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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. COOKSEY).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 25, 2000.

I hereby appoint the Honorable JOHN COOKSEY to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader, and the minority whip limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

LIVABLE COMMUNITIES AND REDUCING GUN VIOLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, my purpose in serving in Congress is to help make our families live in livable communities, places where those families can be safe, healthy, and economically secure. An important part of that effort is reducing the toll of death and injury from gun violence.

One of my biggest disappointments of a public service career is our inability as a government to take action. Since I have been active in politics we have lost 1 million Americans to gun violence, more than all the Americans killed in every war since the Civil War. Preparing to leave this summer, the House has delayed for 1 year acting on the activities for reducing gun violence that were passed by the Senate.

We can in fact take sensible steps, as we have with other public health crises. For instance, we had faced massive carnage on our Nation's highways. Yet, for the last 30 years, as part of a larger strategy, we have cut automobile deaths in half, not by accepting the carnage but by moving forward with a safer automobile product, highway design, and attitudes towards things like drunk driving.

The same approach can work with gun violence. The American public wants it and will support it. They want to see steps to make guns safer, to keep guns out of the hands of more people with violent or criminal histories, to close the gun show loophole.

One of the most important things we need to do to urge action is to put a face on the 1 million people who have been killed. That is an effort that I have been attempting in my term of office.

Today I wanted to say a couple of words about a young man named Ray Ray Winston, who was Portland, Oregon's first victim of gang-related slaying. Some dismissed his death as something that was a logical consequence of a young man running with a tough crowd, being at the wrong place at the wrong time. Yet, Ray Ray Winston was a young man who was dealt a very tough hand by life: a father incarcerated, not having as much family support; a young man who had aspirations, for instance in athletics. He had been just a couple of weeks before his death in a basketball camp with my son.

Unfortunately, his death set off a wave of shootings. Teenagers who should have been in school instead of out in the streets were involved with retaliatory activity, the risk being accentuated by the availability of guns and the willingness to use them.

It is important, Mr. Speaker, that we make sure that Americans understand that there is a face behind each one of those statistics. Then we need to press for action, first on the local level, not just with Governors and mayors and county commissioners and housing authorities, but also supporting the activities of citizen activists.

For example, in my State of Oregon we have put an initiative on the Oregon ballot to close the gun show loophole if Congress cannot and will not act.

But there is no escaping the need to put pressure on the national level. Sadly, there is a huge difference between the political parties regarding gun violence. Sadly, the Republican leadership in the House has been an active partner with the NRA preventing us from moving forward. They have even boasted that if they were able to elect George Bush, they would be able to work right out of the White House.

But Vice President GORE and the Democratic congressional leadership would in fact enact commonsense reforms to reduce gun violence. These are steps that are supported by the American public and steps that would make a difference. When we come back in September, it will have been 13 months since the conference committee on juvenile violence has even met.

I hope the American public will add their voice to demand an end to the spineless acceptance of gun violence and enact simple, commonsense gun reforms to make our communities more livable, to make our families safe, healthy, and economically secure.

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DON'T LET TAXPAYERS GET ''RAILROADED''

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this week the House of Representatives is expected to be voting on a bill, H.R. 4844, the Railroad Retirement and Survivors Improvement Act of 2000. This legislation has been advertised as a historic agreement that is overwhelmingly supported by both rail management and labor.

Why have they agreed so easily? The answer is because American taxpayers rather then the private railroad companies are going to be footing the bill for their private pension fund.

Let me talk about the facts of this railroad retirement bill. The railroad retirement system already has an unfunded liability of $39.7 billion, according to our Committee on the Budget staff. The industry would need to increase contributions from 21 percent of wages to 31 percent of wages for the next 30 years to cover this shortfall.

Accurate accounting shows that the industry has received at least $85 billion more in benefits than it has paid in contributions.

The rail industry has for many years received special government subsidies that are available to no other industry. Under current law, income taxes paid by rail retirees do not go to U.S. Treasury. They are instead transferred to the Railroad Retirement System, costing taxpayers over $5 billion.

The government also currently pays the cost of Amtrak's social security contributions, costing taxpayers another $150 million a year.

Now this plan, H.R. 4844, would reduce both employer and employee contributions to the retirement fund. Let me say that again. They are going to reduce both employee and employer contributions to the retirement fund while providing substantial increases in benefits, so they reduce the contribution, they increase benefits, and they charge the American taxpayers for these private business pension plans.

Specifically, the bill will, number one, repeal a 26.5 cent per hour employer contribution for supplemental annuities; two, it will reduce employer contributions from the current 16.1 percent to 14.2 percent in the year 2002; three, it will expand benefits for widows; four, it will reduce the vesting requirement from 10 to 5 years; five, it will repeal the current cap on payments of earned benefits; six, it is going to reduce the minimum retirement age to 60.

This legislation fails to move to a privatized retirement system. It reduces contributions of the employee and employer and while substantially increasing benefits. It is going to cost the taxpayers of the country huge amounts to subsidize these kinds of pension plans for private sector business. The bill as written should not be passed.

IN MEMORY OF WILLIAM RUSSELL MOTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, a friend of mine died this past week. His name was William Russell Mote. He was not only my friend, he was the Members', too, and a friend of all Americans, as well. As a matter of fact, he was a friend to people all over the world.

I would like to tell the Members why. Bill Mote was born in my State of Florida in the city of Tampa at the turn of the century. The world was a far different place for Bill Mote back in the early part of the last century. Teddy Roosevelt was President. There was a world without jet planes, without television. No man had flown in space. It was a world that encouraged a young boy to go fishing in the beautiful waters of the Gulf of Mexico.

It was also a time that encouraged entrepreneurs, and Bill Mote took full advantage. He could not wait to venture out into the world and start his own business. While he never earned a college degree, Bill Mote was a well-educated individual whose charisma and charm paved him a very successful path in the business world.

Mr. Mote's love for the world extended far beyond the realm of his exciting business ventures. He loved the adventure of travel and the excitement of the sea. He visited many places after he sold his company, and concentrated on trips that would enable him to be with marine scientists, oceanographers, and biologists.

Bill recognized very early on that irresponsible global habits were endangering his beloved sea. What a shame it would be that we would be destroying one of our two unexplored frontiers; a vast one at that, covering three-fourths of the world. To Bill Mote, that was just as exciting as man landing on the moon. Discovering and protecting our oceans became his passion.

It is not surprising to people who knew Bill to understand how his passion was superseded only by his generosity in his goal. He definitely put his money where his heart was. He met Eugenie Clark. Some may know her as the famous ''shark lady'' on PBS nature shows.

Bill and Dr. Clark started a partnership that would last over 35 years, and would be the root of Mr. Mote's philanthropic mission to save our oceans. Always drawn to the water, he settled on the West Coast of Florida, in Sarasota, with the intent to build a marine laboratory. He used what he learned from his travels and joined Dr. Clark in establishing one of the finest marine laboratories in the world.

When Mr. Mote discovered Cape Haze Laboratory in 1965, he immediately set his mind into catapulting the small marine research facility into a world-renowned program. Henceforth, the Mote Marine Laboratory, named after its principal benefactor, has been the catalyst for breeding and mammal programs which benefit sea life all over the world.

The lab first became known internationally for shark research, and in 1991, Congress designated Mote Marine Laboratory as the National Center for Shark Research. Bill Mote, who himself never had the opportunity of higher education, initiated a Scholar Chair in Fisheries Ecology and Enhancement at Florida State University.

He also encouraged younger people to become interested in marine life. Schoolchildren were exposed to the smallest creatures as well as the magnificent sharks and dolphins at Mote Marine Laboratories Aquarium. A new state of the art Marine Mammal Rescue Center gives all visitors a first-hand look at the expert veterinary care that Mote's Marine biologists provide.

Bill will always be remembered as a promoter of education, as well as an excellent educator himself. He was at the helm when the Jason Project began at Mote Marine. That was developed as an educational venture between Dr. Ballard and Mote Marine. Dr. Ballard is using Jason and Jason II remote submersibles, credited with the discoveries of the Titanic, the Bismarck, and other landmark discoveries beneath the depths of our oceans. Mr. Mote was constantly expanding the depths of our understanding, even to the bottom of the sea.

