billion.

Yet, all of these agencies, and particularly the Forest Service, they have tripled the visitor days of the Park Service, and look how this maintenance has been neglected. We have been working at it, but if we take the money away from the Committee on Appropriations, they are not going to be able to address this. The amount the gentleman provides does not help to solve the problem, because we will have many other demands that will be made on the money available to us.

What I want to read is a poll that was done by Vox Populi Communications. They did a poll on CARA. I want to read just one paragraph: ''Even more adamant,'' and this is speaking of the people who responded, ''Even more adamant was the opposition to new land acquisition and park creation in the face of a massive maintenance backlog. Simply put, by more than six to one, voters want the maintenance backlog addressed before more money is spent on acquiring additional lands or creating new parks. This desire to address present needs was consistent across gender and party lines, and even Gore supporters saying that we needed to work on current problems before buying more land.''

Yet, this bill would propose us to buy more land. It proposes to give the States money, free money, that they can spend as they choose. We keep hearing a lot about how this will enhance the resources. Maybe it will, maybe it will not. We do not know what the States will do with it once they get it. They are not that restricted under the terms of this bill.

As the gentleman from Wisconsin pointed out so very eloquently, our responsibility is to take care of the 379 parks, the 200 million acres under the Bureau of Land Management, the probably almost 150 million acres in the Forest Service, and all the refuges. We created something like five last year, 30 in the past several years.

We have an enormous backlog of maintenance, but we cannot do it without having money available. The bottom line of this bill is that it is going to take that money away, it is going to send it out to the States, and leave us with the lack of ability to meet these very significant needs.

It seems to me as responsible government at the very minimum, if we are going to buy more land, as the amendment proposed by the gentleman from Washington (Mr. HASTINGS) would provide, for every $1 we spend on land, let us spend $1 on maintenance. It makes a lot of sense in view of this $13 billion deficit. Those are safety issues. Those are the enjoyment.

Go to a park, and as it was in Yellowstone, one of the campgrounds is closed because of lack of maintenance of the sewer system.

□ 2320

That could be repeated many times over. So at least with this amendment, we get a beginning and we make sure that we are balancing off land acquisition with maintenance.

I urge support for this amendment. And in view of the gentleman from Alaska (Mr. YOUNG) endorsing the idea of maintenance so emphatically, I would hope that he would be very supportive of this amendment because he believes in maintenance.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, my understanding is that in the last 5 years, while the gentleman from Ohio (Mr. REGULA) has chaired the subcommittee, that the appropriations for maintenance have been $54 million below the President's request; is that correct?

Mr. REGULA. Mr. Chairman, reclaiming my time, we have been below the President's request for, overall, a billion dollars because he requested but did not provide any money. But I would also point out that if the gentleman will look at the last time the minority party was in control, we have increased maintenance very greatly.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I must rise in vigorous opposition to the attempt of the gentleman from Washington (Mr. HASTINGS) to cut one leg off a two-legged bill, because a 50 percent reduction in this acquisition, I think, cuts against three very important principles.

One, I would allude to some basic American values that are inscribed in the bar of the House. And if my colleagues have never come down to take a look at them, they ought to sometime. Starting on the left, those basic American values are peace, liberty, tolerance, and justice. And the one we are

talking about tonight is union. Because in a very rare display of bipartisanship, we have crafted a union of people across party lines and ideological lines that is embodied in this bill.

Mr. Chairman, this amendment will dismember that union that has been so carefully built and vigorously built under the leadership of the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking minority member. We ought to stay with this bill as it is. It is a union and it ought to pass.

The second rule that is being violated by this amendment is one of physics, the rule pavement does not wait. Concrete does not wait. It does not wait for Congress. It will not wait if we cut 50 percent out of the acquisition funds of this land. That land will be gone. Ask what would have happened in the days when Yellowstone was considered by this Chamber if this Chamber missed the opportunity to save Yellowstone National Park from the Coney Islands that would have been built up along the geysers if we decided not to make that acquisition because, in some way, the Committee on Appropriations had not previously appropriated enough for maintenance somewhere. Imagine if we missed that opportunity. Pavement and concrete do not wait.

Third, I just want to say that we talk a lot about the Grand Canyon and Yellowstone Park, but I want to suggest those are the grand jewels of this country. But there are little jewels in every district in this country that need acquisition today. I went to the Grand Canyon last week. I took Friday off. Do not tell anybody. I went down to the Grand Canyon. The first time I have been there.

Mr. Chairman, Teddy Roosevelt was right. He said every American should go to the Grand Canyon before they die. But there is a little place in my district on Bear Creek where the water pools underneath the cedar trees and the salmon used to spawn that if this amendment passes, the salmon will never spawn again because we will not preserve that little tiny piece of the Creator's handiwork, and that little jewel of this country, which will never be a Grand Canyon and may be known only to my neighbors will be gone.

Let us act tonight for union, let us beat the pavement and let us protect all the little jewels that deserve protection in this country.

Mr. HASTINGS of Washington. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Washington (Mr. HASTINGS) has 2 minutes remaining. The time of the gentleman from Ohio (Mr. REGULA) has expired. The gentleman from Alaska (Mr. YOUNG) has 1½ minutes remaining, and the gentleman from New Mexico (Mr. UDALL) has 2 minutes remaining.

Mr. HASTINGS of Washington. The gentleman from Alaska has the right to close?

The CHAIRMAN pro tempore. Yes.

Mr. HASTINGS of Washington. Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, on March 8, 1964 The New York Times ran the following editorial:

> Behind the effort to enact the Wilderness bill and the Land and Water Conservation Fund bill—the two most vital pieces of conservation and recreation legislation before Congress this year—is recognition of a dread alternative: once the primeval lands fall under the bulldozer's blade, they are forever lost. . . . Secretary of the Interior Udall has rightly called these bills ''pieces of landmark legislation which will be remembered for years to come.''

My father is still right. The Land and Water Conservation Fund Act as well as the Wilderness Act is still remembered. And, I believe it is as important today as it was when he was Secretary of the Interior.

I will let you in on what I think the secret is to the continuing importance of the Land and Water Conservation Fund. My father and others working on this bill were successful because these initiatives were the result of bipartisan input that looked ahead to the generations yet to come. Even the idea for creating a Land and Water Conservation Fund came from a bi-partisan commission. On Lawrence Rockefeller's Outdoor Recreation Resources Review Commission were: four Senators, 2 Democrats and 2 Republicans, four Representatives also split 2 and 2, and 7 presidential appointees including groups as diverse as the Wilderness Society and the American Cattlemen's Association.

This bi-partisan foundation translated its work into sound proposals and Congress then passed the Land and Water Conservation Fund Act with virtually unanimous support.

In the year 2000 we need to pass that secret along. As you well know, H.R. 701 is sponsored by both Chairman YOUNG and Ranking Member MILLER and has broad bipartisan support in the House. This gives us the opportunity to take the secret of the 88th Congress' success and demonstrate that the 106th Congress can also work together to pass landmark legislation.

Because they had joined with each other in a meaningful, bi-partisan dialogue, individuals like my father and his colleagues were able to leave all of us the invaluable gift of protected wildlands and wildlife. It's now our turn as the heirs of their generation to do the same thing for our children.

The Land and Water Conservation Fund has helped all of us in our respective states by protecting invaluable lands and resources. For example, in my district in New Mexico over $25 million in federal and $10 million in state funds have been awarded for some of the following projects:

FEDERAL FUNDING

Chaco Culture National Historic Park.
Bandelier National Monument.

STATE/LOCAL FUNDING

Chama—Chama Playground.
Las Vegas—Rodriguez Baseball Park.
Raton—High School Recreation Park.
Zuni—Recreation Park Development.
Gallup—Red Rock Campground.

As you can see from these examples, not only are the provisions of the Land and Water Conservation Fund aimed at helping support federal projects, they also help much needed state and local programs.

That is why I support CARA and invite all of my colleagues—regardless of which side of the aisle they sit—to participate in this legislative effort.

As I conclude, I'm reminded of John Chafee who loved to quote Teddy Roosevelt's observation that ''of all the great questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land even a better land for our descendants than it is for us.''

Thank you for supporting this bill.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we just heard some eloquent remarks about small little jewels being preserved and not being able to wait a few more years for lack of funding because of the advancing concrete. If we could picture in our mind the East Coast of the United States and then picture from Boston to Richmond. It is almost a constant corridor of buildings and highways, a megalopolis. And in the midst of that constant corridor is a tiny little space viewed from space that is still dark.

It is called the Delmarva Peninsula, made up of Maryland, Delaware and Virginia. What we have done is worked with the three States on that tiny little peninsula to retain its rural character by creating a Habitat Conservation Corridor for those three States on the peninsula for wildlife. We are working to produce and preserve and make profitable agriculture. And we are going to restore 10 percent of the original historic number of oysters in the Chesapeake Bay, which will do tremendous things for water quality.

Mr. Chairman, I urge a ''no'' vote on this amendment for those jewels in this country that still can be preserved.

Mr. UDALL of New Mexico. Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to reiterate what I am talking about with this amendment is for maintenance. It is not for acquisition at all. It is for maintenance. We already have the Grand Canyon. We already have Yosemite. We already have Rainier National Park. They are already in place. We are talking about maintaining these facilities.

Now, I commend the gentleman from Alaska for at least putting some maintenance dollars in this bill. But here is

the problem. We know we have about $18 billion of a backlog. We have about $180 million in this bill. If we were to appropriate that all of the way through this year, it would take us 100 years just to make up the current backlog. We cannot wait that long. We propose in this CARA bill to spend another, roughly, billion dollars for acquisition. We would add to that, obviously, the maintenance needs in the future.

Mr. Chairman, we cannot wait that long. We have 100 years, for goodness sakes, just to take care of what we have. That does not make any sense at all. We have an opportunity because CARA develops a funding stream for these crown jewels that we are talking about. Some of that ought to go for maintenance. And that is all this amendment says.

Obviously, if this money is put into the process, maybe we can reduce this and then those that support buying more land would have that land in the future. But is the first principle not to maintain what we have? That is what this amendment does, is simply says let us maintain what we have. We cannot wait 100 years just to take care of the backlog that we already have right now.

I urge my colleagues to support this common sense amendment because to me, it addresses the issue that the American people understand obviously better than we do, or it would be in the bill without having to go through this amendment process.

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

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

Mr. Chairman, I am one who supports the maintenance. I will say this, that if the appropriators had done their job, the maintenance would have occurred and should have occurred.

I am a little bit concerned and I would like to ask those that oppose this bill, where would the maintenance money be for this program if we did not have CARA? Where would it be? It would not happen. There would be no maintenance. It would be the same minimal type maintenance that has existed the last 6 years, and before that in the other administration.

And if we go back and check the units that were created, we will find out a large percent of those units were created without authorization by this Congress, but through the appropriating committee.

□ 2330

Just check the record.

So I ask a lot of my colleagues, where would they be when they offer these amendments. If we did not have CARA, would they have any more maintenance? I say, no, they would have the same old thing. Just keep that in mind.

So I think this amendment is unnecessary. We do recognize the need in this bill. I respectfully reject the amendment. Keep this package together. Let us go forward and accomplish what we set out to do: maintain, take care of our species, take care of our urban parks, take care of our easements, take care of destroyed land, and, yes, maybe buy some land. But nowhere in this bill says there shall be land bought. Nowhere.

The CHAIRMAN pro tempore (Mr. PEASE). All time has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Washington (Mr. HASTINGS) will be postponed.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 853, COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–613) on the resolution (H. Res. 499) providing for consideration of the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONSERVATION AND REINVESTMENT ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 701.

□ 2333

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 12 printed in House Report 106–612 by the gentleman from Washington (Mr. HASTINGS) had been postponed.

It is now in order to consider amendment No. 13 printed in House Report 106–612.

AMENDMENT NO. 13 OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SWEENEY:

Page 36, after line 13, insert:

''(D) No State political subdivision has transmitted to the Secretary administering the acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition within 90 days after receiving notice of the proposed acquisition under subparagraph (C)(iii).

Page 41, line 8, after the period insert: ''The State shall notify each affected political subdivision of each land acquisition proposal included in the State action agenda. Such notice shall include a citation of the statutory authority for the acquisition, if such authority exists, and an explanation of why the particular interest proposed to be acquired was selected.''.

Page 42, after line 9, insert:

(c) LOCAL GOVERNMENT VETO.—Section 6(f) (16 U.S.C. 4601-8) is amended by adding the following at the end thereof:

''(9) No funds made available under this Act may be used by a State to acquire any land or interest in land if the political subdivision of the State in which the land or interest in land is located has transmitted to

the State agency administering the proposed acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition within 90 days after receiving notice of the proposed acquisition under subsection (d)(2).''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from New York (Mr. SWEENEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment in partnership with the gentleman from New York (Mr. MCHUGH), my neighbor to the north, to address the concerns of local government.

The gentleman and I, Mr. Chairman, represent some of the best the Nation has to offer in terms of open space, recreational opportunities, and natural beauty in the form of the Adirondack Mountain region.

There are concepts within the underlying bill here at work that I strongly believe in and I accept and I support; namely, strongly supporting conservation programs. I understand the value of protecting open space.

However, I can only support open space initiatives that are accomplished in conjunction with meeting local concerns. I understand that the gentleman from Alaska (Mr. YOUNG), our distinguished chairman, and the gentleman from Louisiana (Mr. TAUZIN), and Members on the other side of the aisle have worked diligently to try to manage many of the complexities of this issue. I think this amendment is being offered in the hopes that we will strengthen the underlying bill.

They knew, as they constructed this bill, that local governments hold the responsibility in this country for many land use decisions and do so effectively through local zoning laws. I believe that land acquisition decisions are essentially land use decisions.

The fact is, Mr. Chairman, that once private land is purchased by the Government, it is no longer subject to local zoning laws or to local property taxes. That is why I believe our towns and counties ought to have a real say in such a decision.

It is on this basis that I offer this amendment today with the gentleman from New York (Mr. MCHUGH). Our amendment provides local governments with the opportunity to object to projects listed under both State and Federal land acquisition plans under the Land and Water Conservation Fund, LWCF.

Our amendment first adds an additional requirement for States to notify the appropriate State political subdivision of government affected by each acquisition under the State Action Plan.

I will note that, in the underlying legislation, the information to be provided by States is identical to that required of the Federal Government for its acquisitions. However, CARA does not currently require States to notify local governments as a condition of funding.

Affected local governments, under our amendment, are given 90 days to submit a resolution of disapproval to the Secretary of Interior or to the governor, depending upon whether the listing is in the Federal or State plan.

Mr. Chairman, let me note that most of the focus of tonight's debate over CARA is over direct Federal acquisitions in the West. State acquisitions are a major issue in States like New York and other places, and I believe we should be addressing both in this legislation.

I do not object to giving our local government resources for preservation projects that they develop and support. I do object to this, what is seemingly a top-down approach. Without this amendment being approved, I think that that would be a great mistake.

The CARA bill in its current form calls for public participation in the setting of land acquisition priorities. However, I feel that process needs to be strengthened. This amendment does so by ensuring that the people most affected at the local levels of government have a seat, a real seat at the table in the LWCF land acquisition decisions at both the State and Federal levels.

Mr. Chairman, I would like to note that the concept being applied in this amendment tonight is not without Federal precedent, as the affected political subdivisions in the State of New York must agree before they may be included in the Federal Forest Legacy Acquisition Program. This provision was advanced in October of 1991 in this body. I believe this language has protected private forest land in New York that otherwise would have been threatened by Federal acquisition.

Mr. Chairman, in my opinion, this amendment does not undermine the CARA bill. It simply strengthens the process for local governments to ensure that they have a seat at the table and the approval of ultimate land use decisions transferring land into public ownership.

I urge my colleagues to support the Sweeney-McHugh amendment.

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

The CHAIRMAN pro tempore. For what purpose does the gentleman from New Mexico (Mr. UDALL) seek recognition?

Mr. UDALL of New Mexico. Mr. Chairman, I wish to claim the 10 minutes in opposition, and I ask unanimous consent to yield 5 minutes to the gentleman from Alaska (Mr. YOUNG) for purpose of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

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

Mr. Chairman, I will give my friends, and I do mean they are my friends, great credit for being imaginative and making it very difficult for this chairman. This amendment does have merits. But I will say that I do believe CARA provides, very frankly, the local governments the notice. I understand his concern.

The Federal Government, I think, is pretty much hamstrung on how any land will be purchased. If I am not mistaken, I think his amendment is really directed towards the purchase of land by the States.

□ 2340

I am not sure we have the authority to tell the States how to run their business and how and what lands they should buy, that is what concerns me a great deal.

And the second thing is the way I read this amendment that under this amendment, a landowner who wants to sell their land or even a conservation easement on their land to the State government or to a Federal agent is prohibited from doing so without the permission of the local government, and that is the taking; that is the taking.

I always thought that my good friends were always for the private property right owner in letting him make the decision on how he should dispose of his land if he wishes to do so. I am a little bit concerned. To me, the way that the amendment is drafted, it appears that it asks us to do two things; one is to interfere with a State. I want to believe in State's rights, and I hope everybody else does, too. I do not think we ought to be telling the state what to do and how they should or should not purchase the land and how they should be notified.

The second one is, as I mentioned, I am a little bit concerned about if I own a piece of land and someone came to me, let us say it was a nonprofit, which was brought up before, and told me that we would buy my land as an easement, and I would have to go and get the occurrence from the local government, and I thought the people opposing the bill were against the concept under my bill, that is, saying we were taking land.

Mr. Chairman, I am a little bit confused. I do say that I understand what the gentleman is trying to do, but the way that this bill is written, I think, it does raise some very serious questions.

Mr. Chairman, I reserve the balance of my time

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to my distinguished colleague, let me say two

things to his explanations: The first is that we in Congress have the absolute right of responsibility to direct and restrict the spending of Federal dollars. These are Federal dollars that are going to be appropriated to States for the use in this process and, therefore, it is very well within our powers and our authorities and our responsibilities to restrict and set limits on the expenditures thereof.

This is indeed not a taking of private property, because it is my assumption that no willing seller essentially has a constitutionally insured right to have their property purchased with Federal money.

Furthermore, I think the Constitution does not require that the Federal Government spend money to acquire a land necessarily. We are affording that opportunity here.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. McHugh).

Mr. McHUGH. Mr. Chairman, I thank the gentleman for yielding me the time and begin by thanking him for his very diligent work in this initiative, and to express my appreciation for the opportunity to have worked with him.

Mr. Chairman, in sum, this very simple amendment is intended to do what virtually everyone through the development of this bill, the authors, the sponsors, the backers have set is their intent, and that is to involve local governments, to ensure their participation.

We have even heard in the last 10 minutes here, Mr. Chairman, of the interest in the title of the bill, a bill to assist State and local governments. We heard a few moments earlier from the gentleman from Washington about the importance of union in the discussion and the development of this bill.

We cannot have a union in the United States without meaningful participation of local governments. So contrary to the concern of the gentleman from Alaska (Mr. YOUNG), our intent was not to make it difficult for the gentleman, because, indeed, his leadership and his record on these kinds of issues is clear and something to which I, and I know many others look with great admiration, but rather to facilitate him and others in reaching the goal that they have proclaimed is such an important one in this particular bill.

We have heard a great deal about how this is a western concern. And as my friend and neighbor and colleague, the gentleman from New York (Mr. SWEENEY) so correctly noted, this is an issue that permeates through many regions of the States, certainly, in the northeast as well.

The Adirondack Park, a great region, a wondrous region that the gentleman from New York (Mr. SWEENEY) and I share the honor of representing, currently has some 5.8 million acres in totality; of those 2.4 million acres within the park boundaries are held by the State government. The fact of the matter is, in eight out of the 10 counties that I represent that have a piece of that great land, we have double digit unemployment, and I think it is absolutely essential that this Federal Government ensure through specific language, not just expressed intent, but specific language that local governments whom we come to this floor everyday and pretend, and I would like to think that we will actually take the steps to, in reality, defend their rights and participation.