Even larger than his love of the oceans was his love for education. He gave not only to the studies of marine biology and oceanography, but also relentlessly promoted the fields to youth and professionals alike with his own special blend of enthusiasm. In 1968, Mr. Mote was awarded the Gold Medal of the International Oceanographic Foundation.

Many of us who knew Bill Mote have our own stories to tell. After meeting a person like Bill, his energetic and passionate love for the ocean was magnetic. His relentless drive passion and vigor was rivaled only by his charismatic personality.

Bill Mote was to all of us and will remain in our hearts a true example of what one person can do with a little determination.

I served on the board of Mote Marine before I came to Congress. I had the pleasure of knowing Bill Mote well. He was a devoted husband and brother. He was a counselor to marine biologists. He was a teacher to all ages of students. Most of all, he was a true conservationist, a self-educated man who saw a need in the world and went ahead to do something about it. He definitely graduated life with honors.

A REPUBLICAN PRESCRIPTION DRUG PROGRAM BUILT ON FALSE HOPES AND VAGUE PROMISES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, not long ago this House debated a prescription drug coverage bill, not a Medicare prescription drug coverage proposal but a bill endorsed by the Republican majority that features private stand-alone prescription drug coverage for seniors. It was the only bill we were permitted to consider.

I joined many other Members of this House when I questioned the logic of this proposal, the feasibility of this proposal, the arrogant anti-Medicare message of this proposal.

Our concerns are not theoretical. It turns out that Nevada has adopted a prescription drug program almost identical to the Republican plan. It is not working. It is not working for the same reason the Republican plan will not work, because insurers refuse to participate. They say the risks and the costs of providing individual insurance policies for prescription drugs are simply too high. We do not actually have to implement the national proposal to see whether insurers will participate. They have already said they will not.

This House raised the hopes of millions of seniors by passing prescription drug legislation, legislation that was forced upon this body by a majority unwilling to consider any other plan, any other bill, any other approach. Republican leadership forced this House to take seriously a proposal built on false hopes and vague promises.

The majority in this House saw a political opportunity and seized it. They decided it was time to associate themselves with the prescription drug issue. After all, Medicare beneficiaries and their families are a huge voting block, and the majority is up for grabs.

To my Republican colleagues, more power to them. If the media plays their bill right, maybe they will hold onto a few more seats, except for one thing. This is not a token issue. When Members play the prescription drug issue like a game, they are playing with the lives of real people. They are playing with the quality of those lives and the length of those lives.

To the 84-year-old woman eating 1 meal a day so she can afford the arthritis medication that permits her to walk, this is not a game. To the 67-year-old man who cannot afford to fill a blood pressure prescription that could keep him alive, this is not a game. To the adult sons and daughters wondering whether they are going to be able to find money for their parents' prescriptions, this is not a game.

Last week was the 35th anniversary of the Medicare program. The American public has financed that program and benefited from that program for 35 years. Various private insurance companies have come and gone. Private health plans have evolved from true insurance programs, where everyone paid the same rate and everyone was eligible for coverage, to selective organizations favoring the healthiest enrollees.

Medicare does not play favorites. It provides reliable coverage to all seniors. The original Medicare program is available to everyone. It never skips town. It never ratchets down benefits. It does not charge different premiums to different people based on different circumstances. It enables seniors to see the provider of their choice. No wonder it is the most popular political program, public program, in the Nation's history.

But to keep up with modern health care, the Medicare benefits package needs to be modified to include prescription drugs. Updating the Medicare benefits package, that is what the debate some weeks ago should have been about. It was an insult to the public, that instead we debated a bill that makes no sense unless the goal is not to provide a prescription drug benefit plan, but rather, to set the stage for a massive overhaul of Medicare; unless the goal is to promote privatization of Medicare. After all, if we privatize one benefit, like prescription drugs, we might as well privatize them all.

I urge my colleagues on the other side of the aisle to change course. I urge them to shift their support towards legislation that updates Medicaid and Medicare instead of spurning it. If we work together on a proposal like that, we can do the right thing for the American people. But if my Republican colleagues continually insist on going down this dead end street, they should not be surprised if come November it is the American voter who says, game over.

WILLIAM R. MOTE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. GOSS) is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Mr. Speaker, I rise to say a few words about William Russell Mote. Mr. Mote passed away a few days ago after a long and productive life, as Members heard my colleague, the gentleman from Florida (Mr. MILLER), announce from this podium a few minutes ago.

I suppose not every American may know the Mote name, but surely they have been affected by his life and his generosity. William Mote contributed measurably to our understanding of the oceans and the fishes and other life in the oceans, helping us to learn how to be good stewards, taking care of these natural resources.

Mr. Mote's accomplishments are very many, but I think his most notable one from my perspective was the establishment and the sustainment, the very generous sustainment, of the world-recognized Mote Marine Research Laboratory in Sarasota, Florida.

Prior to redistricting in 1990 in Florida, I used to represent Sarasota and the Mote Marine Lab where it is. I can tell Members that today it is one of the premier marine laboratories in the world, an opinion that is quickly seconded by experts in this field, I would add.

Mote Marine is a very busy, very professional, and very accomplished institution, just like its founder. While Mr. Mote has passed on, all of us are going to continue to benefit enormously from his life and the Mote Marine Laboratory, which continues on. We are in his debt for that.

I would like to pass along to the many members of the Mote Marine laboratory community and their families my sincere condolences from myself and my wife, Mariel, and of course from other friends from southwest Florida which I now represent who understand the Mote Marine Laboratory and knew Mr. Mote well.

We appreciate greatly the legacy that he leaves us of awareness about the oceans and how fragile they are, and that the fishes and the critters and mammals in that ocean do need stewardship, now that mankind has made such a strong imprint on our globe; the educational efforts that are being made at Mote Marine to share knowledge with people who need that knowledge and want that knowledge to push forward into the horizons of the unknown in our oceans; and of course, the research that is done there in so many areas.

I have memories myself going back when I was a city councilman in the city of Sanibel trying to deal with the scourge of red tide, which is something that occasionally visits the Florida beaches. It is a very unpleasant thing, with dead fish and a bad smell, and it is bad for tourism, but it obviously says that something is wrong with the environment. We tried to understand that.

That was my first meeting with Mr. Mote, going to his laboratory and saying, can you help me understand red tide? Is there something we can do about that? That pursuit still goes on. That was back some 20 or 25 years ago, I think.

Bill Mote was a hands-on activist. He got very enthusiastically involved. He had a wonderful, charming way about going into a project. He was very pleasant. He was very knowledgeable. He was very eager to share whatever knowledge he had and pass it along.

He certainly raised awareness about sharks. I think most of us are familiar with the movie, but the facts about sharks, what they really are, how they live, what goes on with shark populations in the world, we owe a huge debt to the Mote Marine laboratory and the work that has been done there.

Dolphins, I remember going to Mote Marine to get assistance in writing legislation for dolphin protection. There

is such a thing as dolphin captive program legislation now to protect our dolphin inventories, because they were being exploited at one point.

Manatee rescue operations, an endangered species in Florida. Those who have seen manatees know in what perilous shape they are and how wonderful they are, what great creatures, and the work that has been done there to try and make sure that we will continue to have manatees on this globe. All of these kinds of things are wonderful parts of the natural resource that Bill Mote found and fell in love with and decided that he would do something about.

I would suggest that Bill Mote met the test that most of us would like to meet. He left life a little better on this planet for the work that he did. I think that is his best and most wonderful legacy.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m today.

Accordingly (at 9 o'clock and 25 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 10 a.m.

PRAYER

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

O Shepherd and Guardian of our souls, we have returned to You.

At times we do not realize how we have distanced ourselves from You. Not always attentive to Your voice, we tend to wander on our own.

Then, by Your grace, You bring us back.

When a sense of alienation shadows our soul, we find our differences difficult to bear and move away from each other.

Help us to overcome our hesitancy to accept diversity.

Bringing us to a deeper level of awareness by Your Spirit, make us one Nation.

Give us listening hearts, willing to give each other time and attention and ready to respond to Your Spirit living in one another now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MOROCCAN GIFTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, Mrs. Clinton has decided that she wants New York to be her new home. Of course, if New York decides this fall that the feeling is not mutual, she may decide to move somewhere else.

She certainly has no lack of friends in other places. Just this weekend she was in Annapolis, Maryland, raising money from the rich and famous. And we are pretty sure she still has some friends back home in Arkansas.