Let me add on to what my colleague, the gentleman from New York (Mr. SWEENEY) said contrary to the distinguished chairman's concerns, this does not require that local property owners get the permission of local governments. What it does do in those, I would argue very rare occasions, when there is a local government concern, provide the local government with the opportunity to express its opposition, otherwise, no action, no consideration is involved.

As the gentleman from New York (Mr. SWEENEY) said, there is no right, no explicit constitutional guarantee that Federal monies will be available to every property owner to have their land purchased and, indeed, in another effort to assuage the concerns of our friend, the chairman, we went to the Congressional Research Service, we went to the legislative council of the House, and queried about the possible constitutional problems, they pointed out to us what seemed at the time to be very obvious, that, indeed, time after time, this House has passed legislation after legislation that conditions the use of Federal money pursuant to some action or restriction or prohibition followed by local governments.

Mr. Chairman, I am delighted to take that burden from the shoulders of the chairman; that is, indeed, not a concern, not just our opinion, but that of the Congressional Research Service and the legislative council for the House of Representatives.

We are not precluding that the land be purchased, even if the local government denies the opportunity under the Federal acquisition monies, any State is still free to use other monies, as most do, including my State of New York, in purchasing this land.

We are simply doing what, time and time again, the sponsors, the authors, the supporters have said is their intent, the local government's will have a meaningful voice; if that is not their intent, then this amendment will give them the opportunity to step to the podium to vote no and to declare a fraud upon what most have said is a primary pillar of this bill.

Again, we are happy to be a constructive participant, and this amendment would make the bill pretty close to perfect. With that that I, again, thank my colleague from New York (Mr. SWEENEY) for his initiative.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, if I might ask a question to the gentleman from New York (Mr. SWEENEY) I do not quite understand. I am sure things are different in New York than they are in California. Generally on the Stateside of land and water conservation, communities have a project. They usually go out and they raise some local money or they raise private money or foundation, or individuals make contributions and then they try to get together and go to the State and ask whether they will use this or not, so if a park district does this or a city does this or a county, who gets the veto here? I do not understand.

If the county wants to do this within their jurisdiction, can a city in the area say, we will not sign on to this?

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, the answer is no. It is the same language; that is, the State political subdivision is the same definition that is defined in the underlying bill as the local political jurisdiction immediately below the level of State government, including counties, parishes and boroughs.

Mr. GEORGE MILLER of California. Mr. Chairman, it is unclear, because that is the process by which local Stateside land and water conservation has done. Local people make applications to the State and say will you help us out, a partnership to purchase this or rehab this or restore it or whatever the local project would be.

Mr. McHUGH. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Chairman, it is indeed an important point and why we work very closely with the legislative counsel to conform this to existing law and other provisions where there are, indeed, local review potential and options. The language provides for that local political jurisdiction that is immediately below the State level. It does vary from State to State. I cannot say what the local political jurisdiction is in the State of California. In most jurisdictions in the State of New York, it would be the county.

Mr. GEORGE MILLER of California. Mr. Chairman, I say to the gentleman if the local subdivision is a city, then it would be up to the city to veto this, not the county. If the local subdivision was a park system, it would be up to the park system.

Is that what the gentleman is saying?

Mr. MCHUGH. Mr. Chairman, if the gentleman will continue to yield, the park system is not a political subdivision under any law.

Mr. GEORGE MILLER of California. In California it is. We have a park system that goes across 5 or 6 counties.

Mr. MCHUGH. If the gentleman's State law provides that, then, yes, the gentleman is correct in his understanding.

□ 2350

Mr. GEORGE MILLER of California. So it would be up to the park?

Mr. MCHUGH. If that is the local political jurisdiction under the State law of the gentleman, the answer would be yes.

Mr. GEORGE MILLER of California. Mr. Chairman, and then the same would be true if somebody wanted to sell the land to the Federal Government, the locals could veto that if some landowner wanted to sell their land for whatever reason?

Mr. MCHUGH. Using funds under this particular legislation, yes. However, that would not preclude the purchase, as I hope the gentleman understands. It would just preclude the purchase with these particular funds.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let me tell my colleagues as a State legislator and as a former county supervisor why this language is really bad language. Whether we look at it from the top down from a Federal level, this is bad precedent.

What they say with this language is, oh, local governments, if we want to build a post office in their community, we have the right to veto it, which they do not have now. We extend this thinking. Or how about if we want to build a military base or expand that. No, local governments can come in and veto it. Or how about if when we want to build a water system or a highway system or a jail system, prison system. Local governments can veto it.

These are the kind of things people do not want in their backyard. I think we find a lot of cities kind of vetoing these things. This logic of allowing local governments to veto Federal decisions is bad, bad precedent.

Let us take it from the other side. Let us be a State legislator and say we are going to expand the State park system. But now, for the first time in history, the city or county can come in and say, State parks, we veto it.

This is a whole change in structure. The gentleman from California (Mr. GEORGE MILLER) is absolutely right in asking those questions because they have no idea about how the process works.

Now, we have a way of allowing public information on all these actions, if that is what they want to get to, this sort of veto process. It is called an Environmental Impact Statement. In California it is called an Environmental Impact Report.

They cannot make any decision relating to land in California, private or public, without doing an Environmental Impact Report, which is full disclosure of what is going to be done and allowing a public process and a public comment period.

I will yield to the gentleman from New York (Mr. MCHUGH) to answer this question. I am reading the language from his legislation. It says, ''No funds made available under this act may be used by a State to acquire any land or interest in land if the political subdivision of the State in which the land or interest of the land is located has transmitted to the State agency administering the proposed acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition with 90 days.''

My colleague gives local governments the total ability to veto any acquisition by a State for a State park purpose.

The CHAIRMAN pro tempore (Mr. PEASE). The only remaining time belongs to the gentleman from Alaska (Mr. YOUNG), 2½ minutes.

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

Mr. Chairman, I think the gentleman from California (Mr. GEORGE MILLER) has raised some very interesting questions. I have been in the district of the gentleman from New York (Mr. SWEENEY) and part of the district of the gentleman from New York (Mr. MCHUGH) and it is a gorgeous area. Not nearly as gorgeous as Alaska, but it is gorgeous.

But I cannot quite yet figure out, if I am a city under the amendment of my colleague and I want to build a skating rink or a park, under the amendment, the borough could disallow that. Is that correct?

Mr. MCHUGH. Mr. Chairman, if the gentleman would yield, it is in the State of Alaska. First of all, I do not believe the funds under this could be used for construction of skating rinks, but I will defer to the gentleman.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, yes, it can. That is the urban parks recreation areas.

Mr. MCHUGH. Mr. Chairman, if the gentleman will continue to yield, we are talking about land acquisition in our amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I ask the gentleman, just land acquisition?

Mr. MCHUGH. Mr. Chairman, if the gentleman will continue to yield, I believe that is the text of the language. But it does not obviate the gentleman's point of the gentleman.

If in the State of Alaska, wherever this project is occurring, the local political subdivision most immediately under the State is other than who is trying to construct it, then the answer would be yes.

I would venture a guess, if their construct is anything like most other States, then the City of, say, Anchorage, they would be the political jurisdiction and would have the authority.

Mr. YOUNG of Alaska. Mr. Chairman, in Fairbanks we have a city and a mayor and a council, but we have the Northstar borough which the city resides in, which is part of the borough.

Mr. MCHUGH. Mr. Chairman, but the political jurisdiction in terms of the State hierarchy would be the city I believe. I cannot answer the question of the gentleman.

Mr. YOUNG of Alaska. Mr. Chairman, now my staff say it would be the borough. And if the borough can stop the city, and my colleague knows how local governments are, I do not object to local government, but I do not want local governments to have the leg up on any one of them when the city has—and by the way, we want to build hockey rinks. The borough, I am not sure they would do that. But if they said, no, they are not going to build any hockey rinks.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, let me note that the provision in the amendment is applicable only to the land water conservation portion of this bill. Therefore, it only applies to the large land purchases that would not be applicable to those areas.

Mr. YOUNG of Alaska. Mr. Chairman, I have not read the amendment of the gentleman. I apologize.

Does it, in fact, specifically say only land acquisition?

Mr. MCHUGH. Mr. Chairman, if the gentleman will yield, it only applies to those funds under the land and water conservation portion, which I believe the bill of the gentleman only provides for land acquisition.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from New York (Mr. SWEENEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SWEENEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from New York will be postponed.

It is now in order to consider amendment No. 14 printed in House Report 106–612.

AMENDMENT NO. 14 OFFERED BY MR. SIMPSON

Mr. SIMPSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SIMPSON:

Page 36, strike the close quotation marks and the second period at line 16, and after line 16 insert the following:

''(h) STATE APPROVAL OF CERTAIN LAND ACQUISITION REQUIRED.—The Federal portion may not be used by the Secretary of the Interior or the Secretary of Agriculture to acquire any interest in land located in a State in which 50 percent or more of the land in the State is owned by the Federal Government if the acquisition would result in a net increase in the total acreage in the State owned by the Federal Government, unless the acquisition is specifically approved by the law of the State.''.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Idaho (Mr. SIMPSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Simpson-Walden amendment to H.R. 701 is a common sense amendment that addresses one of the major concerns that the constituents in my State have, that of giving the Federal Government $450 million annually to purchase land in States such as Idaho which already have a high percentage of Federal landownership, potentially little turning Idaho into a welfare state dependent upon the Federal Government.

There are 52,960,000 acres in the State of Idaho. The Federal Government owns 34,519,000 of those acres. In other words, 65 percent of Idaho is owned and controlled by the Federal Government.

There is more Federally owned land in Idaho than in the entire land mass of the States of Connecticut, Delaware, Massachusetts, Maryland, New Jersey, Rhode Island, Vermont and New Hampshire combined.

Removing private land from local property tax roles and not fully funding the PILT payments severely impacts Idaho's counties and local governments. Moreover, when the Federal Government absorbs private land and that land ceases to be productive, local communities are severely affected by the loss of economic activity and become more, not less, dependent upon the Federal Government.

For example, when a farm or a ranch land is purchased by the Federal Government and taken out of production, those operations cease to contribute to the local economy. Hired hands go unemployed. Local stores lose businesses. Trucks and tractors remain unsold on the local dealership lots.

However, in spite of this concern, this amendment does not preclude, I repeat, does not preclude Federal land acquisition. It does not undermine CARA. It only requires that the Federal Government, when acquiring land in a State which is over 50 percent or more of the land in that State is owned by the Federal Government, to do one of two things, to either dispose of an equal amount of land or to obtain the approval of the State by State law before acquiring that land.

This amendment provides the Federal Government with the flexibility to actually bypass the State if they so choose. The Federal Government does not have to seek State approval if they do not enter into a purchase that results in a net gain in Federal landownership within that State.

My colleague the gentleman from Oregon (Mr. WALDEN) and I are not asking for much, only the ability of our States to exercise some control over future Federal Government land acquisitions.

□ 0000

At present the majority of Idaho and other western States that this amendment would affect, Alaska, Oregon, Utah and Nevada, are owned and controlled by the Federal Government. In these States where the Federal Government already owns a majority of the total land, we should not fear allowing the State elected officials to participate in the decision as to how much more Federal land will be acquired by the Federal Government. It is these State officials that can best determine the impacts that these proposed Federal acquisitions will have on their local communities. If Members truly support States rights and local control as the gentleman from California (Mr. GEORGE MILLER) waxed so eloquently about earlier in the debate on the general debate on this legislation, then they will truly support this amendment.

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

Mr. YOUNG of Alaska. Mr. Chairman, I claim the 10 minutes in opposition, and I ask unanimous consent that the time be equally divided between myself and the gentleman from New Mexico (Mr. UDALL).

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Alaska?

There was no objection.

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

Again may I congratulate those that are offering these amendments. If we did not have this fragile house of cards put together, this would be very attractive because my State is owned right now 94 percent by the Federal Government. By the way, I do not think any land is being bought by the Federal Government, although there are some that do want to sell to the Federal Government. The money is not available. They are inholdings. Of course some of the inholdings very frankly do not want to sell and I am supporting them because I do not think the government ought to purchase those lands from an unwilling seller. But I do know I have those Members within some of our parks that were created by this Congress which I opposed and refuges that want to sell, and the appropriators do not appropriate the money to purchase the lands. I do not think that is fair because those people that own those inholdings do not have an opportunity to develop the lands, and they do not have the opportunity to really sell their lands, because nobody wants to buy them. I think we ought to appropriate the money and CARA would allow that.

I am telling the gentleman that the amendment for my State might make sense. But as a whole I do not think we ought to be involved in setting up separate States that say that 50 percent, then there is no land that can be purchased under this bill because there are willing sellers within my State. I know other States that would like to at that time get rid of their land and the only money available is from the Federal Government.

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

Mr. SIMPSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, our amendment is as simple as it is fair and logical. It simply says that if the Federal Government already owns more than one-half of our State, then before it can buy any more private land in that State, the State will have an opportunity to simply have a say in the matter. In fact, the elected legislators and the governor will have a say as to whether or not the Federal Government will take even more land out of private property ownership and put it into Federal ownership.

Why is this important? Because as we have heard over and over tonight, many of us represent districts that have enormous amounts of lands off the tax rolls already and under Federal control. The Federal Government controls more than 55 percent of Oregon, nearly 56 percent of my district.

My district, pictured here, overlaid the East Coast to give Members a dramatic view of just how large it is, it is larger than 31 States. Larger than 31 States. And so to put that in perspective, I have created this map here. As we can see from New Jersey to Ohio it would stretch. Half of this is already under Federal control. Half of it is already under Federal control. In fact, the Federal Government controls 34 million acres in the State of Oregon. To put that in perspective, in Maryland the Federal Government controls 131,000 acres. 34 million versus 131,000. I would wager we lose more in mapping

errors in Oregon than Maryland has under Federal land. Think about it. Oregon already has 113 times as much Federal land as Maryland.

I understand why people living in other States, especially those east of the Mississippi and in urban cities, favor more open spaces and additional Federal lands. I probably would if I lived there as well. But my concern comes from those of us who live in the West and about those who seek to lock up more land in the West. This legislation guarantees them a billion dollars a year for 15 years to move that marker up anytime they want to acquire more Federal lands.

And so this is a simple amendment that just says, if that is going to happen, the State legislatures in those States that are already more than 50 percent controlled by the Federal Government have an opportunity to speak on that matter.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I appreciate very much the concerns of the authors of this amendment. I come from the West. Most people do not realize how much land in California is owned by the Federal Government but it obviously is a problem for the other States that do not have the size that we have. But to put a mathematical equation on this business if you cannot increase Federal ownership, we just went through a situation in Las Vegas where they wanted a very valuable small piece of Federal land, but to swap it out and get a deal for the Federal Government, they went out and bought some lands to add to their Federal holdings which would have helped the Federal Government but was not worth very much but rounded out the holdings and the net process is you ended up with increased Federal lands but the city of Las Vegas and the county and everybody else is ecstatic about what they have got. We go through this all the time. We have people in Colorado, in the ski areas that come to us, they want to buy a couple of acres of land that may be worth millions of dollars and they know that maybe down on the stream there is an area where we could get public access, they give it to us, and it is worth a few thousand dollars. We would not mind if all this land was valuable, but a lot of it is not necessarily valuable.

So trying to put a mathematical equation, over the last few years, Federal ownership has been going down because I think one of the things the members of the minority have drilled into us on the committee is that people are concerned about the increase of this where it is not necessary, where it can be swapped out, where we can unify it, where we can rationalize the ownership and this committee has been doing that under the leadership of the chairman. But to put us in this position I think is to, if it does not average out, do we have to do it on a calendar year or a fiscal year? We do not have necessarily like assets. But we know, and we have tried to encourage the various land management agencies to be more attune to rationalizing patterns and ownerships. We went through a big swap in Utah.

I would oppose this amendment. I like the spirit of it, but I just do not think you can say mathematically that is the situation.

Mr. SIMPSON. Mr. Chairman, I yield myself such time as I may consume.

I would just like to point out that this proposal does not preclude the purchase of more Federal land. I do not deny that there are purchases out there that may be appropriate for the Federal government to acquire, for habitat and other things. I do not have a problem with that. But what I am saying is that in a State like Idaho and those States that have currently over 50 percent Federal land, and in Idaho it is 65 percent, two out of every three acres is owned and controlled by the Federal Government. That leaves little private land as a tax base to support the services in the rest of that State. But in those States, if there is an appropriate purchase of Federal land or an appropriate acquisition by the Federal Government, they have two options under which they can acquire that land. One, they can decide that there is other land that they would rather sell off so that there is a no net gain, in which they can do it without the approval of the State; otherwise they can go to their State legislature and get it approved by State law. This brings the State government into the decision-making process. I do not know why we should fear having our State legislators, those people closest to the decision-making process and how this is going to affect them, be involved in that decision-making process. I do not have a problem with that. I trust my State legislature. I come from the State legislature. They have the concerns of the State of Idaho and I am sure of the other States that they represent at heart. They will do the right thing.

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

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I think those who are following this debate may find that it is curiouser and curiouser in the sense that those who historically have stood up for the rights of citizens to make decisions about their property have now brought an amendment that strikes right at the heart of what people in Idaho and Washington or anywhere else can do with their property.

Let me give an example, and I am going to ask the gentleman from Idaho if that is correct when I am done. Mr. Jones is a rancher in the great State of Idaho. And it is a great State. I fly over it every week. It looks great from 30,000 feet. He has got 40 acres, he has not really ever ranched it, and there is really nothing too much to do with it. But it might make some good habitat for some species, some critter that might be in a difficult situation. So he goes to the Federal Government and says, Can you take this off my hands? Can you maybe give me a few dollars for it? I would like to sell it. He goes through the permutations with the Federal Government and he gets the Federal Government to offer to buy his land. He agrees. He makes a consensual decision as an American citizen to sell it to the Federal Government and the folks across the aisle tonight are telling him, You cannot do it. We realize it is your property, but we are not going to let you sell it to the Federal Government unless the State legislature has the veto power on your personal private decision what to do with your private land in a consensual arrangement with the Federal Government.

□ 0010

Now, frankly, I want to ask my colleague, is that not the correct situation, and if it is, how can we do anything but accept this as a gross violation of the people's right to sell their land. I mean, what next? Let me ask one more question. What next? Will the gentleman tell us that a person cannot sell it to the church? Is the next thing we will say is we cannot sell it to a church because that is going to reduce the local tax rolls and we are going to require the State legislature to do it?

Mr. SIMPSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Idaho (Mr. SIMPSON) has 3 minutes remaining.

Mr. WALDEN of Oregon. Mr. Chairman, first of all, let me say this does not apply to Washington, so the gentleman's implication that it applies to Washington is inaccurate. It applies to 5 States: Alaska, Oregon, Idaho, Utah and Nevada.

We are not talking about something extraordinary like churches or selling to somebody. In fact, they could donate it, they could have the State of Idaho buy it, they could have a private organization buy it, they could have somebody with private property buy it and use it in that respect.

The issue here, though, is as these lands come off the tax rolls, they affect our schools, they affect our roads, they affect things going on in the community, and that ought to be recognized.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding.

I rise as a former county supervisor remembering the debates about not wanting the Federal Government to leave to close bases, not wanting the Federal Government to abandon land. As a former State legislator, I have never seen a resolution by Idaho or any other State saying we really want you to join in petitioning us to get rid of Federal land.

Do my colleagues know why? Because that Federal land employs people. That Federal land not only has Federal employees who pay taxes and their kids go to school, they pay those fees, the in lieu fees, but there are the recreational activities that come off of that land that supported private businesses.