But it seems that some of her very best friends are from more exotic places. Last year she returned from the country of Morocco with $52,000 in gifts from Moroccan leaders.

One of the presents she received was a $20,000 purse. That is one heck of a purse. It has gold overlay, 64 diamonds, and 11 garnets.

I suppose, to be fair, we should point out that her husband was held in such high regard by the Nicaraguans that he came home with a $650 humidor for his cigars to be put in.

With friends like these, who needs the Senate?

But it must be lonely at the top.

TAX CODE MUST GO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, the Tax Code must go.

Our labor, our savings, our investments all taxed. Our boat, our goat, our vote all taxed. Our sweat, our thrift, our future all taxed.

Beam me up.

Tax this.

It is time to replace the socialist Income Tax Code in America with a simple flat 15 percent sales tax.

No more forms, no more lawyers, no more accountants, no more IRS and, once again, Congress will restore liberty, true liberty, in America.

I yield back with the slogan ''the Tax Code must go.''

U.S. SHOULD NOT BECOME WORLD'S POLICEMAN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, as a former Air Force pilot and veteran, I have a special sensitivity and permanent appreciation for the needs and concerns of our Nation's military.

It seems obvious to me and to the men and women who serve in our military forces that I have spoken with that the Clinton-Gore administration has put our soldiers, sailors, airmen, and Marines in danger by continually asking the military to do more and more with less and less.

Over the past 8 years, President Clinton has requested drastic cuts in military spending and yet continues to send our troops all over the world.

As Commander in Chief, President Clinton has deployed U.S. forces 34 times, while cutting troop strength by 40 percent.

During the previous 40 years throughout the Cold War and prior to the Clinton administration, our military forces were only deployed 10 times.

Madam Speaker, our military should not become the world's policeman.

I am proud that this Republican Congress realizes the importance of maintaining a strong national defense and that our military serves the United States first and the rest of the world second.

''PORKER OF THE WEEK'' AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Madam Speaker, it appears that this time the Federal Government is the one that is due a substantial refund. Auditors within the Federal Emergency Management Agency have found $442 million in emergency funds that should be returned by States that did not need or abused these emergency dollars.

As my colleagues know, FEMA is often called upon to provide emergency aid to States in cases of natural disaster. However, the agency is starting to be viewed as a Federal insurance company which hands out free money to repair and to renovate.

In one case, the New Orleans sheriff's office has kept $56,000 it received for flood clean-up work that was performed free by prisoners.

California is holding on to $1.4 million it received to fight a wildfire that was recovered from a negligent party. And Georgia used $15 million in emergency payments to not only repair flood damage but to also upgrade a facility.

FEMA funds are taxpayer funds. They are not part of a slush fund for States to tap into for whatever they want. The guilty State governments get my ''Porker of the Week'' Award.

106TH CONGRESS HAS AGENDA FOR SUCCESS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Madam Speaker, nothing we do here in Congress can be accomplished alone. Today I want to thank my colleagues on both sides of the aisle who have worked to make the 106th Congress' record one of accomplishment and not of partisan gridlock.

This Congress has passed some of the most solid education reform ever brought before this body, measures that will give parents and teachers more flexibility to meet students' unique needs.

But that is not all. We have also worked tirelessly to pay off our national public debt, which is saddling children born this year with a $13,300 debt burden.

Our debt relief measure also saves the average household an estimated $4,000 in interest payments over the next 10 years.

Think of what American families can do with that $4,000 in additional income.

The 106th Congress has an agenda for success, and I am proud to be part of it.

REPUBLICAN ACCOMPLISHMENTS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, since 1995, Republicans have worked to change the very essence of government to make it an example of common sense, not nonsense.

While it is impossible to change 40 years of big government overnight, we are making significant progress.

This year alone, House Republicans passed a Medicare lockbox bill, a sequel to last year's successful Social Security lockbox measure, which protected Social Security surpluses from being spent on anything but Social Security or debt reduction.

We have also passed a prescription drug measure that makes prescription drugs affordable and available to the 30 percent of Medicare beneficiaries who currently cannot afford the prescription drugs they need.

We have also passed the IDEA Full Funding Act, legislation to help handicapped children get the best education possible.

These measures bring much-needed fairness to the Federal Government, and Republicans will continue to work to make legislation like this a priority for Congress.

AMERICAN COMMUNITY SURVEY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, the Census Bureau is proving that it is another arrogant Federal agency with a power-mad, public-be-damned attitude.

Despite the huge public outcry against the personal, intrusive questions on the Census long form, the Bureau wants to keep prying with the same or similar personal questions on the form called the American Community Survey to be sent to 250 homes each month.

The lame defense of questions on the long form was that these questions had been approved by Congress and that they had been asked before.

Well, Congress never had a vote on the specific questions and no Member saw those questions beforehand except possibly a few on the Subcommittee on the Census.

Also, if these nosy, personal questions were asked in the past, it was before the Federal Government got as big and out of control as it is today and before the age of the Internet.

I guess with the computer-controlled society we have today, true privacy is a thing of the past. But the Congress should offer at least a little resistance and not allow the Census Bureau to keep butting its nose into areas that should be none of our Federal Big Brother's business.

106TH CONGRESS HAS DONE NOTHING FOR AMERICANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I wish I had good news, but this Republican Congress is about to recess for our work session in the district and we have no real Medicare prescription drug benefit for our seniors.

Medicare is down. HMOs are closing. Over a million seniors will be kicked off of the HMO+Choice program through the Medicare. And we cannot give them a Medicare drug prescription benefit. We have no Patients' Bill of Rights, which allows individuals not to suffer the drive-by refusal of service in our hospitals.

We have no housing for individuals who work but cannot afford the large payments of high-priced condominiums, and the housing appropriations was cut.

We have no legislation to repair the crumbling schools throughout our Nation because we could not pass a school construction bill that would lend dollars to local communities to help them build new schools for our children.

And, yes, as we start another school year, we did not have the courage to pass real gun safety legislation that would close the loopholes that keep guns out of the hands of children.

All I can say is a bunch of nos. What have we done? Nothing for Americans.

''LA FE'' CLINIC, EL PASO, TEXAS

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Madam Speaker, this morning I would like to take a moment to recognize a community health clinic in my district that has recently received national recognition.

The clinic is called Centro de Salud Familiar La Fe, or, as we call it in El Paso, ''La Fe'' Clinic. It was named as the best clinic in the Nation by one of the largest Hispanic advocacy groups in the United States, the National Concilio de la Raza.

I am very proud of the work that La Fe Clinic is doing in El Paso. It is truly a stellar facility that serves the needs of many local community residents.

I should add that many of these residents would have no other place to receive affordable health care if it were not for La Fe Clinic. This clinic has been at the center of this community for 34 years and continues to play an integral part in the health of El Paso's south side residents.

La Fe Clinic is truly a remarkable organization. In 1999, this clinic served almost 18,000 clients. This facility provides low-cost prescription medication to the elderly and to other patrons; provides pediatric care; provides dental care, even treating the dental needs of patients with AIDS; and assists in signing up children for the CHIPS program in Texas.

I would like to recognize the chief executive officer, Mr. Salvador Balcorta, and the staff of the La Fe Clinic for maintaining a vision and focus for the clinic many times against what seemed to be insurmountable odds.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on H.R. 4888 and H.R. 4923 will be taken after debate has concluded on those motions.

Record votes on remaining motions to suspend the rules will be taken later today.

□ 1015

VETERANS BENEFITS ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4850) to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.

The Clerk read as follows:

H.R. 4850

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 ''Veterans Benefits Act of 2000''.

TITLE I—ANNUAL COMPENSATION INCREASE

SEC. 101. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2000, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000. Each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2000, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) In the computation of increased dollar amounts pursuant to paragraph (1), any amount which as so computed is not a whole dollar amount shall be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2000, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 101, as increased pursuant to that section.

TITLE II—BENEFITS IMPROVEMENTS

SEC. 201. STROKES AND HEART ATTACKS INCURRED OR AGGRAVATED BY MEMBERS OF RESERVE COMPONENTS IN THE PERFORMANCE OF DUTY WHILE PERFORMING INACTIVE DUTY TRAINING TO BE CONSIDERED TO BE SERVICE-CONNECTED.