When I go down the Salmon River in Idaho, I see a lot of people making money off the boaters, staying in hotels, eating in the restaurants there before they go on the river and after they come out. Do we want to abandon that as an Idaho asset and say we cannot add to that without the permission of the State legislature? There is local control in the United States Congress. This is called the House of Representatives, because we represent small bodies of people and most of us are former State legislators.

The CHAIRMAN pro tempore. The gentleman from Idaho (Mr. SIMPSON) has 2½ minutes remaining; the gentleman from Alaska (Mr. YOUNG) has the right to close.

Mr. SIMPSON. Mr. Chairman, I yield myself such time as I may consume.

I would just like to point out that this does not affect the State of California and it does not affect the State of Washington, but I appreciate the gentleman's input. What it does affect is those States that already have 50 percent Federal land.

Really what we are saying is, how much is enough Federal land? I think 65 percent of the State of Idaho being controlled by the Federal Government is enough. The people of Idaho think it is enough. In fact, we have legislation now that we are trying to work on and we will try to get through Congress that will allow the State of Idaho to manage some of those Federal lands because we are fed up with the Federal Government's management of those Federal lands.

Mr. Chairman, to tell the truth, all this does is, it does not say that one cannot buy the land, it just says that one has to have the approval of the State legislature or a no-net gain, and if somebody out there has 20 acres or 40 acres, as the gentleman from Washington suggested, is he trying to tell me that in the 34 million acres, 34 million acres that the Federal Government currently owns in Idaho, they cannot say, well, here is 40 acres we can surrender to make this deal?

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I think the crux of the problem is, who really in America ought to make that decision of whether that next 40 acres goes into a reserve or goes to something else. Let me suggest to my colleague that what I am saying tonight is that is not a decision for the gentleman from Idaho to make, it is not a decision for me to make. It is a decision for the property owner who should be given the right, on a willing and consensual basis, to sell it to whomever he wants, the YMCA, a church, Federal Government, the State. But that is a decision by the property owner.

What I am trying to say is that the gentleman's amendment unfortunately strikes at that basic American principle for him to decide what happens to that 40 acres.

Mr. SIMPSON. Mr. Chairman, reclaiming my time, I do not believe that is what it does. That individual can sell that land to who he wants to. There are private conservation groups and other groups that can acquire that land. It is only if the Federal Government, the Federal Government, with our tax dollars, tax dollars that have been taken out of our pockets, tax dollars, and I do not know where it says that the Federal Government has the right to take tax dollars from the citizens of this country and go out and purchase private land with it.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Chairman, I just have to make a comment as well about the concept of these Federal lands being so productive to employment.

The gentleman who went to the university, as I recall, as apparently been a long time going back through eastern Oregon and seeing mill after mill close, unemployment rates in some counties like Grant County in Oregon hit upwards of 20 percent because of the way the forests are being mismanaged today.

Mr. YOUNG of Alaska. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) has 3½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the remaining time.

In closing, I reluctantly oppose the amendment, but I understand why it should be defeated, and I urge the defeat of the amendment.

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Idaho (Mr. SIMPSON).

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SIMPSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Idaho (Mr. SIMPSON) will be postponed.

The Chair understands that Amendment No. 15 will not be offered.

It is now in order to consider Amendment No. 16 printed in House report 106–612.

AMENDMENT NO. 16 OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. REGULA:

Page 37, after line 11, insert the following: No amount may be apportioned under this paragraph to any State (herein referred to as an 'unfunded State') that has not established a dedicated State land acquisition fund that is funded through the State's budget process. The amount that would have been apportioned to any such unfunded State under this paragraph shall be reapportioned to other States in accordance with subparagraphs (A) and (B).

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Ohio (Mr. REGULA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to title II requiring States to have their own State-funded land acquisition budgets in order to receive funding under the Stateside Land and Water Conservation Fund.

While the current State conservation grants program provides matching grants to States and through States to local units of government for the acquisition and development of public outdoor recreation areas in and other projects, the States often do not match these funds with direct funding. In fact, few States actually use State revenues for land acquisition.

According to a study by the Lincoln Institute of Land Policy, only 14 States fund these programs in their State budgets by direct appropriation. Many have special bond funds, lottery revenues, or even in-kind contributions in providing their required match.

This fact is especially disconcerting when we learn that every State in the Nation has a balanced budget and many actually have large budget surpluses, including California and Alaska, with $3 billion each as a surplus.

The States stand to receive billions of dollars in Federal funding under the provisions of this bill for 15 years.

Mr. Chairman, my amendment simply requires that they match these State land acquisition funds with their own revenues. I urge my colleagues to support this amendment.

Basically, it makes the State responsible. If they are going to receive the Federal funds, they should have a program to match it with State revenues. Of course, if the purpose of this bill is to protect the resources, as we have heard over and over tonight, to enhance the States' ability to acquire and protect the land resources in each of the respective States, they would want to have their own money. It seems to me they would want to have a plan. I think this is a very reasonable amendment and ensures that there will be good management of the Federal dollars that would be available.

Mr. Chairman, I urge a ''yes'' vote for this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, am I correct in understanding that the purpose of the gentleman's amendment is to provide a means by which the State establishes where it is going to get the revenues from?

Mr. REGULA. Mr. Chairman, that is essentially right, that they have a system, and only 14 do, whereby they know where they are going to have their matching fund. Because we find many States want to use in-kind and all kinds of other various devices.

□ 0020

If really our mission is to protect resources for the public, we would want to have an assurance that the States would have a plan before they received the Federal monies.

Mr. GEORGE MILLER of California. Could the States if they wanted to in their normal budget process budget $50 million for matching land and water conservation funds? Would that be sufficient?

Mr. REGULA. I would not see any reason why they could not. They would have to have some kind of a plan, because they are going to get a check. We want to be sure that they will match that money with their own State funds. That of course doubles the amount that will be available.

Mr. GEORGE MILLER of California. If they said they wanted to set aside 10 percent of their lottery, that would not bother you, or set aside 5 percent of the general fund revenues, as long as they have a real dollar match, is what the gentleman is saying?

Mr. REGULA. What we are really saying is that they have to have created some type of fund. They can get the money for that from whatever source they choose, but they have to have a fund with the cash to match it.

Mr. GEORGE MILLER of California. So it is real money?

Mr. REGULA. Yes, real money they will get from the Federal Government. In effect, it doubles the impact of the money that comes from the Federal government.

Mr. GEORGE MILLER of California. Let me ask, that is an important point, that would not prohibit them from also using foundation money, if that was real money? In our case, we have some big foundations that are dedicated to land acquisition. If the State put up $10 million out of its acquisition fund that the gentleman talks about and that was going to matched with $10 million of local money, it would be all right?

Mr. REGULA. How does the gentleman define that?

Mr. GEORGE MILLER of California. A match from the State runs to the Federal government, but later if that money is used with foundation money, that is not a concern because the State put up real dollars to match the Federal share, is what you are after?

Mr. REGULA. I guess it is a matter of how we define ''foundation''. Is the foundation money State revenues?

Mr. GEORGE MILLER of California. No, no.

Mr. REGULA. What is the source of that?

Mr. GEORGE MILLER of California. Fortunately, some people are wealthy enough that they have created foundations. In our case, it is the Packard family.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Ohio's time has expired.

Who claims the time in opposition?

Mr. UDALL of New Mexico. Mr. Chairman, I claim the time in opposition, and yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

The CHAIRMAN pro tempore. The gentleman from California is recognized.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman is not specifying a specific mechanism by which the State does this. But what the gentleman is saying is, when it comes time to match the money, he expects the State to be there with real dollars, not funny dollars, someone else's dollars, so they place the same priority on this that we say we place on it?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. That is exactly right, Mr. Chairman.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2½ minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I have just been following this conversation. I have an inquiry of the gentleman from California (Mr. GEORGE MILLER). I would like him to take the mike again.

If the gentleman's intent is, he objects to using land as to the matching of the Federal dollars?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, that is correct. We object to in-kind.

Mr. YOUNG of Alaska. Or some other form of dollar amount that is not dollars. What the gentleman is asking, I do not think he wants them to put up a fund, but he has to have the money to match the matching grants in real dollars.

Mr. REGULA. If the gentleman will continue to yield, Mr. Chairman, we want to make sure that the State is putting in the same amount of cash that the Federal government is, so that we are doubling, in effect, the impact and preserving resources for the public.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman from California help me out on this? It goes back to the question.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Yes.

Mr. YOUNG of Alaska. If there was a Ford Foundation that gave the State money for a recreational project or acquisition of land, that money could be counted against the Federal dollars?

Mr. REGULA. If the gentleman will continue to yield, it depends how it is earmarked. If that money was given and became part of the State's assets or Treasury, then money is money.

Mr. GEORGE MILLER of California. In theory, the State could conceivably say, we are now going to create a pool of $10 million, and we are asking local governments or somebody else to put in $10 million. That is $20 million. They may be entitled under the State side for $10 and they would have that match.

The gentleman from Ohio is concerned, sometimes we get into these things and we go from real dollars to in-kind contributions to work efforts to sweat equity, and pretty soon what we really have is Federal dollars matching Federal dollars.

I think he wants a clarification that the State match is really a product of the State. We could talk about this later, about if they get it from private sources or not, but that it is real money. I do not think I have a problem with that. He is right.

Mr. YOUNG of Alaska. This is what I am leading up to. If the gentleman will

just relax a moment, and he is not being mischievous, I hope, because on the surface, I do not see anything wrong with the amendment.

The CHAIRMAN pro tempore. The gentleman's time has expired.

The gentleman from New Mexico (Mr. UDALL) has 2 minutes remaining.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I would ask the gentleman from California (Mr. GEORGE MILLER) what we should do here.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I do not think I have a problem. I think there are some questions about the amendment, but what the gentleman has said, he is willing to work that out.

Different States have different mechanisms. I think what the gentleman from Ohio is saying is that he wants to see real money.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. If the gentleman will yield, Mr. Chairman, that is correct.

Mr. YOUNG of Alaska. Are we going to say we accept the amendment, or are we against the amendment?

Mr. GEORGE MILLER of California. . I think we should accept the amendment, but if the chairman would continue to work with us on this, obviously there are 50 different States with 50 different mechanisms.

Some States will raise the bond issue and make all that available for this purpose. That is an honest mechanism which is real money.

Mr. YOUNG of Alaska. Would that be agreeable with the chairman?

Mr. REGULA. I think we can work it out. Of course, even with the money in the Interior subcommittee, we require a match. Sometimes it gets into, we will put up a tennis court to match what the Federal government does. We want real money.

Mr. GEORGE MILLER of California. They go to another Federal program and get Federal dollars.

Mr. REGULA. Exactly. We will get it worked out.

Mr. YOUNG of Alaska. We have a problem, because Alaska cannot do a dedicated fund. That is under our Constitution. That is why I want to have the gentleman's agreement. Otherwise I will strip it out. I want the gentleman to work with us to try to solve this problem.

I am not in disagreement to what the gentleman is trying to do, but we do have that problem. Does the gentleman understand what I am saying?

Mr. REGULA. The gentleman can appropriate money.

Mr. YOUNG of Alaska. We cannot have a dedicated fund, in our Constitution. But if the gentleman will help me fix that problem, is what I am saying.

Mr. REGULA. I assume under the gentleman's bill he plans to have this money matched.

Mr. YOUNG of Alaska. Not through a dedicated process, but through an appropriation process in the legislature.

Mr. REGULA. How does the gentleman plan to do it?

Mr. YOUNG of Alaska. Through the legislature. If they do not match it, we do not get it.

Mr. REGULA. In other words, they would appropriate the money?

Mr. YOUNG of Alaska. Yes.

Mr. REGULA. I think we can agree on that.

Mr. YOUNG of Alaska. With that agreement, we will sit down and work this out. We will accept the amendment at this time with no vote, with that agreement.

The CHAIRMAN pro tempore. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Chair understands that amendment No. 17 will not be offered.

It is now in order to consider amendment No. 18 printed in House Report 106–612.

AMENDMENT NO. 18 OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. KIND:

Page 42, line 14, strike ''and''.

Page 42, line 18, strike the period and insert ''; and''.

Page 42, after line 18, insert:

(3) by adding the following new paragraph after paragraph (2):

''(3) MONITORING AND DATA COLLECTION.—For establishing a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purpose of reducing sediment and nutrient loss, to be headquartered at the Upper Midwest Environmental Sciences Center in La Crosse, Wisconsin. The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices. Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station identifiers and location coordinates. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission. The Secretary of the Interior shall establish the guidelines under subsection (a) in consultation with the Secretary of Agriculture and all entities known to be conducting sediment and nutrient monitoring in the Upper Mississippi River Basin. The non-Federal sponsors of the sediment and nutrient monitoring network shall be responsible for not less than 25 percent of the costs of maintaining the network. Up to 80 percent of the non-Federal share may be provided through in-kind contributions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume.

I know the hour is late. I believe this is going to be the last amendment we will take up this evening. I will try to be quick. I hope a few people are up and listening concerning what I do for my labor of love for the Mississippi River.

Mr. Chairman, I anticipate entering into a colloquy at the end of my statement with the chairman of the Committee on Resources, and based on an understanding and agreement that we have reached, I will be asking for unanimous consent to withdraw this amendment.

Let me first say that the CARA bill that is before us today and tomorrow is extremely important for the conservation future of our Nation. For this reason, I am a strong supporter of the bill and voted for its passage as a member of the Committee on Resources.

CARA is a remarkable bill that will dramatically increase environmental and conservation efforts in all 50 States. The amendment that I am offering tonight addresses a very pressing conservation need regarding the upper Mississippi River Basin. The upper Mississippi River Basin is one of our Nation's great ecological and recreational treasures. Its rich wetlands and back woods serve as North America's largest migratory route. The region boasts tremendous diversity in animal and plant species.

□ 0030

Income from fishing hunting, boating and other recreational activities total roughly $1.2 billion annually and the area's tourist industries, much of which are centered on the river, contribute $6.6 billion to the region's economy. It is also the primary drinking source for 22 million Americans and the upper Mississippi River Refuge has more visitors every year than Yellowstone National Park.

Unfortunately, increasing soil erosion threatens this region and the wildlife habitat. For instance, soil erosion reduces the long-term sustainability and income of family farms and sediment is entering the river basin and costing the American taxpayers roughly $100 million each year in dredging costs alone.

One of the best ways to reduce sediment and nutrient losses from the landscape is to protect sensitive riparian areas through voluntary program for land purchases, conservation easements, and the implementation of best management practices, all fundamental components of the CARA bill.

Mr. Chairman, my amendment seeks to assist conservation planning in the region through the development of a scientific sediment and nutrient monitoring network. The goal of the network is to enable States and other governmental and nongovernmental entities to make better decisions about where to direct resources and to determine which conservation measures are most appropriate in the Mississippi River Basin.

The amendment I am proposing tonight is but a single component of a far larger basin initiative that I introduced earlier this year, H.R. 4013, ''The Upper Mississippi River Basin Conservation Act''. We have over 18 cosponsors from eight States.

H.R. 4013 establishes the monitoring network contained in my amendment here tonight, as well as a state-of-the-art computer modeling program to identify significant sources of sediments and nutrients. It provides grants and incentives to States and counties to implement best management practices and other innovative voluntary programs. It calls for increases in the USDA highly effective but underfunded land conservation programs. Finally, it contains data protection provisions designed to protect the privacy of individual landowners in the basin, which I know is very important to a lot of property rights advocates in this body.

The legislation relies entirely on voluntary programs and creates no new regulations. I believe this approach to watershed management is the wave of the future. It is proactive rather than reactive, seeking to stop harmful nutrients and sediments before they make it into the river basin, rather than relying on expensive cleanup and mitigation efforts after the fact.

The approach is basin wide rather than piecemeal, seeking to look at the entire ecosystem and develop management plans appropriate to a large-scale physical system. Finally, this approach relies on interagency and intergovernmental cooperation attempting to coordinate the diverse but sometimes fragmented conservation efforts of Federal, State, and local agencies, as well as non-governmental organizations.

Mr. Chairman, I urge support of H.R. 4013 and invite my colleagues to join me as a cosponsor of this important piece of legislation which will better protect ''America's river,'' the Mississippi River, and North America's largest migratory route.

Mr. Chairman, at this moment I would like to engage in a colloquy with the gentleman from Alaska (Mr. YOUNG), the chairman of my Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. KIND. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I will be happy to engage in a colloquy with the gentleman.

Mr. KIND. Mr. Chairman, earlier this year, I know as the gentleman understands, I introduced H.R. 4013. It was referred to our Committee on Resources. The legislation authorizes the U.S. Geological Survey, an agency under the jurisdiction of our committee, to oversee a monitoring network and the modeling program in the upper Mississippi River Basin. And I know the gentleman is familiar with the legislation already.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. KIND) has expired.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND)

Mr. KIND. Mr. Chairman, I again yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, I am familiar with the gentleman's legislation and look forward to working with him and his staff on this measure.

Mr. KIND. Mr. Chairman, reclaiming my time, as the gentleman knows, H.R. 4013 has bipartisan support. It has also received the endorsement of a number of national and regional conservation outdoor recreation groups, farm, and environmental groups. And I am willing, based on that understanding and discussion that I have had with the gentleman and his staff, to, with unanimous consent, withdraw my amendment here tonight and work with the gentleman to establish a hearing on this important legislation some time prior to the August recess.

Mr. YOUNG of Alaska. I understand and appreciate the work that the gentleman has done on this measure and it is my intention that the appropriate subcommittee of the Committee on Resources will hold a public hearing on this prior to the August recess, especially this upcoming 2000 recess.

I compliment the gentleman on his good work. He has talked to me before tonight and I appreciate the gentleman withdrawing the amendment.

Mr. KIND. Mr. Chairman, with that assurance, I will ask unanimous consent to withdraw the amendment, and would also like to commend the gentleman from Alaska, the chairman of the Committee on Resources, and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for the hard work and effort that they have put in bringing together this wide political coalition that exists, I believe, for the CARA bill. I am a proud supporter of the bill, and I conclude by urging my colleagues to support H.R. 701 in final passage tomorrow.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REGULA) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. FATTAH (at the request of Mr. GEPHARDT) for before 5 p.m. today, on account of personal reasons.

Mr. WISE (at the request of Mr. GEPHARDT) for May 8 and the balance of the week, on account of personal reasons.