(a) SCOPE OF TERM ''ACTIVE MILITARY, NAVAL, OR AIR SERVICE''.—Section 101(24) of title 38, United States Code, is amended to read as follows:

''(24) The term ''active military, naval, or air service'' includes—

''(A) active duty;

''(B) any period of active duty for training during which the individual concerned was disabled or died from a disease or injury incurred or aggravated in line of duty; and

''(C) any period of inactive duty training during which the individual concerned was disabled or died—

''(i) from an injury incurred or aggravated in line of duty; or

''(ii) from an acute myocardial infarction, a cardiac arrest, or a cerebrovascular accident occurring during such training.''.

(b) TRAVEL TO OR FROM TRAINING DUTY.—Section 106(d) of such title is amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by inserting ''or covered disease'' after ''injury'' each place it appears;

(4) by designating the second sentence as paragraph (2);

(5) by designating the third sentence as paragraph (3); and

(6) by adding at the end the following new paragraph:

''(4) For purposes of this subsection, the term 'covered disease' means any of the following:

''(A) Acute myocardial infarction.

''(B) A cardiac arrest.

''(C) A cerebrovascular accident.''.

SEC. 202. COMPENSATION TO BE PAID AT SO-CALLED "K" RATE FOR SERVICE-CONNECTED LOSS OF ONE OR BOTH BREASTS DUE TO RADICAL MASTECTOMY.

Section 1114(k) of title 38, United States Code, is amended by inserting ''or one or both breasts due to a radical mastectomy or modified radical mastectomy,'' after ''loss or loss of use of one or more creative organs,''.

TITLE III—VETERANS LIFE INSURANCE

SEC. 301. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDIVIDUAL READY RESERVE FOR SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) ELIGIBILITY.—Section 1965(5) of title 38, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) a person who volunteers for assignment to a mobilization category in the Individual Ready Reserve, as defined in section 12304(i)(1) of title 10; and''.

(b) CONFORMING AMENDMENTS.—Sections 1967(a), 1968(a), and 1969(a)(2)(A) of such title are amended by striking ''section 1965(5)(B) of this title'' each place it appears and inserting ''subparagraphs (B) or (C) of section 1965(5) of this title''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2000.

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on H.R. 4850.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

H.R. 4850 is the Veterans Benefits Act of 2000. The bill includes a cost-of-living adjustment for VA disability compensation and survivors benefits. It also includes a number of changes in program eligibility and benefit improvements.

I urge my colleagues to support passage of H.R. 4850.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I want to thank the chairman of the committee, the gentleman from Arizona (Mr. STUMP), for bringing this legislation to the floor today. I believe all Members of this body can fully support the Veterans Benefits Act of 2000, H.R. 4850. Among other provisions, this act provides a cost-of-living adjustment to service-connected disabled veterans and DIC beneficiaries. As a result, these important benefits will be increased to keep pace with the cost of living.

The bill also recognizes the sacrifices made by two special groups of veterans, those who serve in the Guard and Reserve and suffer a heart attack or stroke while on inactive duty for training. These conditions will now be recognized as service connected. Madam Speaker, I also particularly want to commend and thank the gentleman from Michigan (Mr. STUPAK) for his effective leadership on this important provision.

I am pleased that this bill incorporates the provisions of H.R. 3998 which I introduced to provide special monthly compensation to veterans who are service connected for a radical mastectomy.

This is a good bill. I urge my colleagues to vote in favor of it.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits.

Mr. QUINN. Madam Speaker, I want to note the opportunity for us to talk with the gentleman from California (Mr. FILNER) this morning and others.

We are proud to be here today to consider H.R. 4850, the Veterans Benefits Act of 2000. H.R. 4850 combines four bills that were referred to the Subcommittee on Benefits, H.R. 3816, H.R. 3998, H.R. 4131, and H.R. 4376.

Briefly, Madam Speaker, the Veterans Benefits Act provides a COLA, cost-of-living adjustment, effective December 1, 2000, for service-connected and survivor benefits. It also provides that a stroke or a heart attack suffered by a Reservist during inactive duty training shall be considered service connected for purposes of VA benefits.

It adds the service-connected loss of one or both breasts due to a radical mastectomy to the list of disabilities entitled to an additional special monthly compensation. And, finally, extends service members' group life insurance eligibility to members of the Individual Ready Reserve.

I would like to thank the ranking member and my partner on the subcommittee, the gentleman from California (Mr. FILNER), for his help in bringing this bill to the floor today. I would also like to thank the gentleman from Michigan (Mr. STUPAK), who is not a member of the committee but had the foresight to bring to our attention and worked with us on the provision affecting Reservists who suffer a heart attack or stroke while performing weekend drills.

The benefits improvements in this bill will have an effect on a large number of veterans across the country. I urge my colleagues to support it.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, I thank the gentleman for yielding time. I thank the gentleman from Arizona (Mr. STUMP), the gentleman from Illinois (Mr. EVANS), and the gentleman from New York (Mr. QUINN), the chairman of our Subcommittee on Benefits, for crafting H.R. 4850. I think everyone in this body can support this very important measure.

This measure is important to the financial well-being of our disabled veterans and their survivors. It ensures a cost-of-living increase so that VA benefits will not erode due to increases in the cost of living. It also recognizes the important contributions made to our Nation's security by members of the National Guard and Reserve. In fact, section 102 of the bill incorporates provisions that were introduced separately by the gentleman from Michigan (Mr. STUPAK), who will speak in a few minutes. He recognized that certain members of the Guard and Reserve who suffer a heart attack or stroke while serving on inactive duty for training are unfairly denied service connection for those conditions. So I thank the gentleman from Michigan now for his leadership in getting this important provision.

Section 202 of the bill is taken from a bill, H.R. 3998, introduced by the gentleman from Illinois (Mr. EVANS), our ranking member. This will provide veterans who are service connected due to a radical mastectomy with the additional compensation currently provided to veterans who are service connected for loss or loss of use of other body parts. This bill was recommended to us in the 1998 report of VA's Advisory Committee on Women Veterans.

Finally, section 301 of the bill will ensure that service members who volunteer for assignment to a mobilization category in the Ready Reserves will have access to VA life insurance. This is a simple thing but is very important because if we expect these service members to put their lives on the line for our Nation, we must assure that their survivors will be compensated if they are asked to pay the ultimate price for their service.

I ask for a unanimous vote on this very important measure.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES), a member of the committee.

Mr. REYES. Madam Speaker, today I rise in support of H.R. 4850, the Veterans Benefits Act. I want to thank the chairman and ranking member of our committee as well as the gentleman from Michigan (Mr. STUPAK) for his leadership on this bill. This bill provides serious improvement in services and benefits to our veterans. With H.R. 4850, we are providing important cost-of-living adjustments for compensation paid to veterans with service-connected disabilities as well as their dependents, along with enhancing other benefit programs providing compensation and life insurance benefits.

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Moreover, with the increasing number of Guard and Reserve members of our Armed Services that are being called upon to defend our Nation, the diseases and the symptoms that they suffer should be considered service connected just as if they were on active duty status.

Under current law, if a Guard member or a Reservist on inactive duty training suffers a heart attack or stroke, the disability is characterized as due to a disease and is not considered service connected.

This bill simply corrects this situation by allowing those on inactive duty for training as to count this as service connected for the purposes of Veterans benefits.

Furthermore, with the increasing number of female veterans, I am proud that this bill amends Federal veterans' benefits provisions to provide a monthly rate of compensation for the service-connected loss of one or both breasts due to the radical or modified radical mastectomy. This bill finally creates parity for breast cancer along the same lines as other visible physical disabilities.

Lastly, the bill expands the eligibility of veterans to participate in group life insurance programs.

Madam Speaker, when Reservists are called up for quick deployments, the need for insurance to cover these men and women for loss of life during acts of war is paramount. As it is, as regular insurance, their regular insurance, does not cover these types of situations.

This bill fulfills our obligation to make sure that our men and women in uniform of the Reserves who are putting their lives on the line for their country have the same opportunity to gain security for themselves and their families through our life insurance programs.

Clearly, the various aspects of this bill serve the needs of today's veterans, and they raise the level and quality of benefits for them and for their families. It is long overdue.

With this legislation, we improve and fulfill our obligation to better serve our male and female veterans, Reservists, Guardsmen and their families, who have sacrificed for the American ideal and interests around the world.

I, therefore, strongly support this legislation and urge Members of the House to unanimously pass this bill.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, first I would like to commend the gentleman from Arizona (Mr. STUMP), the chairman of the committee, and the gentleman from Illinois (Mr. EVANS), the ranking member, the gentleman from New York, (Mr. QUINN) and the gentleman from California (Mr. FILNER) for their hard work in helping me bring forth part of this legislation.

It was really their work and the work of their staff that put together H.R. 4850, which incorporates several very worthy bills to help our veterans and their families, including my bill, H.R. 3816.

My bill closes an exceptionally problematic loophole brought to my attention by the Pearce family of Traverse City, Michigan. Master Sergeant Ron Pearce was a full-time employee of the Michigan National Guard who suffered a heart attack while performing required physical fitness tests, a part of the inactive duty training requirements.

Master Sergeant Pearce had a history of heart trouble and in the past had been exempted from the fitness test on recommendation of his doctor. He was ordered to take the test as a condition of his continued employment with the Michigan National Guard.

He passed away as a direct result of this fitness test, leaving behind a wife and family with no means of support. The VA first approved and then denied benefits to his family. My bill, now part of the larger bill, would consider heart attacks and strokes suffered by National Guard and Reserve personnel while on inactive duty for training to be service connected for the purpose of VA benefits.

Madam Speaker, I strongly urge support of this legislation. I am happy that the loophole will be closed and more families will not have to suffer as the Pearce family has.

I strongly urge Members to vote yes on this bill. I once again would like to thank the distinguished gentleman from Arizona (Mr. STUMP), the chairman of the Committee on Veterans Affairs; the distinguished gentleman from Illinois (Mr. EVANS), the ranking member, for their inclusion of my legislation in their bill.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), the ranking member, for all of his assistance, as well as the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits, and the gentleman from California (Mr. FILNER).

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of several veterans' bills that the House is considering today. First, H.R. 4850, the Veterans' Benefits Act of 2000, will increase, effective December 1, 2000, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. As in previous years, these deserving men and women will receive the same cost-of-living-adjustment (COLA) that Social Security recipients are scheduled to receive, and as a cosponsor of H.R. 4850, I am pleased that we are acting to provide disabled veterans and their survivors with an annual COLA.

H.R. 4850 includes several other important provisions. Under the measure, a stroke or heart attack suffered or aggravated by a reservist during inactive duty training will be considered service-connected. This will allow reservists to receive disability compensation for these conditions if they become disabled while on inactive duty training. H.R. 4850 would also provide a special monthly compensation for the service-connected loss of one or both breasts due to a radical mastectomy, at the same rate as that for a service-connected ''loss or loss of use of one or more creative organs.'' Finally, H.R. 4850 will permit certain members of the Individual Ready Reserve to participate in the Servicemembers Group Life Insurance program.

The second veterans' bill we are considering today, the Veterans Claims Assistance Act of 2000, would eliminate the requirement that a claimant first submit a ''well-grounded claim'' before receiving assistance from the VA Secretary. A well-grounded claim for service-connected disability benefits would be one that included supporting medical opinion and evidence.

H.R. 4864 would require the VA Secretary to make a reasonable effort to obtain relevant records identified and authorized by the claimant. The VA Secretary would also have to provide a medical examination if warranted. H.R. 4864 would permit veterans who had claims denied or dismissed by the Court of Appeals for Veterans Claims to request a review of those claims within two years of enactment. Finally, H.R. 4864 would require other federal agencies to furnish relevant records to the VA at no cost to the claimant.

The VA has a long history of assisting veterans to obtain government and other records which may substantiate their claim for benefits. However, last year, the Court of Appeals for Veterans' Claims held that the VA had no authority to develop claims that are not well-grounded. Anyone who has ever had to deal with a bureaucracy knows how frustrating it can be, and the Court's decision had a devastating impact on a veteran's ability to develop his or her claim. H.R. 4864 reaffirms the government's obligation to assist our nation's veterans in developing their benefit claims, and I am honored to be an original cosponsor of this legislation.

Finally, I am pleased that the House will consider another resolution that I have cosponsored regarding the Persian Gulf War. Next month marks the tenth anniversary of the initial activation of the National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm as a consequence of the invasion of Kuwait by Iraq. Over 267,000 members of the National Guard and Reserve were ordered to active duty during the Persian Gulf War, and 57 of them lost their lives in service to their nation.

H. Res. 549 recognizes the historical significance of this anniversary and honors the service and sacrifice of these National Guard and Reserve personnel during Operation Desert Shield and Operation Desert Storm. The resolution also recognizes the growing importance of the National Guard and Reserve to the Security of the United States.

Mr. Speaker, I urge my colleagues to support all three of these important veterans bills.

Mr. WATTS of Oklahoma. Madam Speaker, I rise in support of H.R. 4850, the Veterans Benefits Acts of 2000 and H.R. 4864, the Veterans Claims Assistance Act of 2000—two bills that give overdue support and assistance to our Nation's veterans. There are more than 2.6 million veterans receiving disability compensation as of May 2000, and the Department of Veterans Affairs expects expenditures for disability compensation to reach $15 billion for FY 2000.

H.R. 4850 directs the Veterans Secretary to increase the rates of veterans disability compensation, dependency and indemnity compensation, and additional compensation for dependents, which is equal to the Social Security cost-of-living adjustment (COLA) that will take place on December 1, 2000. Furthermore, this bill provides for a change in the law which states that a stroke or heart attack that is incurred by a member of a reserve component in the performance of duty shall be considered service-connected for the purpose of benefits under law. Finally, H.R. 4850 provides compensation for the service-connected loss of one or both breasts due to a radical mastectomy and will be treated as other service-connected loss of organs or limbs.

In addition to H.R. 4850, I support H.R. 4864 which authorizes the Secretary of Veterans Affairs to assist a claimant in obtaining evidence to establish entitlement to a benefit. The bill requires the Secretary to make reasonable efforts to obtain relevant records that the claimant identifies. Also, it eliminates the requirement that a claimant submit a ''well-grounded'' claim before the Secretary can assist in obtaining evidence to support a claimant. This is a change as the result of a recent Court of Appeals case that stated the Veterans Administration (VA) could help a veteran obtain records relevant to a claim only after the veteran provided enough evidence to prove that the claim is ''well-grounded.'' This decision led to confusion on the part of the VA as to the meaning and application of the ''well grounded'' claim requirement. H.R. 4864 clarifies the ''well grounded'' claim requirement and enables the VA to once again provide as much assistance as possible to veterans.

I fully support these two important bills. I have always believed how our nation treats the veterans has a direct impact upon our ability to attract patriotic young Americans to military service. We must ensure our veterans receive proper and fair assistance in a timely manner. If we do not keep faith with our veterans—we will jeopardize the defense of the country.

Mr. STUMP. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 4850.

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

A motion to reconsider was laid on the table.

VETERANS CLAIMS ASSISTANCE ACT OF 2000

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4864

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 ''Veterans Claims Assistance Act of 2000''.

SEC. 2. CLARIFICATION OF DEFINITION OF ''CLAIMANT'' FOR PURPOSES OF VETERANS LAWS.

(a) IN GENERAL.—Chapter 51 of title 38, United States Code, is amended by inserting before section 5101 the following new section:

''§ 5100. Definition of 'claimant'

''For purposes of this chapter, the term 'claimant' means any individual applying for, or submitting a claim for, any benefit under the laws administered by the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 5101 the following new item:

''5100. Definition of 'claimant'.''.

SEC. 3. ASSISTANCE TO CLAIMANTS.

(a) REAFFIRMATION AND CLARIFICATION OF DUTY TO ASSIST.—Chapter 51 of title 38, United States Code, is amended by striking sections 5102 and 5103 and inserting the following:

''§ 5102. Applications: forms furnished upon request; notice to claimants of incomplete applications

''(a) FURNISHING FORMS.—Upon request made in person or in writing by any person claiming or applying for a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing such claim.

''(b) INCOMPLETE APPLICATIONS.—If a claimant's application for a benefit under the laws administered by the Secretary is incomplete, the Secretary shall notify the claimant and the claimant's representative, if any, of the information necessary to complete the application. The Secretary shall notify each claimant of any additional information and medical and lay evidence necessary to substantiate the claim. As

part of such notice, the Secretary shall indicate which portion of such evidence, if any, is to be provided by the claimant and which portion of such evidence, if any, the Secretary will attempt to obtain on behalf of the claimant.