Mr. COBLE (at the request of Mr. ARMEY) for after 6:30 p.m. today and on May 11, on account of official business concerning his Intellectual Property Subcommittee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UDALL of New Mexico) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on May 15 and 17.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

ADJOURNMENT

Mr. PEASE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 38 minutes a.m.), the House adjourned until today, Thursday, May 11, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7524. A letter from the Acting Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule—Load Forecasts (RIN: 0572–AB05) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7525. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Post-Loan Policies and Procedures for Insured Electric Loans—received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7526. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance Technical Correction [OPP–300960A; FRL–6551–9] received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7527. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ethoxylated Propoxylated (C12–C15) Alcohols; Tolerance Exemption, Technical Correction [OPP–300973A; FRL–6498–4] (RIN: 2070–AB78) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7528. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Food Distribution Programs; FDPIHO-Oklahoma Waiver Authority (RIN: 0584–AB56) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7529. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Requirements for Insurance (RIN: 3133–AC22) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7530. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7531. A letter from the General Counsel, National Credit Union Association, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7532. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–0126] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7533. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills [AD-FRL–6570–4] (RIN: 2060–AC42) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7534. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the California State Implementation Plan, Santa Barbara County Air Pollution Contol District [CA 236–0225a; FRL–6569–5] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7535. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL–6570–2] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7536. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision Sacramento Metropolitan Air Quality Management District, San Diego County, San Joaquin Valley Unified, and Ventura County Air Pollution Control Districts [CA–157–0222, FRL–6569–9] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7537. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 11–99 which constitutes a Request for Final Approval for the Memorandum of Understanding with the United Kingdom concerning Cooperation, Operation and Support of the Apache Attack Helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7538. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fisherey Management Plan [Docket No. 990713189–9335–02; I.D. 060899B] (RIN: 0648–AK79) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7539. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 35, 35A, 36, 36A, 55, 55B, and 55C Airplanes [Docket No. 99–NM–311–AD; Amendment 39–11649; AD 95–19–04 R1] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7540. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Norwalk River, CT [CGD01–00–014] received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7541. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Fort Lauderdale, Florida [COTP Miami 00–030] (RIN: 2115–AA97) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7542. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Hellicopter Textron Canada Model 407 Helicopters [Docket No. 99–SW–75–AD; Amendment 39–11651; AD 2000–06–10] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7543. 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–185–AD; Amendment 39–11648; AD 2000–06–08] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7544. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–2, -2A, -2B, -3, -3B, and -3C Series Turbofan Engines [Docket No. 99–NE–57–AD; Amendment 39–11632; AD 2000–05–22] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7545. 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 Series Airplanes [Docket No. 99–NM–256–AD; Amendment 39–11587; AD 2000–04–05] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7546. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the Water Quality Planning and Management Regulation Listing Requirements [FRL–6569–7] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7547. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Kerosene Tax; Aviation Fuel Tax; Taxable Fuel Measurement and Reporting; Tax on Heavy Trucks and Trailers; Highway Vehicle Use Tax [TD 8879] (RIN: 1545–AV71; RIN: 1545–AT18) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7548. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Funding Standards [Rev. Ruling 2000–20] received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7549. A letter from the Regulations Officer, Social Security Administration, Social Security Administration, transmitting the Administration's final rule—CFR Corrections (RIN: 0960–AF04) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7550. A letter from the Under Secretary, Acquistion and Technology, Department of Defense, transmitting the annual reports that set out the current amount of outstanding contingent liabilities of the United States for vessels insured under the authority of Title XII of the Merchant Marine Act of 1936, and for aircraft insured under the authority of chapter 433 of title 49, United States Code, pursuant to Public Law 104—201, section 1079(a) (110 Stat. 2670); jointly to the Committees on Armed Services and Transportation and Infrastructure.

7551. A letter from the Secretary of Health of Human Services, transmitting the IHS National Diabetes Program Special Program for Indians; jointly to the Committees on Commerce and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 499. Resolution providing for consideration of the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes (Rept. 106–613). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EHLERS (for himself and Mr. SENSENBRENNER):

H.R. 4414. A bill to amend the Metric Conversion Act of 1975 to require Federal agencies to impose certain requirements on recipients of awards for scientific and engineering research; to the Committee on Science.

By Mr. ACKERMAN (for himself and Mr. SHAYS):

H.R. 4415. A bill to amend the Animal Welfare Act to require humane living conditions for calves raised for the production of veal; to the Committee on Agriculture.

By Mr. DAVIS of Illinois:

H.R. 4416. A bill to amend title XIX of the Social Security Act to provide for coverage of community-based attendant services and supports under the Medicare Program; to the Committee on Commerce.

By Mr. GEJDENSON (for himself, Mr. GOODLATTE, Mr. MENENDEZ, Mr. MANZULLO, Mr. BERMAN, Mr. ACKERMAN, and Mr. WEXLER):

H.R. 4417. A bill to provide that the Secretary of Commerce have control over exports of satellites and related items, to provide certain procedures for exports of satellites and related items to the People's Republic of China, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina (for himself, Mr. STENHOLM, and Mr. THUNE):

H.R. 4418. A bill to make various improvements in the military health care system with respect to the TRICARE program; to the Committee on Armed Services.

By Mr. LEACH (for himself, Mr. LAFALCE, Mrs. ROUKEMA, and Mr. BAKER):

H.R. 4419. A bill to prevent the use of certain bank instruments for Internet gambling, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H.R. 4420. A bill to reauthorize the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes; to the Committee on Resources.

By Mr. WATKINS:

H.R. 4421. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion of gain on sale of a principal residence shall apply to certain farmland sold with the principal residence; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. ARCHER, and Mr. BENTSEN):

H. Con. Res. 321. Concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research; to the Committee on Commerce.

By Mr. GILMAN (for himself and Mr. HASTINGS of Florida):

H. Res. 500. A resolution expressing the sence of the House of Representatives concerning the violence, breakdown of rule of law, and troubled pre-election period in the Republic of Zimbabwe; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. COX introduced A bill (H.R. 4422) for the relief of Vijai Rajan; 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. 61: Mr. LAFALCE.
H.R. 106: Mr. VITTER.
H.R. 218: Mr. GALLEGLY.
H.R. 284: Mr. SHERMAN.
H.R. 460: Ms. KAPTUR, Mr. WYNN, Ms. MILLENDER-MCDONALD, Mr. ENGEL, and Mr. STARK.
H.R. 469: Mr. DEUTSCH.
H.R. 488: Ms. DEGETTE.
H.R. 531: Mr. BALLENGER.
H.R. 632: Mr. DAVIS of Illinois.
H.R. 721: Mr. BOEHLERT.
H.R. 829: Mr. KUCINICH and Mr. SHAYS.
H.R. 896: Mr. HASTINGS of Washington.
H.R. 979: Ms. SANCHEZ and Mr. REYES.
H.R. 1063: Mr. PRICE of North Carolina and Mr. DEAL of Georgia.
H.R. 1070: Mr. MCINNIS and Mr. PEASE.
H.R. 1093: Mr. ORTIZ.
H.R. 1112: Ms. DELAURO.
H.R. 1322: Mr. FOLEY, Mr. DUNCAN, Mr. FRANKS of New Jersey, Mr. RYUN of Kansas, Mr. SKEEN, and Mr. SPENCE.
H.R. 1382: Mr. FORBES.
H.R. 1621: Mr. HOEFFEL.
H.R. 1634: Mr. DICKEY, Mr. PICKERING, Mr. SWEENEY, Mr. BARRETT of Nebraska, Mr. TERRY, and Mr. WICKER.
H.R. 1775: Mr. KIND.
H.R. 1795: Mr. STARK, Mr. COMBEST, Mr. PALLONE, and Mr. HOLT.
H.R. 1824: Mr. PRICE of North Carolina.
H.R. 2318: Mr. CALVERT.
H.R. 2355: Ms. VELÁZQUEZ.
H.R. 2362: Mr. WALDEN of Oregon.
H.R. 2397: Mr. POMEROY.
H.R. 2562: Mr. WAMP and Mr. FORBES.
H.R. 2571: Mr. BORSKI.
H.R. 2613: Mr. COOK. Mr. BARRETT of Nebraska, Mr. MOORE, Mr. TALENT, Mr. CALVERT, Mr. LEWIS of Kentucky, and Mr. SOUDER.
H.R. 2631: Mr. KING.
H.R. 2706: Mr. DAVIS of Illinois.
H.R. 2722: Mr. BACA, Mr. MARKEY, and Mr. TOWNS.
H.R. 2768: Mr. BARR of Georgia.
H.R. 2817: Mr. ENGEL.
H.R. 2856: Mr. HALL of Ohio.
H.R. 2892: Mr. SHOWS.
H.R. 2987: Mr. KUYKENDALL, Mrs. BONO, Mr. WALDEN of Oregon, and Mr. BUYER.
H.R. 3125: Mr. FLETCHER, Mr. GOODLING, Mr. HASTINGS of Florida, and Mr. WHITFIELD.
H.R. 3193: Mr. WATKINS.
H.R. 3235: Mr. ACKERMAN and Mr. THOMPSON of California.
H.R. 3240: Mr. WELDON of Florida.
H.R. 3288: Mr. SKEEN.
H.R. 3306: Mr. BARR of Georgia.
H.R. 3405: Mr. NORWOOD, Mrs. KELLY, and Mr. BLAGOJEVICH.
H.R. 3433: Mr. BONIOR, Mr. FILNER, Mr. RODRIGUEZ, Mr. MEEHAN, Mrs. MCCARTHY of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. HILLEARY, Mr. HORN, Mr. SHERMAN, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. ENGEL, Mr. PHELPS, and Ms. RIVERS.
H.R. 3463: Mr. STUPAK and Mr. BROWN of Ohio.
H.R. 3500: Mr. BACA, Ms. CARSON, and Mr. ABERCROMBIE.
H.R. 3504: Mr. GUTIERREZ.
H.R. 3535: Mr. UDALL of Colorado, Mr. METCALF, and Ms. WOOLSEY.
H.R. 3540: Mr. HEFLEY.
H.R. 3580: Mrs. BIGGERT, Mr. FLETCHER, Mr. HUTCHINSON, Mr. MATSUI, Mr. BALLENGER, Mr. CLYBURN, Mr. MORAN of Virginia, Mr. SHAW, Ms. MCCARTHY of Missouri, Mr. LARSON, and Mr. BAKER.
H.R. 3625: Mr. HANSEN, Mr. SHERWOOD, Mr. BLILEY, Mr. DIAZ-BALART, Mr. BACHUS, Mr.

GREEN of Wisconsin, Mr. NUSSLE, Mr. GOODLATTE, Mr. CANNON, Mr. MICA, Mr. SIMPSON, Mr. TERRY, Mrs. FOWLER, Mr. STEARNS, Mr. TURNER, Mr. EWING, Mr. PETRI, Mr. PETERSON of Pennsylvania, Mr. LINDER, Mr. SALMON, Mr. GIBBONS, Mr. HOBSON, Mr. BOYD, Mr. SHIMKUS, Mr. GILLMOR, Mr. RADANOVICH, Mr. GEKAS, Mr. BALLENGER, Mr. JONES of North Carolina, Mr. CRANE, Mr. BARTON of Texas, Mr. SOUDER, Mr. CALVERT, Mr. HASTINGS of Washington, Mr. HALL of Texas, Mr. RYUN of Kansas, and Mr. MORAN of Kansas.

H.R. 3634: Mr. BROWN of Ohio and Mr. DAVIS of Illinois.

H.R. 3677: Mr. CAMPBELL.

H.R. 3679: Mr. ARMEY, Mr. BARCIA, Mr. BARR of Georgia, Mr. BOYD, Mr. CAMP, Ms. KILPATRICK, Mr. COLLINS, Mr. FORD, Mr. FROST, Mr. GALLEGLY, Mr. GEJDENSON, Mr. GILLMOR, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HOBSON, Ms. HOOLEY of Oregon, Mr. HUNTER, Mr. ISAKSON, Mrs. JONES of Ohio, Mr. LARGENT, Mr. LEWIS of Georgia, Mr. LINDER, Mr. LUCAS of Kentucky, Mr. MCINTYRE, Ms. MCKINNEY, Mr. MOORE, Mr. PHELPS, Mr. RAMSTAD, Mr. REGULA, Mr. RILEY, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SMITH of Michigan, Mr. SNYDER, Mr. TANCREDO, Mr. TANNER, Mr. TRAFICANT, Mr. UPTON, Mr. WHITFIELD, Ms. KAPTUR, Mrs. NORTHUP, Mr. OSE, Mr. SCARBOROUGH, Mr. SHAYS, Mr. HEFLEY, Mr. CONYERS, Mr. DEFAZIO, Mr. GUTKNECHT, Mr. FRANK of Massachusetts, Mr. GOODE, Mrs. CLAYTON, Mr. NEAL of Massachusetts, Mr. MOLLOHAN, Ms. JACKSON-LEE of Texas, Mr. WELDON of Pennsylvania, and Mr. ACKERMAN.

H.R. 3680: Mr. GONZALEZ, Mr. MCINTOSH, Mrs. BONO, Mr. PRICE of North Carolina, Mr. HOEFFEL, Mr. LEACH, Mr. KUYKENDALL, Mr. TANCREDO, Mr. WU, and Ms. MILLENDER-MCDONALD.

H.R. 3688: Ms. SANCHEZ, Mr. BACA, Mr. BROWN of Ohio, Ms. BERKLEY, Mr. WEYGAND, Mr. POMEROY, Mr. EDWARDS, Mr. VENTO, Ms. WATERS, Mr. BAIRD, Mr. SAWYER, Ms. KILPATRICK, Mr. CRAMER, Mr. LUCAS of Kentucky, and Mr. CONDIT.

H.R. 3765: Mr. MOLLOHAN.

H.R. 3842: Mr. PETRI, Mr. CRAMER, Mr. UDALL of Colorado, Mr. PASCRELL, and Mr. BOSWELL.

H.R. 3880: Mr. MCKEON.

H.R. 3887: Mr. ROMERO-BARCELO, Mr. FILNER, and Mr. WAXMAN.

H.R. 3892: Mr. HOLT.

H.R. 3894: Mr. HOLT.

H.R. 3916: Mr. FRANKS of New Jersey and Mr. PALLONE.

H.R. 3983: Mr. MCINTOSH, Mr. MEEKS of New York, and Mr. NADLER.

H.R. 4001: Mrs. MINK of Hawaii and Ms. CARSON.

H.R. 4013: Mr. JEFFERSON and Mr. BOSWELL.

H.R. 4034: Mr. FRANK of Massachusetts.

H.R. 4064: Mr. GREEN of Wisconsin.

H.R. 4076: Mr. SAXTON.

H.R. 4106. Mr. ETHERIDGE.

H.R. 4113: Mr. CANNON, Mr. WALDEN of Oregon, and Mr. HOEFFEL.

H.R. 4211: Mr. UDALL of Colorado, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Ms. LEE, Ms. SLAUGHTER, Mr. BLAGOJEVICH, Mrs. THURMAN, Mr. ACKERMAN, and Mr. ROTHMAN.

H.R. 4213: Mr. METCALF, Mr. CHABOT, and Mr. GREEN of Wisconsin.

H.R. 4215: Mr. GALLEGLY.

H.R. 4271: Ms. LEE, Mrs. JOHNSON of Connecticut, Mr. CALVERT, Mrs. MORELLA, and Mr. BACA.

H.R. 4272: Mrs. JOHNSON of Connecticut, Mr. CALVERT, Mrs. MORELLA, and Mr. BACA.

H.R. 4273: Mr. CALVERT, Mrs. MORELLA, and Mr. BACA.

H.R. 4274: Mr. MCCRERY, Mr. DIAZ-BALART, Mr. FOLEY, Mr. TERRY, Mr. SIMPSON, Mr. ROGAN, Mr. PETERSON of Pennsylvania, Mr. CHABOT, and Mr. BOEHLERT.

H.R. 4346. Mr. BERRY, Ms. BROWN of Florida, Mr. ENGEL, and Mr. KENNEDY of Rhode Island.

H.R. 4357: Mr. DEFAZIO, Mr. LEWIS of Georgia, Ms. HOOLEY of Oregon, Mr. DEAL of Georgia, Mr. MCNULTY, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, and Mrs. KELLY.

H.R. 4385: Mr. KUCINICH.

H.J. Res. 98: Mr. JEFFERSON, Mr. CUMMINGS, Mr. PETRI, Mr. UNDERWOOD, and Mr. BALDACCI.

H. Con. Res. 253: Mr. MORAN of Kansas.

H. Con. Res. 285: Mr. UNDERWOOD, Ms. MILLENDER-MCDONALD, and Mr. BAIRD.

H. Con. Res. 286: Mr. DOYLE.

H. Con. Res. 297: Mr. DOYLE.

H. Con. Res. 319: Mr. ROYCE.

H. Res. 495: Mr. GILLMOR.

H. Res. 498: Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Mr. PORTER, Mr. FRANKS of New Jersey, and Mr. CROWLEY.

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION TO INCREASE FUNDING FOR DIABETES RESEARCH

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. GREEN of Texas. Mr. Speaker, I support the resolution I have introduced today with Congressman BILL ARCHER and Congressman KEN BENTSEN, both fellow Texans, to express the sense of the House that funding for juvenile diabetes should be increased.

On April 27 we held a juvenile diabetes forum at Texas Children's Hospital in Houston, TX. At this forum, graciously sponsored by Texas Children's Hospital President and CEO Mark A. Wallace, we heard from Richard Furlanetto, scientific director of the Juvenile Diabetes Foundation and Dr. Ralph Feign, president, of the Baylor College of Medicine and physician-in-chief, Texas Children's Hospital, who shared with us some of the recent advances in treating juvenile diabetes. At Texas Children's Hospital and at Baylor, researchers are involved in promising studies into the complications of diabetes, glucose metabolism and insulin secretion.

Dr. Morey Haymond, a pediatrician who is much beloved by his small patients and their parents, spoke on the day-to-day concerns associated with juvenile diabetes and the need to increase funding for research. Juvenile Diabetes Foundation Ross Cooley updated the group on Juvenile Diabetes Foundation's fundraising activities, and also shared his own experiences with a daughter who suffers from the disease. Jane Adams, associated director for government relations of the Juvenile Diabetes Foundation provided an update on the group's legislative agenda and the need for grassroots advocacy.

Perhaps most compelling was the testimony of the families who attended the event. Molly Naylor, State leader for the Juvenile Diabetes Foundation in Houston and a tireless advocate for children and their families, shared the stories of her family and others and the difficulties they face in dealing with this disease. Mary Kay Cottingham, accompanied by her guide dog, spoke on losing her sight as well as the organ transplants she has undergone—all due to juvenile diabetes.

When Larry and Leslie Balthazar shared their personal story of discovering that Larry Junior, at 2 years old, had been diagnosed with juvenile diabetes there was not a dry eye in the house. These parents' love and worry for their child was so compelling and powerful that every person in the room was motivated to do whatever they could to eradicate this terrible disease.

The resolution I am introducing today stems from that event. We need to do more to cure juvenile diabetes. We have the resources, we have the technical expertise, and we are so very close to finding a cure.

Our resolution concisely outlines the problem and the solution:

Whereas, over one million Americans suffer from juvenile (Type I) diabetes, a chronic, genetically determined, debilitating disease affecting every organ system;

Whereas 13,000 children a year—35 each day—are diagnosed with juvenile diabetes;

Whereas 17,000 children a year—46 each day—are diagnosed with juvenile diabetes;

Whereas juvenile diabetes is one of the most costly chronic diseases of childhood;

Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations;

Whereas the Diabetes Research Working Group, a non-partisan advisory board established to advise Congress, has called for an accelerated and expanded diabetes research program at the National Institutes of Health and has recommended a $4.1 billion increase in Federal funding for diabetes research at the National Institutes of Health over the next five years; and

Whereas a strong public-private partnership to fund juvenile diabetes exists between the Federal Government and the Juvenile Diabetes Foundation, a foundation which has awarded more than $326 million for diabetes research since 1970 and will give $100 million in fiscal year 2001:

Now, therefore, be it *Resolved by the House of Representatives (the Senate concurring)* That Federal funding for diabetes research should be increased in accordance with the recommendations of the Diabetes Working Group so that a cure for juvenile diabetes can be found.

Mr. Speaker, I urge my colleagues to support this resolution. As the world's most prosperous and powerful nation we should be directing our resources to research and development. We should be investing in finding a cure for diabetes—Larry Balthazar Junior, and thousands of children like him, deserve no less.

HONORING THE LATE JEANIE GALE-ANDERSON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. HALL of Texas. Mr. Speaker, today I celebrate the life of Jeanie Gale-Anderson, who passed away on February 6, 2000, after her fight with lung cancer. She leaves behind a powerful legacy of devotion to her family and a passion for life that lives on in the hearts of those who knew her and loved her. I learned of her great love and the effect she had on the lives of her family—her tenderness and warmth—through one of her 10 grandchildren, Adam, who was a valuable and key legislative advisor in my Washington congressional office for a long period of time.