''(c) TIME LIMITATION.—In the case of evidence that the claimant is notified is to be provided by the claimant, if such evidence is not received by the Secretary within one year from the date of such notification, no benefits may be paid or furnished by reason of such application.

''(d) INAPPLICABILITY TO CERTAIN BENEFITS.—This section shall not apply to any application or claim for Government life insurance benefits.

''§ 5103. Applications: Duty to assist claimants

''(a) DUTY TO ASSIST.—The Secretary shall make reasonable efforts to assist in obtaining evidence necessary to establish a claimant's eligibility for a benefit under a law administered by the Secretary. However, the Secretary may decide a claim without providing assistance under this subsection when no reasonable possibility exists that such assistance will aid in the establishment of eligibility for the benefit sought.

''(b) ASSISTANCE IN OBTAINING RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant records that the claimant adequately identifies to the Secretary and authorizes the Secretary to obtain.

''(2) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the records sought, the Secretary shall inform the claimant that the Secretary is unable to obtain such records. Such a notice shall—

''(A) specifically identify the records the Secretary is unable to obtain;

''(B) briefly explain the efforts that the Secretary made to obtain those records;

''(C) describe any further actions to be taken by the Secretary with respect to the claim; and

''(D) request the claimant, if the claimant intends to attempt to obtain such records independently, to so notify the Secretary within a time period to be specified in the notice.

''(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—In the case of a claim by a veteran for disability compensation, the assistance provided by the Secretary under subsection (a) shall include obtaining the following records if relevant to the veteran's claim:

''(1) The claimant's existing service medical records and, if the claimant has furnished information sufficient to locate such records, other relevant service records.

''(2) Existing records of relevant medical treatment or examination of the veteran at Department health-care facilities or at the expense of the Department, if the claimant has furnished information sufficient to locate such records.

''(3) Information as described in section 5106 of this title.

''(d) MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS.—In the case of a claim by a veteran for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination, or obtaining a medical opinion, when the evidence of record before the Secretary—

''(1) establishes that—

''(A) the claimant has—

''(i) a current disability;

''(ii) current symptoms of a disease that may not be characterized by symptoms for extended periods of time; or

''(iii) persistent or recurrent symptoms of disability following discharge or release from active military, naval, or air service; and

''(B) there was an event, injury, or disease (or combination of events, injuries, or diseases) during the claimant's active military, naval, or air service capable of causing or aggravating the claimant's current disability or symptoms, but

''(2) is insufficient to establish service-connection of the current disability or symptoms.

''(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include provisions for—

''(1) specifying the evidence necessary under subsection (a) to establish a claimant's eligibility for a benefit under a law administered by the Secretary; and

''(2) determining under subsections (b) and (c) what records are relevant to a claim.

''(f) RULE WITH RESPECT TO DISALLOWED CLAIMS.—Nothing in this section shall be construed to require the Secretary to reopen a claim that has been disallowed except when new and material evidence is presented or secured, as described in section 5108 of this title.

''(g) OTHER ASSISTANCE NOT PRECLUDED.—Nothing in this section shall be construed as precluding the Secretary from providing such other assistance to a claimant as the Secretary considers appropriate.''.

(b) REENACTMENT OF RULE FOR CLAIMANT'S LACKING A MAILING ADDRESS.—Chapter 51 of such title is amended by adding at the end the following new section:

''§ 5126. Benefits not to be denied based on lack of mailing address

''Benefits under laws administered by the Secretary may not be denied a claimant on the basis that the claimant does not have a mailing address.''.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 51 of such title is amended—

(1) by striking the items relating to sections 5102 and 5103 and inserting the following:

''5102. Applications: forms furnished upon request; notice to claimants of incomplete applications.

''5103. Applications: duty to assist claimants.''; and

(2) by adding at the end the following new item:

''5126. Benefits not to be denied based on lack of mailing address.''.

SEC. 4. BURDEN OF PROOF.

(a) REPEAL OF ''WELL-GROUNDED CLAIM'' RULE.—Section 5107 of title 38, United States Code, is amended to read as follows:

''§ 5107. Burden of proof; benefit of the doubt

''(a) BURDEN OF PROOF.—Except when otherwise provided by this title or by the Secretary in accordance with the provisions of this title, a claimant shall have the burden of proving entitlement to benefits.

''(b) BENEFIT OF THE DOUBT.—The Secretary shall consider all evidence and material of record in a case before the Department with respect to benefits under laws administered by the Secretary and shall give the claimant the benefit of the doubt when there is an approximate balance of positive and negative evidence regarding any issue material to the determination of the matter.''.

SEC. 5. PROHIBITION OF CHARGES FOR RECORDS FURNISHED BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.

Section 5106 of title 38, United States Code, is amended by adding at the end the following new sentence: ''No charge may be imposed by the head of any such department or agency for providing such information.''.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as specifically provided otherwise, the provisions of section 5107 of title 38, United States Code, as amended by section 4 of this Act, apply to any claim—

(1) filed on or after the date of the enactment of this Act; or

(2) filed before the date of the enactment of this Act and not final as of the date of the enactment of this Act.

(b) RULE FOR CLAIMS THE DENIAL OF WHICH BECAME FINAL AFTER THE COURT OF APPEALS FOR VETERANS CLAIMS DECISION IN THE MORTON CASE.—(1) In the case of any claim for benefits—

(A) the denial of which became final during the period beginning on July 14, 1999, and ending on the date of the enactment of this Act; and

(B) which was denied or dismissed by the Secretary of Veterans Affairs or a court because the claim was not well grounded (as that term was used in section 5107(a) of title 38, United States Code, as in effect during that period),

the Secretary of Veterans Affairs shall, upon the request of the claimant, or on the Secretary's own motion, order the claim readjudicated under chapter 51 of such title, as amended by this Act, as if such denial or dismissal had not been made.

(2) A claim may not be readjudicated under this subsection unless the request is filed or the motion made not later than two years after the date of the enactment of this Act.

(3) In the absence of a timely request of a claimant, nothing in this Act shall be construed as establishing a duty on the part of the Secretary of Veterans Affairs to locate and readjudicate claims described in this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 4864, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Madam Speaker, H.R. 4864 is the Veterans Claims Assistance Act of 2000. The bill includes difficulties veterans have experienced with the claims processing since the Veterans Administration's implementation of a decision in the case of Morton v. West.

The bill requires the VA to assist veterans in obtaining records even though the veterans has not filed what has been called a well-grounded claim.

The Subcommittee on Benefits has worked closely with the veterans service organizations, with the VA, and with the Senate Committee on Veterans Affairs on this bill. I urge my colleagues to support passage of H.R. 4864, as amended.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, last fall I introduced H.R. 3193, the Duty to Assist Act. This measure provided a statutory requirement for the Department of Veterans Affairs to assist veterans filing a claim for benefits administered by the VA. This legislation became necessary as a result of the ruling of the U.S. Court of Appeals for veterans benefits in Morton v. West. Nearly 200 Members of the House have cosponsored this legislation.

Following a hearing on H.R. 3193 and subsequent meetings, including representatives of the VA and veterans

service organizations, H.R. 4864 was introduced. It incorporates the basic principles of H.R. 3193. This measure will eliminate the onerous well-grounded claim requirement that reinstates the VA's traditional duty to assist claimants, as did H.R. 3193.

This legislation is needed to correct erroneous interpretations of the law. Judicial review was intended to continue VA's strong continuing obligation to assist all veterans with the development of their claims, but the exact opposite has occurred.

I strongly believe in judicial review; however, courts can and do make erroneous decisions. When those decisions affect the fundamental rights of veterans, it is this Congress' responsibility to correct the problem. H.R. 4864 will do this.

Under this measure, the Secretary of Veterans Affairs is required to obtain all evidence in control of the VA and other departments and agencies necessary to establish eligibility for benefits before deciding the claim. Likewise, veterans will be responsible for providing such evidence in their control.

Veterans seeking to establish their entitlement to benefits they have earned as a result of their service to our country deserve to have their claims decided fairly and fully, based on all relevant and available evidence. Passage of H.R. 4864 will help to assure that their claims are properly considered and decided.