She was Georgeana Louise Gallucci for 22 years, proud daughter of George and Dorothy Gallucci of Jefferson, OH. One of six children, she is remembered and loved by her sisters, Garman, Natalie, Connie and brother, Freddy. For 53 years she was Jeanie Gale-Anderson, lifetime partner and devoted wife of James Sidney Anderson. For 52 years she was Mom to Jim, Tina, Jann Sydney, Pat and Tim. For 31 years, she was Nanny to 10 adoring grandchildren: Michael, Matthew, Bobby, Lisa, Adam, Aaron, Kacie, Duke, Ryan and Reid. Finally, for 4 years she was a great-grandmother to Ahna, Sara and Owen.

The rich fabric of her life was woven by her commitment to husband and family, the loving care and nurturing of her five children, and the delight and pleasure in her ten grandchildren and three great-grandchildren. She shared her love, boundless energy, tireless humor and wit with so many. Her life shown brightly for 75 years, with a full spectrum of qualities that her family will hold tightly in their hearts—her commitment, her courage and her faith in all things possible.

Her passion for life and for those she loved lives on in the memories of her family. Hers is a life to be celebrated, emulated and kept vibrantly alive by the deep-abiding relationships that do not end in death but rather deepen and grow richer with time until her family can be united again in eternity with Christ. Her family loved her so much, as she loved them.

She had loving hands a loving heart that touched, healed and nurtured her family. The values and guidance she taught have influenced all that they do. Laughter accompanied their triumphs and their failures. She was tireless in her efforts to provide physical, emotional and spiritual needs to her children. She treated them equally, but respected their differences, taught them to be determined, honest and responsible, and taught them to be patriotic—loving their heritage and our country.

Most of all, through her, her family learned what love truly is. "We have been blessed to pass this down to each of our children," her family writes. "What a legacy mom has left us all. Only the heart knows how to find what is precious and we have found it, all of us, through her. Our mother added a dimension to life impossible to measure or explain. Always our mother and teacher, she asked to be remembered by these special words she chose for us: Light after Darkness, Gain after Loss/Strength after Mystery, Peace after Cross/Sweet after Bitter, Hope after Fears/Home after Wandering, Praise after Tears/Sheaves after Sowing, Sun after Rain/Sight after Mystery, Peace after Pain/Joy after Sorrow, Calm after Blast/Rest after Weariness, Sweet rest at Last/Near after Distant, Gleam after Gloom/Love after Loneliness, Life after Tomb/After Long Agony, Rapture of Bliss . . . RIGHT was the PATHWAY Leading to THIS."

As we adjourn today, Mr. Speaker, let us do so in memory of this extraordinary woman, Jeanie Gale-Anderson.

HONORING THE BERGER HEALTH SYSTEM IN CIRCLEVILLE, OHIO

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. HOBSON. Mr. Speaker, I recognize the achievements of the Berger Health System in Circleville, Ohio, which is being honored this week by the American Hospital Association.

As Representative to Ohio's Seventh Congressional District, I am pleased to honor the volunteers of the Circle of Caring community service program for their devotion and generosity to the elderly and disabled community in Circleville.

The Circle of Caring program at Berger Health System is dedicated to providing basic daily care including housekeeping and transportation for the elderly and the disabled. Volunteers assist the elderly with domestic chores and contribute their time and services to improving the quality of life for those in need of medical attention or individual care. The volunteers of the Circle of Caring program are committed to providing the elderly with the sense of independence and dignity they have earned.

The Circle of Caring program was awarded the Hospital Award for Volunteer Excellence (HAVE) by the American Hospital Association which commends the volunteers' contributions to the local elderly community. A local volunteer effort such as Circle of Caring demonstrates to the rest of the nation the kind of care and empathy deserving of all elderly, and serves as a model for other community endeavors.

Mr. Speaker, I join the American Hospital Association in recognizing the efforts of the Circle of Caring at Berger Health Systems.

HONORING MAX A. BACON, A COMMUNITY LEADER IN THE SEVENTH DISTRICT OF GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. BARR of Georgia. Mr. Speaker, today I honor a community leader from the Seventh District of Georgia. Max Bacon is a true leader in our community.

After devoting 6 years to the city council of Smyrna, GA, Max was elected mayor of Smyrna in 1985, following in his father's footsteps. Arthur Bacon served as mayor of Smyrna from 1976 to 1977, and again from 1982 until his death on October 26, 1985. Max was appointed by the city council to complete his father's unexpired term, and was elected mayor in his own right in 1985.

Aside from his duties at city hall, Mayor Bacon serves as the postmaster of the Mableton Post Office. In fact, he has been an employee of the U.S. Postal Service for more than 30 years. Mableton, a community near Smyrna, has experienced tremendous growth and change in recent years, as have most communities within the Greater Atlanta Area, and Max has witnessed this growth throughout his service at the post office and at city hall.

Recently, Max Bacon was asked by the U.S. Postal Service to step into a vacancy in the post of postmaster in Rome, GA, located in the northern part of the Seventh Congressional District. Management of the U.S. Postal Service called on Max to assist in working through a very difficult situation in the Rome Post Office. Max commuted to Rome from Smyrna for several months. During this time, he was able to resolve many issues, and once again bring much needed harmony to the postal employees, management, and indeed, the postal patrons as well. His willingness to assume this responsibility was very much appreciated by the citizens of Rome and Floyd County, GA.

Max is a member and past president of the Cobb Chamber of Commerce and chairman of the Smyrna Downtown Development Authority. He is a member of the Brawner Hospital Board of Directors, the Smyrna Business Association, and the Georgia Municipal Association. He was the recipient of the 1993 Georgia Municipal Association Community Leadership Award, and was selected as the Cobb County 1997 Citizen of the Year by the Marietta Daily Journal in January 1998.

I know I speak for many thousands of citizens of Georgia's Seventh District, in honoring Max Bacon today for his many contributions to his community, to the U.S. Postal Service, and the people of the Seventh District.

IN RECOGNITION OF BILL AND HELEN WILLIAMS

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. PORTMAN. Mr. Speaker, I pay tribute to Bill and Helen Williams, friends and community leaders, who will be honored by St. Joseph Orphanage at the 2000 Scholar of Life Banquet, on May 19. They were selected for the Scholar of Life Award for their life-long charitable work assisting needy children and their families, their support to St. Joseph Orphanage, the significant and meaningful impact they have had on young people, and for their support to cultural institutions in Greater Cincinnati.

The contributions made by Bill and Helen go back a long way. Bill, who is currently chairman of the board of Western-Southern Life Insurance, says that when he first began selling insurance, he saw that some children did not always have the basic necessities. Bill said, "I remember my father taking orphans to Coney Island, [and my family] helping to organize donations through the downtown churches." In the 1950's and '60's, Helen says that "a group of women and I would take some of the children at Washington Park Elementary School to Old St. Mary's Church . . . adding a spiritual side to their lives they would not otherwise have had."

The Williamses have improved the quality of life and education for the Cincinnati area's most needy in many ways. Over 10 years ago, Bill set out to improve the housing for the less fortunate in downtown Cincinnati. He has had tremendous success since then, improving the living standards for hundreds in Over-the-Rhine.

Believing a solid education to be one of the keys to living a meaningful life, the Williams family sponsors scholarships for children who need financial assistance at Xavier University, the University of Notre Dame, and Georgetown University. In addition, Bill supports the Catholic Inner City Schools Education [CISE] organization where he has served as chairman of its annual campaign. CISE is a nonprofit group that provides financial aid to inner city schools, and Bill helped to forge a working program between Hoffman Elementary in the Cincinnati Public School System and CISE. In addition, Bill has administered the O'Brien Fund through the Williams Foundation, which helps children in need. Last year, he was inducted into the Greater Cincinnati Business Hall of Fame. In 1995, he received the Great Living Cincinnatian Award.

Helen also has had a profound impact on our area, and she has been very active in many charitable causes, serving as a trustee of St. Margaret Hall, the National Conference of Christians and Jews, Mercy Hospital Foundation, Wilberforce University, and Summit Country Day School. Helen formerly served on advisory boards at Mt. St. Joseph College and Christ Child Day Nursery. She also was a trustee and past president of the Beechwood Home for Incurables.

All of us in Cincinnati are most grateful to Bill and Helen Williams for their leadership, service, and commitment to our community.

HONORING DOROTHY HARBER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. HALL of Texas. Mr. Speaker, today I recognize an outstanding citizen of the Fourth District of Texas, Dorothy Harber, Dorothy and her husband, Lacy, are among the most admired and appreciated—and, yes, loved—couple in Texas. Dorothy was recently awarded the Outstanding Hunting Achievement Award from the Dallas Safari Club—the club's most prestigious honor—for her outstanding success as a big game hunter. Begun in 1980, the Safari Club's award is not necessarily given every year, and it is given only for outstanding feats in the hunting world.

Dorothy and Lacy have been avid hunters for many years and also are strong advocates of hunter education, conservation, and humanitarian assistance. Dorothy has established exhibits at several local banks to educate children and adults about various wildlife throughout the world. During their many travels on safaris, they also have brought clothes and books to those in need in those countries. They have enriched all of the areas of the world they traveled and hunted in. No one can imagine the value of a gift of a jeep, equipment, tents, or one of the other numerous articles (coats, gloves, boots, hats, etc.) they take

into the most remote—and the most poverty-stricken parts of the world. They leave them where they have hunted. Imagine leaving a jeep for a family in the poverty-stricken part of Russia—a family whose greatest income had been pennies per day—and the jeep worth thirty or forty thousand dollars. Dorothy and Lacy do not flaunt their generosity—but they certainly practice it wherever they are.

The Dallas Safari Club endorses ethical hunting practices. A fair chase and hunting ethics affidavit must be submitted to the club along with an official score sheet compiled by an official measurer. Dorothy qualified for the award for having collected all of the nine spiral horned antelope of Africa, all record book animals, all the African major species and many subspecies, the African big five, and for taking a ladies' world record for Marco Polo sheep in Kirghizia. She has not been squeamish about her accommodations—nor has she shied away from bad weather, tough terrain, and/or dangerous spots in danger areas.

Mr. Speaker, as we adjourn today, let us recognize the achievements of Dorothy Harber—and her husband, Lacy—for their contributions to the world of big game hunting and for their commitment to fairness and hunting ethics. They bring meaning to the word "international neighbor"—and bring lasting admiration and respect wherever they go.

HONORING STUDENTS FROM LINCOLN HIGH SCHOOL IN PORTLAND, OR

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. WU. Mr. Speaker, I am pleased that last week I was able to spend time with some very talented students from Lincoln High School in Portland, Oregon. These students were in Washington, D.C. along with more than 1200 students from across the United States to compete in national finals of the We the People * * * The Citizen and the Constitution program. I am proud to announce that the class from Lincoln High School won an honorable mention a this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are: Erika Acheson, Louis Baer, Victoria Demchak, Ann Denison, Timothy Fitzgerald, Sarah Hopkins, Lisa Humes-Schulz, Krista Ingebretson, Joey Katz, Ian Krajbich, Emily Lande, Sarah Larson, Teresa Lau, Devon McCurdy, Benjamin O'Glasser, Caleb Oken-Berg, Julie Ota, Tawny Paul, Mariruth Petzing, Shauna Puhl, Maximilian Pyko, Wayne Saxe, John Schaub, Elizabeth Sheets, Lindsay Simmons, Carrie Steeves, Brigitte Streckert, Thomas Wilson, Karen Wolfgang, and Jenny Zou.

I would also like to recognize their teacher, Hal Hart, the district coordinator, Susie Marcus, and the state coordinator, Marilyn Cover, for their hard work and dedication to the students.

The We the People * * * The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate professional fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder described the national finals as "the place to have your faith in the younger generation restored".

Administered by the Center for Civic Education, the We the People * * * program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

HONORING DR. MARILYN WHIRRY, NATIONAL TEACHER OF THE YEAR

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. KUYKENDALL. Mr. Speaker, today I recognize an outstanding individual from my district, Dr. Marilyn Whirry. Dr. Whirry, an English teacher in Manhattan Beach, has been named National Teacher of the Year.

For over 33 years, Dr. Whirry has taught English literature to students in grades 9–12 at Mira Costa High School. She has touched the lives of thousands, spanning generations, instilling in her students the importance of education.

She currently teaches advanced placement English to Mira Costa seniors. When Dr. Whirry took over the program 9 years ago, only 26 students were in the class. The program has since developed under her direction and now enrollment is roughly 150 students. She expects a lot from her students, and implements a challenging curriculum focused upon rigorous learning and discovery.

Dr. Whirry's commitment to educational excellence extends beyond the Manhattan Beach Unified School District. She is also a professor at Loyola Marymount University and regularly conducts reading workshops throughout southern California. Dr. Whirry has been a consultant for several States including California, and she has also advised President Clinton. Last year she was selected as the chairperson of the National Assessments Governing Board's committee to develop a voluntary national reading test to assess fourth graders. Over her career, Dr. Whirry has become a national leader in education.

I congratulate Dr. Marilyn Whirry on being selected as National Teacher of the Year. The rigorous selection process revealed what the students of Mira Costa High School have known all along, that Dr. Whirry is a remarkable teacher. This tremendous honor is a testament of her commitment to her students as well as a reflection of the quality of education in the South Bay. The students and parents of Manhattan Beach are grateful to have her as an educator. I wish her continued success.

HONORING STANLEY M. SILVERMAN

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. ROGERS. Mr. Speaker, some of the most lasting contributions to freedom throughout the world, and to the triumph of American values, have been made over the last four decades by the patriotic staff of the U.S. Information Agency [USIA] and its successor organizations within the U.S. Department of State.

The USIA legacy can be found around the globe, and most significantly in the former cold war states whose failed social structures gave way to principles and institutions promoted by American foreign policy, exposure to American commentary, and opportunities for cultural exchange.

The USIA has relied on many gifted servants over the last several decades, but perhaps no one has provided such sustained and influential service as Stanley M. Silverman, who retired in April of this year, after 45 years of government service. Stan has been a guiding presence within the agency, an institutional marvel, a key adviser to directors and colleagues alike, and most importantly, a man of integrity.

For many years, the USIA occupied an evolving and unique role within American government. Its job was to promote the understanding of the politics, culture, and enduring values of the United States to an outside world that often was hostile to our norms. Through its many programs, it told the American story and satisfied those in closed societies who hungered for our ideals and for the freedom of expression.

As the last comptroller of the USIA, Stan Silverman built a career around ensuring this agency had the resources necessary to carry out this enormously important and successful mission. He led the formulation and execution of the agency's budget, and faithfully advocated its importance year after year within the executive branch and before the Congress. All who worked with Stan benefited from his clear articulation of the agency's purpose and needs, his unfailing recall of facts and figures, and his wonderful sense of humor.

His work was instrumental in creating a constructive relationship between his agency and the legislative branch, in particular the members and staff of the House Appropriations Committee. To the agency he served and the Congress he respected, he provided consistent support and leadership at all times, including those critical times for the agency,

when its well-accepted missions became the subject of critical evaluation once the cold war was won.

Stan Silverman will never put aside the trappings of modesty for which he is known. So we must acknowledge and celebrate his rare combination of intellect, wisdom, humor, and loyalty to a Nation that must ever hold those of such character in the highest possible regard.

Recalling words attributed to Plato, ''The penalty good men pay for indifference to public affairs is to be ruled by evil men.'' Today we honor the career and accomplishments of Stan Silverman, a good man who honored the practice of public affairs with his service, to the benefit of the free people of this Nation and so many others.

RECOGNIZING CLINTON HIGH SCHOOL

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. McGOVERN. Mr. Speaker, today I pay special tribute to the members of the Clinton High School/NYPRO Partnership in Clinton, MA.

It gives me great pleasure to salute and congratulate the Clinton High School students, teachers, and the engineers from NYPRO for their impressive accomplishments during the recent ''FIRST Robotics Competition'' at both the regional and national levels.

FIRST, which stands for ''For Inspiration and Recognition of Science and Technology'', is a nonprofit organization whose mission is to generate an interest in science and engineering among today's youth. The primary means of achieving this goal is through an annual robot competition, the FIRST Robotics Competition, which is a national engineering contest that immerses high school students in the exciting world of engineering.

Just as other students teamed up with engineers from businesses and universities, the Clinton High students continued their partnership with NYPRO, Inc., which dates back to 1992.

Through this project, the students are able to get a hands-on, inside look at the engineering profession. During an intense 6-week period which began in January, the Clinton High students, teachers, and NHPRO engineers worked together to brainstorm, design, construct, and test their ''champion robot.''

The teams then moved forward to regional tournaments—complete with referees, cheerleaders and time clocks. At this year's FIRST 2000 New England Regional Competition held in Hartford, Connecticut, the Clinton High/NYPRO ''Gael Force'' Team was declared Semi-Finalists out of 41 participating teams, and they were awarded the ''Best Defensive Award.''

The results at the national level were even more impressive, as the Clinton High/NYPRO team was named 2nd Place Finalists out of 268 teams at the FIRST 2000 National Competition held recently at EPCOT in Florida.

In addition, they were awarded $7,000 in software animation from Autodesk, Inc., for outstanding animation created by the student team members, and won the prestigious Worcester Polytechnic Institute Design Innovation Scholarship, which is a full 4-year scholarship worth approximately $12,000 for one of the team members.

Since the beginning of their partnership in 1992, the Clinton High School/NYPRO team has received national recognition and significant awards over the years. The students, teachers, and engineers can be justly proud of their trophies and awards which honor their dedication and prize-winning effort. However, their is something even more important to celebrate—their special relationship has allowed for an incredible exchange of resources and talent and has exposed students to new educational opportunities and career choices.

Superintendent of School Edward J. Philbin recently observed that Clinton is ''a better school system and a better community because of FIRST. Effective education cannot be accomplished only in the classroom within the time limits of the school day . . . it takes the united effort of every constituency in the community to put common goals into practice by working side by side in a learning and sharing environment.''

As the citizens of Clinton celebrate their community's 150th birthday, the Clinton High School/NYPRO success story represents the town's continuing winning attitude and tradition.

I sincerely commend everyone at NYPRO for the strong support given to this venture, especially the dedicated engineers who contribute so much of their time and themselves on behalf of the young people. I particularly applaud and salute the phenomenal students of Clinton High School's ''Gael Force'' team and their teachers—I share the great pride felt by Clintonians in their tremendous spirit and commitment to this year's FIRST success.

A TRIBUTE TO MYRA LENARD AND HER LIFETIME OF SERVICE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. LIPINSKI. Mr. Speaker, I pay tribute to Casimira (Myra) Lenard, a monumental philanthropist and Polish-American activist, who sadly passed away on May 1st at Walter Reed Army Hospital. For nearly 40 years, Myra fought to find jobs for the meager, provide rations for the suffering, and promote democracy for the oppressed.

Myra Lenard was born in Poland and immigrated to Chicago with her parents in 1927. Seven years later, she became a United States citizen. In 1962, she moved to Washington, DC after her surviving husband Casimir (Colonel, U.S. Army, Ret.) was assigned to the Pentagon. Soon later, she began a very successful 20-year career in the private sector employment placement industry, overseeing 11 placement offices on the east coast. Myra was highly respected in her profession, serving in several leadership positions within the personnel services industry. As president of the Capital Area Personnel Services Association, she successfully lobbied for title 7, the Civil Rights Act of 1964 and for equal employment opportunities. In 1975, Myra was widely acknowledged for her efforts to find ''fee-free'' work for several hundred Vietnamese refugees. In addition, she used her many offices to support the growing Solidarity labor movement in Poland.

In 1981, Myra left the private sector to become executive director of the Polish American Congress [PAC] in Washington, DC. She continued to support Solidarity by organizing record fundraising, including 22 railroad cars of relief goods, valued at $7 million in 1981. To mark the first anniversary of Solidarity, she organized a ''Solidarity convoy'' of 32 large container trucks, valued at over $10 million.

Myra Lenard's outstanding leadership of the Polish American Congress and its accompanying charitable fund [PACCF] allowed the organization to qualify for Federal funds, administered through the U.S. Agency for International Development [USAID] and the Combined Federal Campaign [CFC]. In addition, the PAC's Washington, DC office administered a series of National Endowment for Democracy [NED] grants, helping to sustain a measure of hope for democracy in the Communist-controlled Poland.

Furthermore, Myra expanded the relationships of the PAC with the U.S. Congress, Executive Office of the President, Department of State, and several other governmental agencies. Through her many contacts, the Polish American Congress engaged in strong lobbying campaigns for the Immigration Reform Act of 1986, as well as the Support of Eastern European Democracy Act of 1989 [SEED ACT], containing needed appropriations for Poland. Some of Myra's later efforts included lobbying to secure to the present Oder-Neisse border with Germany and Poland's recent entry into the North Atlantic Treaty Organization [NATO].

For these many efforts, Myra Lenard was appropriately given numerous accolades, including Poland's highest award for foreign civilians. Today, I am pleased to offer my own words of praise to my colleagues about this great leader. While Poland was still suffering from the plague of Communism, Lech Walesa stated: ''The supply of words in the world market is plentiful but the demand is falling—let deeds follow words now.'' Mr. Speaker, Casimira (Myra) Lenard followed these words with unending devotion and activism. Again, I thank her for over 40 years of tremendous service for two great nations.

HONORING THE LATE LEONARD JAMES KELLER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. HALL of Texas. Mr. Speaker, today I pay tribute to an outstanding American who served his country with distinction both as a military officer and as an engineer who was dedicated to protecting and improving the quality of life of all our citizens. Leonard James Keller, a citizen of Bonham, TX, in the

Fourth District, died on November 27, 1999, leaving behind a legacy of service to his country.

Born on February 25, 1925 in Duenweg, MO, Leonard Keller fought in both World War II and the Korean war. He was commissioned an officer and cited for heroism while serving with the 43d Infantry Division in Luzon, Philippine Islands. After the wars, Mr. Keller graduated with honors in mining engineering and geology at Missouri School of Mines and Metallurgy in 1955 and received the W.A. Tarr Award as the outstanding graduate in the earth sciences field. He also was honored in Who's Who of North America.

As a registered professional engineer, Mr. Keller was an inventor of record, with a remarkable 17 U.S. patents in his name. An expert in his field, he authored numerous technical papers, some of which have previously been entered into the CONGRESSIONAL RECORD. Mr. Keller spent 15 years working for five major U.S. corporations in engineering, research, and technical services and management before cofounding the Keller Corp. in 1969. In 1975, he also cofounded the Methacoal Corp. of which he served as president. His coinventor partner, the late Austin N. Stanton, also of Bonham, TX, who died 5 years earlier to the day, was a renowned inventor who received numerous awards and is known as the inventor of microcircuitry—the precursor to the computer age—and the founder of Varo Corp.

Mr. Keller was a visionary in his field. His inventions likely will come to fruition in the coming years. These include a BiRotor device that will enable the direct methanol fuel cell to power automobiles, a water purification system that turns sea water into distilled water, an environmental oxygen system, the use of methacoal instead of coal to reduce smog and hurricane-proof, tornado-resistant homes. These are just a few of the technologies that Mr. Keller developed with his partner, Mr. Stanton—technologies designed to improve the quality of life for everyone.

Mr. Keller was a dedicated member of the First Christian Church, Disciples of Christ, in Bonham, where he served as an elder, and he was active in the Veterans of Foreign Wars Post 4852 in Bonham. He also was dedicated to his family and is survived by his wife of 57 years, Marjorie Maxine Keller; sons Jerry, Steve, and David; one grandson; two granddaughters; five great-grandsons; one nephew; and two nieces.

Mr. Keller will long be remembered for his many contributions to his country and community, and he will be sorely missed by his loving family and his many friends in Bonham. As we adjourn today, Mr. Speaker, let us pay our last respects to this outstanding American, Leonard James Keller, who envisioned a better future for all of us.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

MAY 8, 2000

Rollcall vote No. 146, on the motion to Suspend the Rules and agree to H. Con. Res. 296, Expressing the sense of Congress regarding the necessity to expedite the settlement process concerning claims of racism against the Department of Agriculture brought by African-American farmers, I would have vote "yea."

Rollcall vote No. 147, on the motion to Suspend the Rules and pass H.R. 3577, increased authorization for the North Side Pumping Division of the Minidoka Reclamation Project, I would have voted "yea."

Rollcall vote No. 18, on the motion to Suspend the Rules and agree to H. Con. Res. 89, recognizing the Hermann Monument as a national symbol of the contributions of Americans of German heritage, I would have voted "yea."

KENTUCKY NURSES WEEK

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mrs. NORTHUP. Mr. Speaker, today I honor a group of Kentuckians who are truly dedicated to serving others. The qualities of our nurses are not limited to their medical skill and quick thinking, but also include their reassuring and comforting manner. Day after day, in endless settings, nurses are expected to be energetic, efficient, and attentive. This week is Kentucky Nurses Week, and we should all remember the nurses across the Commonwealth who have committed their careers to helping others feel better.

Each medical area has a network of nurses who devote long hours to offering quality care to people from each walk of life. It probably isn't difficult to remember a time when a nurse's skill eased our pain, or when a nurse's kind words or smile eased our apprehension. From simple to very technical procedures, nurses are prepared to help and offer service in one of the most healing fields.

The nursing profession is vital to our well-being and survival. I am proud to call your attention to Kentucky Nurses Week, May 6–12, and hope you will join me in thanking nurses sincerely for their hard work.

HONORING THE LOUISIANA STATE PENITENTIARY HOSPICE

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. BAKER. Mr. Speaker, this is National Hospital Week, when communities across the country celebrate the people that put a human face and human touch on health care. This year's theme sums it up nicely: "Touching the Future with Care." It recognizes the health care workers, volunteers and other health professionals who are there 24 hours a day, 365 days a year, curing and caring, for their neighbors who need them.

An example of this dedication is the hospice at the Louisiana State Penitentiary in Angola, Louisiana. The program won the American Hospital Association's prestigious Circle of Life Award, which recognizes innovation and improvement in end of life care.

The hospice at the Louisiana State Penitentiary, the largest maximum security prison in the United States, provides a humane and caring environment to the terminally ill. Inmates dying in the prison hospital can now spend more time with their families, be comforted by specially trained fellow inmate volunteers, and have their pain managed in a setting that is especially wary of the use of drugs. This innovative program not only gives the dying their dignity, it gives the inmate volunteers an unusual opportunity to connect with another person and give their own life some purpose. The program has also become a model for other prisons in Louisiana and across the nation.

Mr. President, I congratulate the hospice at the Louisiana State Penitentiary for its award-winning program.

HONORING POLICE CHIEF RICHARD POLZIN OF RACINE, WI

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. RYAN of Wisconsin. Mr. Speaker, today I honor a dedicated public servant and an accomplished law enforcement official. After 36 years of unwavering service to the city of Racine, WI, Police Chief Richard Polzin will retire on May 13, 2000.

Chief Polzin joined the Racine Police Department in 1964 and served in numerous capacities and was continually promoted to elevated positions until he was chosen in 1992 to head the entire department.

Chief Polzin has presided over much change in the department during his tenure. His focus on community policing and outreach is largely credited with the dramatic decreases in crime rates in Racine. He is a man that has earned great respect from those who have served with him and from the residents of Racine for whom he has dedicated his life.

On a personal note, Chief Polzin has served as a valuable resource for me in representing the people of the first district. Throughout his career he has had an open door policy and has participated in public events to further his involvement with those he has served. He has done so not for glory or praise, but rather to better serve as an effective and appreciated officer of the law.

Chief Polzin has maintained a unique personal sense of decency and common sense that has carried over to his professional career. It is with great sadness that the community bids him farewell.

I wish Chief Polzin and his family the best of success in the future and thank him for his 36 years of dedicated service.

A TRIBUTE TO BOB DYER AND HIS BRAVE ACT OF HEROISM

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. LIPINSKI. Mr. Speaker, on April 21, 2000, a powerful natural gas explosion rocked a home in the Village of Justice, a southwest suburb of Chicago at 4:00 a.m. In a matter of seconds, the home of two distinguished senior citizens became engulfed in a blazing fire.

Luckily, their new next-door neighbor, ''Bobby'' Dyer, was quickly awakened by the loud concussion. Barefoot, Dyer rushed to the scene to see his neighbors trapped in their rapidly disintegrating house. Blocking their exit was a pile of debris from the former eave over the front door. Heroically, Dyer pushed aside the heavy aluminum/wood roofing material and helped the couple through their heavily damaged front door frame. After dialing 911, he supplied his neighbors with initial first aid and clothing.

By virtually all accounts, Bob Dyer's actions thankfully saved the lives of his two neighbors. Valentine and Eileen Michalowski received second and third degree burns, as well as heavy smoke inhalation. However, I understand that they will fully recover from their serious injuries.

I was pleased to hear that the Village of Justice will hold its first ever Saturday board meeting, where May 21–27, 2000 will be appropriately named ''Bobby Dyer'' week. Mr. Speaker, I strongly echo the congratulations of the Village of Justice and I thank Mr. Dyer for his immediate contributions to the 3d Congressional District of Illinois.

IN HONOR OF TAIWANESE AMERICAN HERITAGE WEEK

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. WU. Mr. Speaker, I would like to pay tribute to Taiwanese Americans across the United States. As you may know, May 7–14 is designated as Taiwanese American Heritage Week. Today, there are more than one half-million Taiwanese Americans across the United States. From science and education, to politics, Taiwanese Americans have made profound contributions to the strength and diversity of this great nation.

Like many immigrant communities, Taiwanese Americans have maintained a close relationship with their original homeland. Exchanges between Taiwan and the United States have resulted in an ever-closer relationship in trade, culture, and values. As we witnessed in the March 18th, 2000 Taiwanese Presidential election, the people of Taiwan and the United States share a bond in their adherence to the principles of freedom, democracy, and human rights. That bond is made stronger each day by the Taiwanese American community here in the United States.

Today, as the first member of the U.S. House of Representatives born in Taiwan, I am proud to pay tribute to Taiwanese Americans. During the occasion of Taiwanese American Heritage Week, I urge all my colleagues in the U.S. House of Representatives, and indeed all Americans, to celebrate the diversity Taiwanese Americans have contributed to the United States.

HONORING RICHARD N. AFT AS HE ANNOUNCES HIS RETIREMENT AS PRESIDENT OF UNITED WAY & COMMUNITY CHEST OF GREATER CINCINNATI

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. PORTMAN. Mr. Speaker, I honor Richard N. Aft, a valued friend and constituent, who has served as president of the Greater Cincinnati United Way & Community Chest for 13 years. He announced that he will step down as president in December.

In his capacity as president, Dick leads the United Way staff, represents United Way in the Greater Cincinnati area, manages the annual fund drive, and involves community leaders in carrying out the mission of United Way, which is: ''To increase the capacity of our diverse community to prevent and alleviate human suffering.'' Under Dick's leadership, our United Way & Community Chest has been making progress each year in accomplishing this critical mission. The organization has grown to serve approximately 1,500,000 people in a seven country, two-state metropolitan area. And the United Way campaign now raises over $58 million per year.

Dick has not only expanded the responsibilities of our United Way and increased its annual revenues, he also has taken creative measures to address tough issues facing our community. For example, under his leadership, United Way formed an innovative and successful partnership called ''Every Child Succeeds'' with Children's Hospital Medical Center and the Cincinnati-Hamilton County Community Action Agency/Head Start.

Dick is a graduate of Knox College, and received an M.A. in social service administration from the University of Chicago, He is currently a Ph.D. candidate in Organizational Leadership and Development at the Union Institute in Cincinnati.

Actively involved with other organizations, Dick currently serves as a board member for the Coalition for a Drug-Free Greater Cincinnati; the Health Improvement Collaborative of Greater Cincinnati; Xavier University Advisors; Leadership Ohio; and Ohio United Way. He is an executive committee member for the Cincinnati Youth Collaborative; Hamilton County Family and Children First Council; and the Greater Cincinnati Chamber of Commerce Public Affairs Council.

Dick and his wife, Mary Lu, live in Cincinnati. They have three sons, David, Rob, and Eric.

All of us in the Greater Cincinnati area congratulate Dick on his extraordinary service to our community. We appreciate his leadership and friendship, and wish him well in his final months as United Way president and with the new challenges to come.

HONORING APPLE VALLEY HIGH SCHOOL FOR EXCELLENCE

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. LUTHER. Mr. Speaker, today I congratulate Apple Valley High School for its excellence in arts education. This school has received many awards, but most recently the National Academy of Recording Arts and Sciences selected this school, out of 18,000 applicants, to be a Grammy Signature School for the second consecutive year.

In 1991 the U.S. Department of Education recognized Apple Valley High School as a Blue Ribbon School of Excellence, and just seven years later, in 1998, the Minnesota Music Educators named AVHS the Minnesota Model Music School. The National Endowment for the Arts has also granted a AVHS a special national commendation for content-rich arts.

The outstanding success of Apple Valley High School graduates has rewarded the school's commitment to art and music education. Students' achievements are an apt reminder that arts education should not be minimized but rather embraced wholeheartedly, as Apple Valley High School's example shows.

CELEBRATE NATIONAL NURSES WEEK

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. GUTIERREZ. Mr. Speaker, today I congratulate the Edward Hines Jr. Medical Center Nurses for their invaluable work caring for our nation's veterans on the occasion of the National Nurses Week, which is celebrated the week of May 7–13, 2000.

The nursing staff at Hines Medical Center provide nursing care for veterans of all ages and all walks of life. They provide specialty care to patients from Illinois as well as throughout the Midwest. The nursing staff is committed to ensuring that all veterans received the high quality care they so richly deserve.

Approximately thirty-four thousand veterans are enrolled at Hines Medical Center. The nursing staff treat veteran patients during more than four-hundred thousand inpatient and outpatient visits each year.

The Nurses Week theme this year is ''Helping, Sharing, Always Caring for Our Veterans.'' They have a week of special events planned for Nurses Week. These include a nursing rededication to service program, nursing Olympics, and fellowship programs for all three shifts. Medical media is providing a video that highlights the many contributions of the nursing staff.

I congratulate and recognize Hines Medical Center Nurses and all nurses for their service to patient care, research, education, quality improvement, infection control, administration and the many other areas where nurses make a difference at Hines and at all medical facilities. I thank them for their commitment, dedication and tireless service.

TRIBUTE TO THE HALL OF FAME FOR GREAT AMERICANS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. SERRANO. Mr. Speaker, it is with joy and pride that I congratulate and pay tribute to the Hall of Fame for Great Americans, which will celebrate its centennial this year.

Located on the campus of Bronx Community College, the hall of Fame for Great Americans is a national landmark honoring American achievements. Along with celebrating the centennial, some prominent American leaders will be honored. This year's honorees are Bernard Beal, Valerie Lancaster Beal, Wall Street investment bankers, and Elinor Guggenheimer, a major civic leader and philanthropist in the city.

Mr. Speaker, the Hall of Fame for Great Americans is the original ''Hall of Fame'' in this country. It was founded by Dr. Henry Mitchell MacCraken, chancellor of New York University, in 1900. Last year two significant architectural awards were bestowed on the Hall of Fame, one from the New York Landmarks Conservancy and the other from the Municipal Arts Society.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Hall of Fame for Great Americans centennial celebration possible.

SUPPORT OF THE MILLION MOM MARCH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Ms. LEE. Mr. Speaker, I strongly support the Million Mom March. This weekend, mothers from across the nation will convene on the National Mall to put the U.S. Congress on notice that common sense gun policy—specifically licensing and registration—is the will of the people.

I stand beside and applaud these women. They and many of their families have been devastated by the unnecessary and preventable deaths of their children. Many of them have seen first hand the harrowing effects of too many massacres, too much heart break and too many tragedies, sometimes, even at the hands, of our children.

We promised these moms and the American people common sense gun control legislation. We have not delivered on that promise. In fact, we have gone in the other direction—engaging in a war of words only. For more than two months now, the Congress has had an opportunity to act responsibly and at a minimum insist that the conferees to the Juvenile Justice bill meet immediately. Yet our Republican leadership refuses to assert their leadership and do the right thing.

In my district, in Northern California, the Oakland City Council has taken a strong stance on gun control. They are putting human lives first by prohibiting the sale of compact hand guns, penalizing firearms ''straw sales,'' and prohibiting people under the age of 18 from entering establishments that display firearms. Yet here in Congress we won't take even the minimum steps, such as requiring child safety trigger locks, to ensure the safety of our children.

As a mother, I too feel that we can no longer afford to play partisan politics while so many children's lives remain at stake. All of the moms who will be in Washington, D.C. this weekend want results. They want us to do the right thing. They too want the Juvenile Justice Conferees to meet immediately and they want the Congress to deliver on its promise. Congress must pass common sense gun control legislation.

IN RECOGNITION OF THE GALLATIN COUNTY MARCHING HAWKS

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. PHELPS. Mr. Speaker, today I recognize and congratulate one of my district's marching bands. The Gallatin County Marching Hawks from Gallatin County High School in Junction, IL recently won second place in the Cherry Blossom Festival in Washington, D.C. They competed against fifteen other bands from the state of Illinois.

Led by Kathy Hanrahan, members of the band include Rhesa Armstrong, Whitney Belford, Brandy Bratcher, Sarah Burtis, Michelle Crayne, Megan Cremeens, Carrie Dillard, Haley Downen, Alex Drane, Wes Duffy, Jaclyn Edwards, Lane Golden, Brandi Hargrave, Sarah Head, Jennifer Holt, Laura Holt, Jennifer Howard, Kareicia Hufsey, Brittney Lane, Natalie Lane, Sarah Lawler, Amanda Lindsay, Racheal Luckett, Allison Maloney, Florence McCue, Abraham Naas, Katy Newton, Katie Noel, Rikki Pritchett, Braxton Raben, Christina Raben, Jessica Rister, Jennifer Roberts, Julia Roe, Chris Sanders, Daniel Sehou, Tabitha Vaughn, Victoria Vickery, Abby Wargel, Andrew Wargel, Benita Wentzel, Becky West, Ella York, Emily York, Kory Newton, Ben Austin, Lindsay Adams, Stuart Aud, Emily Bickett, Justin Brown, Anthony Drone, Brett Drone, Josh Drone, Andrew Fritschle, Phillip Givens, Bryan Hargrave, Brittany Jones, Lacie Jones, Hannah Naas, Natalie Ozee, Jordan Raben, Deborah Roberts, Nick Scates, Lacie Wood, Megan Zirkelbach, Kara Crayne, Kendra Fromm, and Josh Austin.

The members of the Gallatin High School Marching Hawks should be proud of their achievement. I congratulate them and wish them good luck in their future competitions.

CELEBRATING MOTHER'S DAY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. HASTINGS of Florida. Mr. Speaker, as we celebrate Mother's Day, today I celebrate the enormous contributions of mothers all over the country. I want to pay a special tribute to those mothers who have lost their children in the prime of their lives, much too early. One such mother is Ruth Tinsman, who has served as my Congressional Aide for seven years. Ruth served my two predecessors in Congress as well, and did so with the highest level of commitment and honor. Her commitment as a mother, however, has been her truest and most noble calling, as she will remind those who admire her long and devoted public service.