I want to thank the gentleman from Arizona (Mr. STUMP), chairman of the committee. He has done great work on all of these bills today. I want to thank the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits; the gentleman from California (Mr. FILNER), the ranking Democrat on the Subcommittee, for their important work in this measure.

We have moved it timely, Mr. Chairman, because of your leadership; and I look forward to working with the gentleman on this issue. Madam Speaker, I urge my colleagues to support the Veterans Claims Assistance Act of 2000, H.R. 4864.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits.

Mr. QUINN. Madam Speaker, the members of the Subcommittee on Benefits have worked for the past 6 months or so to craft this legislation that we are considering this morning, which I am pleased to say has the bipartisan support of over 100 of our colleagues here in the House.

Madam Speaker, H.R. 4864, as amended, is in direct response to a 1999 decision by the Court of Appeals for veterans claims, the Morton v. West decision, which puts limitations on the VA's duty to assist veterans with the development of their claims.

The bill clarifies the claimants' and the VA's duties with respect to obtaining evidence in support of claims for veterans benefits. The bill also requires that the Secretary make reasonable effort to obtain relevant records that the claimant identifies and authorizes the Secretary to obtain, and it eliminates the requirement that a claimant submit a ''well-grounded'' claim before the Secretary can assist in obtaining evidence.

The Subcommittee on Benefits had a hearing on the issue this past March 23; and since that time, we have been working and meeting with members, not only the veterans service organizations but also the VA and its officials to develop the bill that addresses the concerns of all interested parties without requiring the Veterans Benefits Administration to do unnecessary work. It is our intention that H.R. 4864, as amended, this morning will give direction to both the VA and the claimant himself or herself.

Madam Speaker, I would like to thank the gentleman from Arizona (Mr. STUMP), and the gentleman from Illinois (Mr. EVANS), the ranking member, for their leadership on this issue as we crafted this bill. Both of these individuals have served together on the VA committee now for some 19 years. Thanks also goes to the VSOs that engaged in oftentimes a spirited dialogue to ensure that this bill does right by veterans and all of their survivors.

Madam Speaker, I would also like to take this opportunity to thank the gentleman from California (Mr. FILNER), the ranking member, and my partner on the Subcommittee on benefits, the gentleman from Texas (Mr. REYES), who had input from beginning to end on this matter.

Madam Speaker, I urge our colleagues to support H.R. 4864, as amended, this morning.

Madam Speaker, I inform the Chair that we expect to ask for a recorded vote when the time is appropriate.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Speaker, H.R. 4864 will eliminate a significant obstacle that has been imposed upon veterans who file a claim for benefits administered by the Secretary of the Department of Veterans Affairs.

Claimants for these benefits are now facing obstacles which are created by the decision of the U.S. Court of Appeals for veterans claims in the so-called Morton v. West decision last July. That decision meant that benefits claims that were filed by disabled veterans have been rejected prior to their proper development and consideration. This is simply unacceptable.

Madam Speaker, lead by the gentleman from New York (Mr. QUINN), our chairman of the Subcommittee on Benefits, we as a committee, along with the gentleman from Texas (Mr. REYES) as a member, undertook hearings, undertook discussions with the VA and the VSOs. And in that process, within a year of that decision, we now have a bill before us; and I thank the majority Chairs for getting this through in this timely fashion.

This legislation clearly and unequivocally removes the well-grounded claim requirement which has proven to be a significant barrier facing veterans seeking the fair and prompt adjudication of their claims. This bill includes many of the concepts contained in an earlier bill, H.R. 3193, which is sponsored and introduced by the gentleman from Illinois (Mr. EVANS), our ranking member. It takes into consideration also recommendations from the Department of Veterans Affairs, as well as the veterans service organizations, who I know the gentleman from New York (Mr. QUINN), and I commend very deeply for their advocacy to assure that veterans seeking benefits have their claims fairly and accurately adjudicated.

H.R. 4864 is certainly one of the most important veterans measures to be considered by this Congress. I urge a unanimous vote by my colleagues.

Mr. QUINN. Madam Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from New York.

Mr. QUINN. Madam Speaker, I want to take this opportunity to thank the gentleman from California (Mr. FILNER) to make certain our colleagues understand that this is an effort by the Veterans Subcommittee on Benefits to make the VA more user friendly, more constituent friendly. When we have said so many times on the subcommittee, when there is an area that is not certain, the benefit of the doubt should always go to the veteran when we are able to do that.

Madam Speaker, I want to publicly thank the gentleman for his effort in this regard. It has really made the hearings, I think, more beneficial to everybody.

Mr. FILNER. Madam Speaker, reclaiming my time, I thank the gentleman from New York (Mr. QUINN) for his leadership. We have had those hearings; they have not only been educational but fruitful. Ideas are put on the table; people have commented on them. We have taken those ideas and incorporated them in the process. And the gentleman's responsiveness to those concerns has been a model to the way I think we ought to be conducting ourselves in this Congress.

Mr. STUMP. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), the vice chairman of our committee.

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from Arizona (Mr. STUMP), my good friend, for yielding the time to me.

Madam Speaker, the House has before it today a piece of legislation that will go a long way towards helping veterans and their families file claims for VA benefits. I think the gentleman

from New York (Mr. QUINN) rightly summarized it. The idea behind this bill is to make the VA more veterans user-friendly, so that the benefits that we owe to those who serve this country can be accorded to them.

□ 1045

very happy and I want to thank the gentleman from Arizona (Mr. STUMP), the gentleman from New York (Mr. QUINN), my good friend the gentleman from Illinois (Mr. EVANS) and the gentleman from California (Mr. FILNER) for their good work in crafting this legislation.

Madam Speaker, as things now stand, it is up to veterans to prove that they are entitled to receive a particular benefit. This is how the Veterans Court of Appeals interpreted, last October, the requirement that a veteran's claim be well grounded before the VA consider it. Once determined to be well grounded, the VA must help obtain evidence related to the claim's actual merits.

The preliminary process approving eligibility for a claim can be an onerous one for veterans, as well as for their families. Take, for example, the claims for service-connected disabilities. Veterans must, one, present evidence that they sustained a disease or injury during military service. We all know from our case work how often the St. Louis fire comes up. Two, a diagnosis of a current disability; and three, a medical opinion stating that the in-service injury or disease caused the current disability.

The reality is that many veterans are unable to secure the medical records and other documents that they need because of poor health, difficult economic circumstances or an unfamiliarity with how to navigate a very complex Federal bureaucracy system, and thus have their legitimate claims dismissed outright as not well grounded. Or, they just get deterred in the process.

We all know again through our case work how often a veteran will come to one of our offices or a town meeting or one-to-one meeting and say, ''I am just exhausted, will you please help me?''

Under H.R. 4864, the VA would have to help the veterans obtain service records and a medical examination if the former serviceman or woman has symptoms of a current disability or evidence of an injury or disease sustained during medical service. The Veterans Claims Assistance Act of 2000 would also require other Federal agencies to furnish service records to the VA at no cost to the claimant.

Today's bill reassures veterans and their families that the country they served in uniform is on their side when it comes to getting assistance that they have more than earned. I urge support for this legislation.

Mr. EVANS. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise today in strong support of H.R. 4864, the Veterans Claims Assistance Act. I also want to thank our chairman, the gentleman from Arizona (Mr. STUMP); the ranking member, the gentleman from Illinois (Mr. EVANS); the subcommittee chair, the gentleman from New York (Mr. QUINN); and subcommittee ranking member, the gentleman from New York (Mr. FILNER) for their leadership on this very important issue for our veterans.

This bill is important because it makes sure that assistance is given to our veterans when establishing a claim for benefits. The bill requires the VA to assist a veteran in obtaining evidence to establish a claim by requiring the Veterans Administration to make reasonable efforts to obtain relevant records and materials.

This is an important legislative correction as it eliminates the unfair requirement that a veteran must first submit a well-grounded claim before the VA will assist him.

We have an obligation to make sure that our veterans are given a hand in receiving the benefits that they have worked for, that they have in some cases bled for, and have certainly earned in the defense of our country. We should never require our veterans to first overcome bureaucratic obstacles before they are given the help that they earned and that they deserve.