Mr. Speaker, Ruth Tinsman lost her son Robert Tinsman in Miami, Florida last week, his candle burned out all too soon, as the poet E.E. Cummings once said. ''Bobby,'' as he was known to his friends and family, was a veteran of the Vietnam War, an American hero to those of us who recognize the value of his tremendous sacrifices, and whose service will never be forgotten. Bobby will be remembered fondly by all who knew him, but most lovingly by his mother, whose life has always revolved around her children and grandchildren. My heart is saddened because her heart is heavy, but my sorrow is tempered by the wonderful memories that this devoted mother will always cherish. As a Member of Congress, I am honored to take this opportunity to praise the remarkable women who each day in their own way work to build a society where all of us can be free. Ruth Tinsman is such a woman, such a mother. As I salute all the mothers in this country, it is my special honor to salute her this Mother's Day.

STATEMENT IN HONOR OF TAIWANESE-AMERICAN HERITAGE WEEK

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mrs. LOWEY. Mr. Speaker, it is a great privilege for me to pay tribute to Taiwanese-American across the country as we celebrate Taiwanese-American Heritage Week.

The Taiwanese-American community is the keystone of a strong and mutually beneficial United States-Taiwanese relationship. For decades, Taiwanese-Americans have advocated on behalf of United States-Taiwan friendship, and have contributed immeasurably to American society while maintaining their Taiwanese heritage.

My Congressional District in New York is particularly fortunate to have a vibrant and strong Taiwanese-American community. And New York as a whole has benefitted from the tremendous contributions of this community to the economic and cultural character of the state. The more than half-million Taiwanese-

Americans across the United States have made priceless contributions to our country, and organizations like the Formosan Association for Public Affairs have helped further these outstanding accomplishments.

Taiwan and the United States share a common commitment to the ideals of democracy, freedom, and human rights. The 1979 Taiwan Relations Act, which formed the official basis for friendship and cooperation between the United States and Taiwan, continues to provide a strong foundation for the bond between the people of both countries. And that bond is made stronger each day by the Taiwanese-American Community.

I am privileged to represent a strong Taiwanese-American community, nad I am proud to pay tribute to their strength and activism during Taiwanese-American Heritage Week.

IN HONOR OF DUNCANVILLE HIGH SCHOOL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. FROST. Mr. Speaker, I pay honor to the outstanding achievement of students and others associated with Duncanville High School in Duncanville, Texas.

This school has been chosen by judges of the 17th Annual American Set a Good Example Competition to receive one of three national second place awards. These awards go to a school for a project done by students to influence their own peers in a positive way—away from drug abuse, crime and violence while forwarding commonly accepted moral values such as honesty, trustworthiness and competence. Additionally, Duncanville High School won the $2,500 Learning Improvement Award for the work students did on researching career information and determining a direction they want to pursue, including making resumes and completing Pell Grant applications, and writing for a minimum of five scholarships. Such projects enhance student opportunities, strengthen character and better prepare our young people for a positive future.

I commend the students, principal, administrators, teachers and parents of Duncanville High School for a job well done in these successful projects.

HONORING DR. CHARLES H. McCOLLUM, MD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. BENTSEN. Mr. Speaker, I am honoring Dr. Charles H. McCollum for being named the Houston Surgical Society's ''Distinguished Surgeon'' of 2000.

An extraordinary surgeon and teacher, Dr. McCollum has served since 1967 as Assistant Professor and then Professor of Surgery at Baylor College of Medicine. He is renowned as a lowkey yet demanding teacher who instills in his residents the excellence that he himself brings to his profession. While sharing his knowledge with residents and enhancing their performances, he is still dedicated to his patients and to his daily work in the operating room at the Texas Medical Center's Methodist Hospital.

A native of Fort Worth, Texas, Dr. McCollum graduated from the University of Texas in Austin with a B.A. in 1955. He received his Medical Degree from UT's Medical Branch in Galveston in 1959. Dr. McCollum did his internship and his residency training at the Hospital of the University of Pennsylvania in Philadelphia.

Dr. McCollum is known throughout the Texas Medical Center community as a fine physician and civic leader. From 1961–1969, Dr. McCollum was a Captain in the United States Army Reserve. He has had many academic and professional society appointments and offices. He served as President of the Texas chapter American College of Chest Physicians for 1975–1976. He lent his expertise to the Michael E. DeBakey International Surgical Society, serving as an officer from 1977 to 1992. He has served as President of the Houston Surgical Society, Southwestern Surgical Society, and the Texas Surgical Society.

Throughout his career, Dr. McCollum has distinguished himself as a caring doctor who puts his patients first and a gifted teacher who demands the best. I congratulate Dr. McCollum for being named the Houston Surgical Society's, ''Distinguished Surgeon'' of 2000.

TRIBUTE TO AMY SCHLUETER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mrs. EMERSON. Mr. Speaker, I rise today to recognize Amy Schlueter as an exceptional teenager from Rolla, Missouri. Amy was recognized yesterday at the Fifth Annual Prudential Spirit of Community Awards as one of Missouri's top two student volunteers for the year 2000. Amy received a $1,000 award, a silver medallion and her trip to D.C. for her exemplary volunteer service in her community.

Amy Schlueter started reaching out to others at a young age. Amy, a senior at Rolla High School, implemented and organized a ''Random Acts of Kindness'' club at her school to challenge her peers to act with kindness, not violence. Since her club began, 89 students and faculty members have been rewarded for random acts of kindness, and in January, a two-week celebration in Rolla recognized hundreds of community members who made a difference by being kind to others.

In Amy's words, ''Our nightly news provides us with images of savage car crashes, rapes, assaults, mutilated children, gang wars, telling us this is reality. It is exceptionally rare to hear about people doing good things for one another, and the reality is, random acts of kindness happen every day.''

This kind of maturity and dedication to a community is not often recognized in today's youth. As Amy said, we often hear about the bad behavior in our youth. I hope Amy will serve as an inspiration to today's youth as she demonstrates that it is cool to be kind to others, and youth can play an important role in their community.

Next week is National Random Acts of Kindness Week. As we work on our annual spending bills, and go about our day-to-day business, I hope that my colleagues can follow Amy's example. I also hope we as a society can spend more time focusing on the Amy Schlueter's of the world when we watch the evening news so we will have good examples to follow.

REGARDING PERMANENT NORMAL TRADE RELATIONS WITH CHINA

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. PHELPS. Mr. Speaker, today after months of information-gathering, discussion, and deliberation, I am announcing my position on the issue of granting Permanent Normal Trade Relations (PNTR) status to China. I would like to express my sincere appreciation to the hundreds of constituents, colleagues, community leaders, and representatives of groups with a stake in this debate, for sharing their views and answering my questions as they patiently engaged in this process with me. Seldom in my legislative career have I taken an issue more seriously than this one. While I realize that my decision will not please everybody, I hope there is no doubt that every voice and every argument presented to me was given the utmost consideration.

I believe it to be in the best interests of the 19th District of Illinois, and the nation as a whole, that I oppose extension of Permanent Normal Trade Relations to China. I do support China's accession to the World Trade Organization. However, I am convinced that the United States must maintain annual grants of NTR until we have ascertained that China is living up to WTO rules and our own expectations regarding human rights, labor rights, religious tolerance and environmental protection.

China has a long history of failing to live up to its agreements, and Chinese officials have recently indicated they do not intend to abide by certain components of the WTO agreement either. While I hope this will not be the case, I am not comfortable relinquishing bilateral enforcement tools like Section 301 and anti-dumping provisions in favor of a WTO dispute resolution process which is notoriously slow. We must not place ourselves in a situation where American jobs are sacrificed while we wait two or three years for a WTO ruling, only to have no recourse if the ruling is adverse.

Many argue that only through engagement and open trade will we see programs in China on matters of labor rights, human rights, religious persecution, and environmental degradation. If this is indeed the case, then we need not worry, for China will be engaged with the global marketplace through its WTO membership regardless of the outcome of our PNTR vote. Unfortunately, there is reason to doubt this contention. The United States has

been trading with China since 1980, and since 1994 we have followed a policy of ''delinking'' human rights from trade policy, based upon the theory that free trade equals greater freedom in society. Yet every year since delinkage conditions in China have worsened, and according to a 1999 State Department report, human rights there have deteriorated markedly.

I represent an agricultural district, and I have seen first-hand the devastation that recent price drops have wrought. I am sympathetic to the need for expanded export markets and other opportunities to improve the farm economy, and if I believed that the China agreement was the answer to agriculture's problems, I may have taken a different position. Unfortunately, several factors lead me to the opposite conclusion. First, as I have mentioned, China has not been a model trading partner in the past, and I remain skeptical that they will follow through with promises regarding agriculture and other products. Second, China is a nation committed to preserving its national independence and improving rural stability, and its agricultural production consistently outpaces demand. China maintains nearly a three-to-one ratio of agricultural exports to imports, and I worry that China's objective is to improve its domestic distribution system, rather than bring in more agriculture products when they already have surpluses. If this is the case, our agreement with China will bring minimal benefits to struggling farmers in Illinois.

The argument has been made that increased trade with China will obviate the need for federal assistance like the $8.7 billion in emergency farm aid that Congress provided last year. However, even under the rosiest scenario, the total value of U.S. exports of wheat, rice, corn, cotton, soybeans and soybean products to China would increase by $1.6 billion dollars in 2005 when the agreement is fully implemented, and the average annual value of U.S. exports from 2000 through 2009 would increase by $1.5 billion dollars. The administration estimates that net farm income would be higher by $1.7 billion in 2005, and higher by an annual average of $1.1 billion per year through 2009, although higher feed costs and reduced government payments would offset part of the increase.

These potential increases, even if fully realized, fall billions short of the assistance that has been required in recent years to help farmers weather hard times, suggesting to me that China's export market is not the panacea it has been portrayed to be. I recall that during the NAFTA debate, proponents of the agreement made similar arguments about the importance of new export markets for American agriculture. Yet since NAFTA's passage, our farmers have experienced the worst farm crisis in decades.

Furthermore, any decreases in federal aid to farmers would likely be negated by the increased funding needed for dislocated worker programs like Trade Adjustment Assistance. Since 1994, in my district alone, over 2200 workers have qualified for TAA. If PNTR is granted, many American companies will undoubtedly find it more cost-effective to shift production to China. This will mean even more displaced workers (and more federal aid) in a district like mine, where manufacturing jobs often provide the highest wages and best benefits in the area. Even ardent backers of PNTR admit that while on the whole they believe the agreement will benefit the American economy, some sectors will suffer and some areas will lose jobs.

Finally, although the United States and China have reached agreement on many issues, the Government Accounting Office warns that some remain incomplete. Several negotiating objectives have yet to be reached, and of those that have, some remain to be finalized. In addition, China has not yet reached agreement with the European Union. I am reluctant to vote to forever relinquish congressional powers of review when we have not been presented with a complete agreement, and when even the nature of the remaining issues has been classified as a national security matter.

Many of my concerns can be answered by taking a cautious approach to this issue, welcoming China into the WTO without granting PNTR and sacrificing our bilateral enforcement mechanisms. With all due respect to those who have sought to convince me otherwise, I firmly believe that this approach is viable. I am convinced that our 1979 Agreement with China ensures for American farmers and manufacturers the identical tariff and other benefits that China must give all other WTO nations once it enters that body. Therefore, we need not fear that our goods will be at a competitive disadvantage to similar products from other member nations. Meanwhile, we will maintain our ability to respond to non-compliance or bad behavior on China's part with our own enforcement tools which have proven effective in the past. Our already large trade deficit with China is expected to widen under this agreement, and we must be able to act quickly and effectively to protect the interests of American producers, businesses, workers and consumers.

I remain committed to working towards a free and open trading relationship with China, one that promotes growth and change in that nation without shortchanging American interests. However, I do not believe that we have reached an agreement that will accomplish these goals. The very definition of PNTR is that it is permanent. Given the many doubts and concerns I have not been able to reconcile, I am simply not prepared to support the irrevocable sacrifice of America's leverage and oversight on such a critical issue.

CELEBRATING THE 225TH ANNIVERSARY OF THE FIRST AMERICAN VICTORY OF THE REVOLUTIONARY WAR

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. SWEENEY. Mr. Speaker, two hundred and twenty-five years ago on May 10, 1775, Ethan Allen and his Green Mountain Boys made history when they seized the British garrison at Fort Ticonderoga, giving the newly formed American revolutionary forces their first victory.

Ethan Allen and his band of Green Mountain Men met up with Benedict Arnold, who had orders to capture Fort Ticonderoga. Benedict Arnold had the orders, Ethan Allen had the men. Together they set off to capture the fort.

Early on the morning of May 10, after surprising the guards, Ethan Allen charged up the steps of the Fort Commander's quarters and was challenged by Lieutenant Jocelyn Feltham who asked what orders he acted upon. Ethan Allen replied that he acted, ''in the name of the Great Jehovah and the Continental Congress.'' Others suggest less noble words were used.

Meanwhile, the rest of Allen's forces stormed into the South Barracks and confined the garrison before they could offer resistance. Realizing fight was futile, Captain Delaplace came to the door, and gave his sword to Allen, surrendering His Majesty's Fort at Ticonderoga, giving America its first victory in the Revolutionary War.

Fortunately, you can still visit Fort Ticonderoga. It is located between beautiful Lake George and Lake Champlain, NY and is reachable via Amtrak. Perfect for a weekend get-a-way where you can relax and learn more about this great nation's history.

THE THIRD ANNUAL JIMMY KENNEDY MEMORIAL RUN FOR AMYOTROPHIC LATERAL SCLEROSIS (ALS)

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. DELAHUNT. Mr. Speaker, today I recognize the organizers and runners of the Squirrel Run III, also known as the Third Annual Jimmy Kennedy Memorial Run for Amyotrophic Lateral Sclerosis [ALS], on June 10 in Quincy, in the Tenth District of Massachusetts.

The race honors two members of a highly respected Quincy family who succumbed to the ravages of ALS, which is better known as Lou Gehrig's Disease. Christopher Kennedy, former president of the Quincy School Committee, dean at Northeastern University, and honored civic leader, died at the age of 66. His youngest son, Jimmy (''Squirrel'') lost his agonizing 2-year battle in 1997, succumbing just before his 31st birthday.

ALS is a disease with no known cause or cure. It is relentlessly progressive and always fatal, attacking and destroying nerve cells called motor neurons, which control the movement of voluntary muscles. Gradually and inexorably, day-to-day existence becomes increasingly difficult. Fine motor control is first to suffer, followed by functional capabilities such as standing and walking. Ultimately speech becomes impossible and the ability to swallow is lost. Finally the victim is unable to breathe. In perhaps the cruelest twist of all, while the body wastes away, the mind and senses are competely unaffected. Throughout the terrible process, the victim's intellect remains intact, providing a clear and cruel awareness of their situation. Victims have related that suffering

from ALS is akin to taking part in their own funeral. Family, friends, and physicians can only stand helplessly by and watch the terrible and inevitable deterioration.

ALS cuts across all racial, gender and social lines, claiming more than 5,000 victims every year, with approximately 13 new cases diagnosed each day. An estimated 300,000 Americans, who are alive and apparently well today, will be diagnosed and ultimately die from ALS.

In the brief time since its inception, the Squirrel Run has been an amazing success, especially considering this grassroots effort was conceived and intiated by two proud amateurs, starting with nothing but pain and frustration. The Quincy natives, Richard Kennedy and Martin Levenson, have teamed to make the Squirrel Run a visible and successful example of how hard work, dedication and commitment to a cause can make a difference in peoples' lives.

All proceeds from the Squirrel Run go directly to the Day Neuromuscular Research Lab at Massachusetts General Hospital in Boston. The Day Lab is at the forefront of the battle against ALS, and world-renowned for research into its cause and cure. The success of the Squirrel Run will benefit citizens of the Commonwealth of Masssachusetts as well as ALS victims worldwide who are desperately seeking a cure.

I urge my colleagues to join me in saluting the commitment of all those associated with Squirrel Run III and to draw on this dedication to redouble our own efforts to accelerate reserach to overcome the challenge of ALS.

CONCERN FOR ZIMBABWE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. GILMAN. Mr. Speaker, it gives me little pleasure to have to introduce this resolution concerning the intimidation and violence that the ruling party of Zimbabwe continues to inflict upon its own citizens.

It saddens me because President Robert Mugabe once spoke passionately and persuasively of justice, liberty, and majority rule. Destiny led this Jesuit-trained school teacher to become the leader of a liberation movement. His passionate intensity aroused sympathy for his cause from people around the world.

But at some point during the past twenty years, that vision of a peaceful, democratic Zimbabwe has become twisted and bent. The president seems to believe that it is his birthright to rule and that he will live forever. The ruling party seems to equate legitimate political competition with treasonable offenses. And officials throughout the government seem to regard their positions of public trust as licenses to steal from their own citizens.

Earlier this year, the people of Zimbabwe soundly rejected a constitutional referendum that would have given the president even greater powers. Commercial farmers, both black and white, as well as the commercial farm workers who comprise 26 percent of Zimbabwe's labor force, fought the referendum and won.

Surprised that anyone should dare question its authority, the ruling party, at the direction of the president, launched a brutal and cynical campaign to cow its political opponents into submission. Peaceful opposition demonstrators have been beaten, harassed, and detained by state security forces. Roving bands of political thugs for hire have beaten farm workers, killed farmers and livestock, burned crops, and stolen equipment. Corruption, greed, and dirty tactics have become the defining characteristics of a once-proud ZANU party leadership.

These activities have not gone unnoticed among Zimbabwe's neighbors and democratic nations around the world. Zimbabwe's law requires that parliamentary elections be held within the next few months. The intimidation and state-sponsored violence we have observed these past few months are designed to keep all power in the hands of the ruling party, which currently holds 147 or the 150 seats of parliament.

These tactics are not just misguided; they are also destined to fail. The people of Zimbabwe are patient. They are loyal. They are respectful of those who fought for liberation. But they are not cowards. They are not ignorant. And their patience is limited.

Every time a farm worker is beaten for asserting his right of free speech, ZANU loses support. Every time a Zimbabwean soldier dies in Congo for a war that means nothing to his family, ZANU loses support. Every time a field lies fallow because the farmers have been driven off, ZANU loses support. And every time land promised to the people winds up in the hands of a corrupt party official, ZANU loses support.

President Mugabe has made the gravest mistake any politician can make: he has underestimated the people he governs.

H. Res. 500 expresses the House of Representatives profound dismay at the practices of Zimbabwe's current leadership and our sincere wish that the people of Zimbabwe, who deserve the political freedoms many of them fought for, will remain steadfast in their peaceful pursuit of democratic reform.

Mr. Speaker, I submit the text of H. Res. 500 at this point in the CONGRESSIONAL RECORD.

H. RES. 500

Whereas people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

Whereas Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

Whereas the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

Whereas a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

Whereas the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

Whereas previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

Whereas recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

Whereas violence has been directed toward individuals of all races;

Whereas the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

Whereas the offices of a leading independent newspaper in Zimbabwe have been bombed;

Whereas the Government of Zimbabwe has not yet publicly condemned the recent violence;

Whereas President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

Whereas 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

Whereas no date has been set for parliamentary elections in Zimbabwe;

Whereas the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

Whereas the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

Whereas the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

Whereas events in Zimbabwe could threaten stability and economic development in the entire region: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulate all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation;

(9) recommends that the United States send a bipartisan delegation under the auspices of the International Republican Institute and the National Democratice Institute for International Affairs to observe the parliamentary education process in Zimbabwe; and

(10) desires a lasting, warm, and mutually beneficial relationship between the United States and democratic, peaceful Zimbabwe.

CENTRAL NEW JERSEY HONORS ENVIRONMENTAL ADVOCATE JOHN WEINGART

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. HOLT. Mr. Speaker, today I recognize a truly outstanding citizen of Central New Jersey. Each year the New Jersey Environmental Lobby presents the Frank J. Oliver Environmental Award to individuals who have contributed in a special way to the protection and preservation of New Jersey's environment. This year, the NJEL has chosen to honor an individual who has devoted many years, both professionally and personally, to the protection of New Jersey's resources and its citizens. Today, I rise in honor of John Weingart for his tireless efforts to preserve New Jersey for future generations.

John Weingart is a man of many talents. He has worked for the Department of Environmental Protection, serving there as Assistant Commissioner before leaving to become the Executive Director of the Low-Level Radioactive Waste Siting Commission. In the later capacity, he instituted several innovative concepts, including the idea of a voluntary self-selection process for municipalities interested in the siting facility. Although his efforts did not succeed in obtaining such a site, his approach is worthy of mention.

Even more surprising was John's reaction after all possible avenues had been explored. At this point, this government agency head did the unthinkable: he suggested that they disband his agency and that he and the other professionals seek employment elsewhere. Mr. Speaker, John is a true public servant who had the courage to eliminate his own job.

Mr. Speaker, the efforts of John Weingart serve as an excellent example to all citizens of New Jersey. I ask all my colleagues to join with me in congratulating John Weingart for his recognition by the Environmental Lobby.

IN RECOGNITION OF THE AMERICAN ASSOCIATION OF PHYSICIANS OF INDIAN ORIGIN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. STARK. Mr. Speaker, today I recognize the American Association of Physicians of Indian Origin (AAPIO). AAPIO is an outstanding professional organization with over 36,000 physicians of Indian origin practicing across the nation. The Northern California Chapter of AAPIO will hold its annual meeting on May 13, 2000 in Fremont, California, a major city within my 13th Congressional District. The Northern California Chapter represents approximately 700 physicians and allied health professionals in Northern California and constitutes the local chapter of AAPIO.

Northern California AAPIO Chapter President Dr. Subroto Kundu and President Elect, Dr. Srinivas Ramachandran are among the officers, the Board of Trustees and AAPIO members providing exemplary leadership within the 13th congressional district and all of Northern California. These individuals work to insure the integrity of health care delivery and are committed to the well-being of the communities in which they serve.

I applaud the Northern California Chapter's continuing efforts to organize and promote community service events, such as Health Fairs and Community Medical Education Seminars, upholding the physician's role in society to treat, teach, and guide individuals to good health.

AAPIO physicians provide their time and energy in community service and leadership. They are actively involved in healthcare related issues on the local, state and national level and represent the majority of physicians who serve our uninsured and under-insured populations.

As the AAPIO Northern California Chapter gathers on May 13, I wish them success at their Annual Meeting. I am confident AAPIO will continue to meet our healthcare challenges and will renew their commitment to community service and involvement.

PRESCRIPTION DRUG COVERAGE

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from seniors around the state of Michigan who shared their personal stories with me. On that day, I made a commitment to continue to read a different constituent letter every week until the House enacts reform. This week, I will read a letter from Mr. and Mrs. Arnold Crook.

Modern medicine has changed dramatically over the last three decades. When Medicare was created in 1965, most medical treatment was provided in hospitals. Surgery and other inpatient treatments were the norm and Medicare coverage for long hospital stays was a priority. Today, with the benefit of breakthrough pharmaceutical discoveries, many diseases can be controlled and treated with medication rather than lengthy hospital stays. Routine surgeries and procedures are performed on an outpatient basis. Medicare needs to be modernized to reflect these changes in our nation's healthcare delivery system. The number one advance in medical science of the 20th century is the development of life-saving drugs. It is critical that Medicare covers prescription drugs, so that seniors can have access to the best and most medically advanced treatments.

Furthermore, the price of prescription drugs is rising at a dramatic rate and we need to do something to make prescription drugs more affordable. According to Bureau of Labor Statistics, drug prices rose by 306 percent between 1981 and 1999, while the Consumer Price Index rose just 99 percent during the same period. In other words, prescription drug prices have increased at a rate three times higher than inflation.

The letter I will read tonight comes from a couple who reside in Hillsdale, MI. I am saddened to say, their story is not unique. I have asked seniors from all over Michigan to send me their personal stories about the prices they pay for prescription drugs and many of them send me copies of their bills. Mr. and Mrs. Arnold Crook sent me a bill that shows they paid over $1,125 for their prescription drugs last year. Here is their story.

"Madam, we have a income of $800 a month between the two of us. Beside, we have our household costs. We can't go [out] or do anything because [it] takes all of our income for the cost to live. Some weeks [we] wonder just how long we can go on. It [our prescription drug bill] keeps going up in cost and [we] cannot live. Mr. and Mrs. Arnold Crook."

Mr. and Mrs. Crook and thousands of older Americans like them need our help. Creating a Medicare prescription drug benefit to help cover the costs of their medications would make a big difference in their finances and in the quality of their lives. These seniors are a part of the "greatest generation ever" who helped build the strong economy we are enjoying today. Our nation is in economic good times and I believe it is time to fix the Medicare program so that it includes a prescription drug benefit.

TRAFFICKING VICTIMS PROTECTION ACT Of 2000

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2000

Mrs. MALONEY of New York. Mr. Speaker, I support this bill

The exploitation of our world's girls and young women in sex trafficking is a tragic human rights offense.

Many of these women are kidnaped, sold, or tricked into brothel captivity.

And this does not happen just in countries miles away form our own. Each year women from all over the world are brought into the United States, for the sole purpose that they be bought and sold by American citizens for commercial sex.

I am happy to see that Congress is addressing this issue.

It is important that we protect the victims of the sex trade industry, and punish the predators that exploit the women.

This bill takes a significant step towards making a difference in the lives of women around the world.

It authorizes a new visa for trafficking victims to provide protection to the women and children that are brought into the United States and forced into prostitution.

The bill establishes initiatives to prevent trafficking through education, and authorizes assistance to the native countries of sex trafficked victims to help stop the industry.

And by establishing new criminal provisions and increasing penalties for traffickers this bill punishes traffickers for profiting from the victimization of women.

Of course there is more that needs to be done to stop the many human rights abuses inflicted on women around the world.

Preventing the trafficking of women is an important step in stopping the booming sex trade industry.

I commend the Representative from New Jersey for this legislation and I join with him and urge a ''yes'' vote on this bill.

RECOGNIZING PLAINSBORO TOWNSHIP AS AN ''EDUCATION TOWNSHIP''

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. HOLT. Mr. Speaker, today I recognize the Township of Plainsboro, New Jersey, as an ''Education Township.'' It is, in fact, the town that schools built.

Plainsboro was founded on the principle of local education. For many years there were only four one-room schoolhouses that served the children of this particular area of Central New Jersey. In 1908, a large wood-frame two room schoolhouse was built. These schools and the teachers who taught in them, were paid and maintained under the Boards of Education of Cranbury and South Brunswick townships.

As the local population increased, the people of the Plainsboro area wanted a larger four-room school for their children. The school Boards refused. Plainsboro's representative on the Board of Education, John Van Buren Wicoff (an attorney at law and a lifelong resident who had attended the public schools in Plainsboro) tried to persuade the Cranbury Board of Education to build a larger school. When efforts failed to provide money for the school, the people of Plainsboro petitioned the New Jersey State Legislature to create the Township of Plainsboro.

The legislation to establish the Township of Plainsboro was approved April 1, 1919. Among the first act taken was the construction of a new four-room school built of stone.

For many years the 6th grade graduates of Plainsboro elementary school attended a 7th and 8th grade Junior High School in Princeton and then went on to attend Princeton High School.

As time passed, it became apparent that Princeton High School could no longer accommodate the growing school-age population of the area. As a result, Plainsboro and its neighbor, West Windsor, required both junior and senior high schools.

In 1969 a proposal was drafted to create a regional based school system that would provide public education from kindergarten through the 12th grade for the children of both Plainsboro and West Windsor. Voters in both townships overwhelmingly approved the proposal.

Today, Mr. Speaker, the West Windsor-Plainsboro School System is one of the best in the county.

NEW REPORT SHOWS INDIAN GOVERNMENT IS TO BLAME FOR MASSACRE OF 35 SIKHS IN CHATTI SINGHPORA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2000

Mr. TOWNS. Mr. Speaker, recently two human-rights groups in Punjab, the Punjab Human Rights Organization and the Movement Against State Repression, published a report on the massacre of 35 Sikhs in the village of Chatti Singhpora, Kashmir, this past March. Despite the Indian government's efforts to blame Pakistan and alleged Kashmiri ''militants'' for the massacre, an effort the Indian government reinforced by killing five innocent Kashmiris, the report clearly and unambiguously places the blame where it belongs—on the Indian government.

''It is our considered opinion,'' the report says, ''that Pakistan has nothing to gain by ordering militants/mercenaries to massacre Sikhs in the Kashmir valley. Pakistan had steered clear of this kind of act during 10–15 years of militancy in J&K,'' the group wrote. ''J&K militants too had nothing to gain from such an incident. Indian leaders however gained substantial mileage from this incident as a spate of international sympathy was forthcoming,'' the investigative team wrote. They noted that India's Home Minister, L.K. Advani, ''was quoted as saying that three events brought a turn around in international opinion in India's favor. He mentioned Kargil, the hijacking of the Indian airliner, and the Chatti Singhpora incident.''

According to the report, the people in the village of Chatti Singhpora ''did not believe that militants had any hand in this incident.'' The report notes that ''as a rule foreign mercenaries visit a village once and do not come back again. So these men cannot be militants. Also real militants do not part with their weapons even for a minute.'' The killers wore military uniforms and chanted ''Jai Mata Di; Jai Hind,'' a Hindu nationalist slogan. The report notes that the Sikhs and Kashmiri Muslims have very good relations. Both the Chief Minister of Kashmir, Farooq Abdullah, and Mr. Advani had warned villagers against supporting ''militants.''

The authors of the report conclude that the Indian government's counterinsurgency forces, which are run by the Indian intelligence service, RAW, are responsible for the massacre of Chatti Singhpora.

Unfortunately, the Indian government is suppressing this information, and their friends in the democratic countries of the world are protecting them. There must be a full, fair, independent, and complete investigation and the people responsible for this terrible atrocity must be prosecuted. However, Parliamentary Affairs Minister Pramod Mahajan admitted that ''security forces would not be punished for the killings of civilians. It would demoralize the troops who are fighting insurgency in different states.'' This is a very revealing statement by an official of the Indian government. Perhaps this is why an allegedly democratic country needs a ''Movement Against State Repression.''

America is the beacon of freedom. America must not allow an allegedly democratic country to continue these activities. We must do what we can to help bring freedom to the people of South Asia. It is time to stop our aid to India until it lets the people within its borders enjoy the human rights to which all people are entitled. We should stop supporting India's anti-Americanism. And we should declare our support for an internationally-supervised, free and fair plebiscite in Punjab, Khalistan on the question of independence. We should also support similar plebiscites in Kashmir, in Christian Nagaland, and throughout India. This is the way to bring real freedom, peace, prosperity, and stability to South Asia. It will also gain us new allies in that troubled region.

Mr. Speaker, I wish I could put this excellent report into the RECORD, but it is too long. I would like to place the summary sections of observations and recommendations into the RECORD, for the information of my colleagues. I urge my colleagues, especially those who are supporters of India, to read these sections carefully.

VISIT TO CHITHI SINGHPORA

OBSERVATIONS

3.1. Team Observations

The facts narrated above clearly indicate that the visitors of Chithi Singhpora were not members of the security forces. Dress, language, careless handling of weapons and behaviour in general discounts the security forces. That they were militants, can also be safely ruled out because it is general knowledge that militants guard their weapons most carefully and would not visit a location repeatedly knowing that an RR post is located 3–4 kms away. The finger therefore points towards the so-called Counter Insurgents/Renegades (Surrendered militants). The description of the villagers, in fact, corroborates this assessment.

The fact that the RR Unit was located close to Chithi Singhpora and the statement of Principal Ranji Singh and teacher Niranjan Singh clearly indicated that the security forces know fully well about the identity of the visitors to Chithi Singhpora and did nothing about it.

The statements of various individuals in Anantnag/Srinagar tallies with what the villagers narrated to the team. One man Karamjit Singh spoke a different language. He stressed in his statement that the killers were militants. Secondly his various actions indicate that he has an inkling that some force had come to kill on March 20, 2000 evening. His escape was miraculous in spite of his being addressed directly by the so called CO not to go home. He still escaped. In our opinion Karamjit appears to have been in some contact with the security forces. His migration to Jammu and his nervousness during the teams meeting with him clearly point to this.

The State Chief Minister, Farooq Abdulla had asked for a Judicial enquiry into the Chithi Singhpora killings by a Supreme Court Judge. (Press Statement is attached as Annexture II). Instead, the Centre has ordered a judicial enquiry by Justice Pandhian into the Pathribal killings of five civilians and police firing at Brakpora. The Chithi Singhpora killings are to be probed by the Additional Judicial Magistrate only. This clearly indicates that the truth behind this Chithi Singhpora incident is not being allowed to surface.

All efforts should be made to normalise the situation and bring the Sikhs back into the mainstream in the State.

The team feels that Law and Order being a state subject, the handling and allotment of tasks to the Counter-Insurgency Force was done by the state authorities under the aegis of the Director General of Police. Events as they unfolded clearly indicate that this force was misutilised for criminal acts outside the parameters of law. Here we have support from the publication Amnesty International (Embargoed for February 22, 1999). An extract from the same (Page 26, Column 2) is reproduced here.

''. . . Only three months earlier, Chief Minister Dr. Farooq Abdullah was quoted as saying that the Jammu and Kashmir state police and the Punjab police had achieved excellence in fighting terrorism and they could be trusted in the proxy war-like situation facing the state. The referrnce to Punjab police was no chance remark as the Director General of Police appointed in February 1997 has served for many years in counter-insurgency operations in Punjab where high levels of human rights violations had been reported. The Jammu and Kashmir state police have shown a disturbing disregard for the rule of law in their expanding counter-insurgency operations, leading to increasing allegations of arbitrary arrests, torture, killings and 'disappearance' perpetrated by police officers themselves and reports of their connivance in abuses committed by other agencies such as the renegades. It is also shown in the way police have obstructed victims' and victims' families' access to redress.''

We feel that a Central Agency directed this operation without the knowledge of the State Chief Minister and his Cabinet. This, therefore, is an act that needs to be condemned and a high level probe ordered to punish the guilty.

The Sikh soldiers have been used disproportionately in Nagaland, Assam, Sri Lanka and all along in Kashmir. This tends to endanger the amity existing between the minority and local majority community. This has special reference to the good relations existing between the majority Kashmiri Muslims and the minority Kashmiri Sikhs in J&K.

It is our considered opinion that Pakistan had nothing a gain by ordering militants/mercenaries to massacre Sikhs in the Kashmir valley. Pakistan had stressed clear of this kind of act during the past 10–15 years of military in J&K.

J&K militants too had nothing a gain from such an incident.

Indian leaders however gained substantial mileage from the incident as a spate of international sympathy was forthcoming. In fact President Clinton was joined by a number of others in decrying terrorism and killing of civilians in Kashmir. Union Home Minister Advani

RECOMMENDATIONS

4.1. Team Recommendations

The Chithi Singhpora killings resulted in a major tragedy for the Sikh community in J&K. It was a traumatic event which had national and international ramifications. The killers have yet to be identified by the state and national authorities. It is therefore, very vital to discount various rumours and conjectures making the rounds. The team recommends that:

i. The Chithi Singhpora killings be investigated by the United Nations Human Rights Commission as these killings are symptomatic of killings that have taken place in various parts of India during counter-insurgency operations. Once the culprits are identified they should be dealt with speedily in accordance with the law.

ii. Compensation to be given to the victims of the killings at Chithi Singhpora. Pathribal, Brakpora and other related incidents should be Rupees 10 Lakhs as recommended to be given to victims of custodial killings by the Indian NHRC along with allied benefits.

iii. In spite of assistance by the majority Kashmiri Muslims and security measures taken by the centre and state government, some Sikh families still feel insecure and desire to migrate. In case they do so they should be provided with adequate facilities at least equal to that provided to the migrating Kashmiri Pandits and their families.

iv. The Chithi Singhpora killings put a question mark on the employment of surrendered militants as a viable counter-insurgency force. This force consists of individuals who have changed loyalties for material benefits. Their misuse of arms and exploitation of the situation for personal gain has been highlighted by the media repeatedly. We strongly recommend that this force be disbanded forthwith. Surrendered militants should be absorbed into mainstream of civil life rather than be employed in the counter-insurgency role.

Dated: April 29, 2000.

Signed,

AJIT SINGH BAINS,
Justice (Retd).
INDERJIT SINGH JAIJEE,
KARTAR SINGH GILL,
Lt. Gen. (Retd).

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 11, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 12

10 a.m.
Governmental Affairs
To hold hearings on the nomination of Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics.
SD–342

MAY 16

10 a.m.
Foreign Relations
To hold hearings to examine the U.S. Commission for International Freedom's findings on Russia, China, and Sudan.
SD–419
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the Army Corps of Engineer's backlog of authorized projects and the future of the Army Corps of Engineers' mission.
SD–406
Armed Services
To hold hearings on the nomination of the following named officer for appointment as Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033: Adm. Vernon E. Clark, to be Admiral.
SR–222

2 p.m.
Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings to examien threats to Federal Law Enforcment Officers.
SD–226

3 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed transportation policy.
SD–366

MAY 17

9:30 a.m.
Indian Affairs
To hold oversight hearings on Indian arts and crafts programs.
SR–485
Energy and Natural Resources
Business meeting to consider pending calendar business.
SH–216
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Clean Air Act, focusing on an incentive-based utility emissions reduction approach.
SD–406

10 a.m.
Finance
Business meeting to markup proposed legislation extending Permanent Normal Trading Relations to China.
SD–215

2 p.m.
Indian Affairs
To hold hearings on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project; and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota.
SR–485

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.
SD–366

Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold oversight hearings to examine satellite export controls.
SD–419

MAY 18

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine mental health parity.
SD–430

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1584, to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; S. 1685, to authorize the Golden Spike/Crossroads of the West National Heritage Area; H.R. 2932, to authorize the Golden Spike Crossroads of the West National Heritage Area; S. 1998, to establish the Yuma Crossing National Heritage Area; S. 2247, to establish the Wheeling National Heritage Area in the State of West Virginia; S. 2421, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts; and S. 2511, to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska.
SD–366

MAY 19

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the extent to which fraud and criminal activities are affecting commerce on the internet, focusing on the widespread availability of false identification documents and credentials on the internet and the criminal uses to which such identification is put.
SD–342

MAY 23

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine drug safety and pricing.
SD–430

10 a.m.
Small Business
To hold hearings on Internal Revenue Service restructuring, focusing on small businesses.
SR–428A

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 740, to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities.
SD–366

3 p.m.
Foreign Relations
To hold hearings on the Meltzer Commission, focusing on the future of the International Monetary Fund and world.
SD–419

MAY 24

9:30 a.m.
Indian Affairs
To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

Energy and Natural Resources
Business meeting to consider pending calendar business.
SH–216

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding , storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.
SD–366

MAY 25

10 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine gene therapy issues.
SD–430

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the potential ban on snowmobiles in Yellowstone and Grand Teton National Parks and the recent decision by the Department of the Interior to prohibit snowmobile activities in other units of the National Park System.
SD–366

JUNE 7

9:30 a.m.
Indian Affairs
To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.
SR–485

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; S. 2069, to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.
SD–366

JUNE 21

9:30 a.m.
Indian Affairs
To hold hearings on certain Indian Trust Corporation activities.
SR–485

JUNE 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.
SR–485

JULY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.
SR–485

JULY 19

9:30 a.m.
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.
SR–485

JULY 26

9:30 a.m.
Indian Affairs
To hold hearings on authorizing funds for programs of the Indian Health Care Improvement Act.
SR–485

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

POSTPONEMENTS

MAY 16

9:30 a.m.
Small Business
Business meeting to markup S. 1594, to amend the Small Business Act and Small Business Investment Act of 1958.
SR–428A