The Department of Veterans Affairs was established to assist our veterans, and this legislation reinforces their obligation to serve our veterans and to help them receive any benefits to which they are entitled. I am therefore extremely pleased with this bill's requirement that the VA assist our veterans in obtaining medical and treatment records and information from other Federal agencies and to provide a medical examination to establish whether or not they have a service-connected claim.

This is good, pro-veterans legislation, and I therefore ask the entire House to join in full support.

This morning, Madam Speaker, I also urge the House to fully support eliminating the offset of military retired pay against veterans compensation, which is included in the Senate defense authorization bill and which is contained in H.R. 303. Many of us have already made this request in a letter, and today I ask the House to vote to eliminate this very unfair and costly penalty to our veterans.

I again want to thank the ranking members and the chairmen of our committee for their leadership.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, once again I would like to express my appreciation to the gentleman from Illinois (Mr. EVANS), the ranking member; as well as the gentleman from New York (Mr. QUINN), the chairman of our subcommittee; the gentleman from California (Mr. FILNER), the ranking member on the subcommittee; as well as the gentleman from Michigan (Mr. STUPAK) for bringing this forward.

Mrs. MORELLA. Madam Speaker, I rise in support of the Veterans Claims Assistance Act of 2000 which enables veterans to receive proper assistance from the Veterans' Administration in obtaining evidence to establish entitlement to a benefit.

Currently, the Veterans Administration simply denies a veteran's claim for service-connected compensation benefits as ''not well grounded'' if the veteran does not provide medical and military information which shows a current disability is related to medical service. While I agree that the VA should not work on claims that do not merit attention, veterans are caught in a Catch–22 when the VA requires the veteran to provide the required information in 30 days and it routinely takes 6 months or longer to obtain records from the National Personnel Records Center (NPRC) or other military information repositories. Even after receiving those records, the VA must make a new determination of the case's status as well-grounded.

My hard working district office handles on average 3,600 constituents a year; many of these cases involve veterans who request my assistance in facilitating their retrieval of medical documents and their receipt of deserved disability compensation. The ''well grounded'' provision has severely hindered the American veterans' legal right to assistance from the government in gathering necessary medical evidence.

The Veterans Claims Assistance Act would help our nation's veterans by strengthening the VA's duty to assist by eliminating the requirement that a claimant submit a ''well-grounded'' claim. America is eternally grateful for the selfless service of our veterans. They must be reassured that their country stands steadfast in support.

Mr. FOLEY. Madam Speaker, on July 21, 2000, the Senate Veterans' Affairs Committee found that Florida has the largest backlog of veterans' benefits claims in the country. In fact, Florida has over 20,000 such claims pending, more than any other state. Florida veterans wait an average 213 days to have their claims processed whereas the VA target is 74 days.

While this might have been news to the committee, it wasn't news to me. Every time I visit my district in Florida, I hear from veterans who have been waiting sometimes months to even get a call returned from the VA.

We have a serious problem in this country when our Nation's veterans, who have sacrificed so much for this country, must wait months to even get a telephone call returned.

The Veterans' Claims Assistance Act would take a step toward alleviating this problem by directing the VA to assist claimants in obtaining the necessary documentation to establish their entitlement to benefits. This, in turn, should speed the process and allow our veterans to receive the benefits that are rightfully theirs.

Mr. STUMP. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 4864, as amended.

The question was taken.

Mr. STUMP. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DONALD J. MITCHELL DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. STUMP. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1982) to name the Department of Veterans Affairs outpatient clinic located at 125 Brookley Drive, Rome, New York, as the ''Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic,'' as amended.

The Clerk read as follows:

H.R. 1982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, ROME, NEW YORK.

The Department of Veterans Affairs outpatient clinic in Rome, New York, shall after the date of the enactment of this Act be known and designated as the ''Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic''. Any reference to such outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

(Mr. STUMP asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1982 names the Department of Veterans Affairs medical facility in Rome, New York, after Donald J. Mitchell. Mr. Mitchell, a five-term Member of the House, is being honored because of his service as a naval aviator in two wars. A citizen soldier, Mr. Mitchell served his state and Nation, and we honor him with this designation.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the measure now before this House names the outpatient clinic in Rome, New York, after Donald J. Mitchell, a former Member of this House. This is a well-deserved tribute for a truly outstanding American.

A naval aviator during World War II and a veteran of the Korean War, Don Mitchell served the House of Representatives from 1973 to 1983 as a Representative from the City of New York. Prior to being elected to Congress, he served his fellow citizens as a town councilman, a mayor, and as a member of the state assembly as well.

This measure honoring former Congressman Mitchell is strongly supported by the members of the New York Congressional delegation. It likewise deserves the support of each Member of this body.

Madam Speaker, I reserve the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT). I want to thank the gentleman for bringing this matter before us.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Madam Speaker, today we are saluting a genuine American hero, Don Mitchell. Let me tell you a little bit about the man.

Don Mitchell served with great distinction in the United States Navy from 1942 to 1946 as an aviator, then returned home, only to return to the military in the Korean conflict, where he served as a flight instructor. After that service, he returned back home to his beloved Herkimer, New York.

His talents were recognized. His talent for leadership, his vision, were recognized by the people of Herkimer. First they elected him a town councilman. Then they elected him mayor. But his talents were such and so obvious that he was obviously destined for higher office, and higher office came. He was elected to the New York State Assembly, where he served with great distinction for 8 years, and, once again, as they say, cream rises to the top, and before long, Don Mitchell was Majority Whip of the New York State Assembly, a leadership position.

So here is a distinguished American who had served in World War II, served in Korea, served as a town councilman, then a mayor, then in the State Assembly, and was beginning to think perhaps he had done his share.

But the people of Central New York would not have it, because they insisted that his talents go far beyond the community and the State, and he was elected to the United States Congress, where he served with great distinction for 10 years. During those 10 years he served on the House Committee on Armed Services, and defense was very much in his mind and heart. He provided leadership in that area. I recall particularly his call for an adequate civil defense program for America and the necessity of having an emergency preparedness scheme to protect our Nation and her people.

But Don Mitchell's finest hour perhaps occurred when the Department of the Air Force floated an ill-conceived idea that perhaps the Rome Air Development Center at the Griffiss Air Force Base in Rome, New York, one of the Nation's premier research and development facilities, dealing with command, control, communications and computer technology, and having a very sensitive role to play in intelligence technology, the Air Force thought that maybe Rome Air Development Center should be ''disestablished,'' to use their word, and the assets scattered at other installations around the country.

Don Mitchell would not hear of it, and he led the fight, he was the quarterback of the team, and one year after that announcement was made of the Air Force's intention, Don Mitchell single-handedly convinced the officials in the Pentagon and the Department of the Air Force this should not occur, and it did not. And today, in the year 2000, that fine research and development facility still stands, and it is a tribute to Don Mitchell.

But in the intervening years, the BRAC commission closed the former Griffiss Air Force Base, but they set off in a controlment area that one magnificent R&D facility, and it is still serving our Nation well and proudly.

Don Mitchell has done so much for so many over the years, but let me tell you a little bit about the facility. When the Air Force was going to close the base and the hospital, a lot of people said that should not happen, because we still have a large veterans population, we still have a lot of military retirees and their dependents who need medical service, and we still had, at the Rome Air Development Center, a research laboratory where there were military families and their dependents.

Where were they to be served? I was able to convince the Department of Air Force, working in conjunction with the Veterans' Administration, to transfer that facility that was destined to be closed to the Veterans' Administration, who are operating it today as a full-service Veterans' Administration outpatient clinic, serving an average of 135 patients with quality medical care that they desire, but, more importantly, that they deserve, every single day.

That is a little bit about the facility; that is a lot of bit about the man.

So I want to commend the gentleman from Arizona (Chairman STUMP) for recognizing the importance of honoring a very distinguished American, and I would like to thank all of my colleagues in the House, Republicans and Democrats alike. Every single member of the New York Congressional delegation has cosponsored my bill to honor Mr. Mitchell.

So, collectively today, in the people's House, our House, we stand in the well and we salute a distinguished American.

Mr. EVANS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS) for his work on this, and I would like to especially thank the gentleman from New York (Mr. BOEHLERT) for bringing this to our attention.

Having served with Mr. Mitchell many, many years ago on the Committee on Armed Services, it is truly a pleasure to honor a great American hero in this fashion.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 1982, as amended.

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

The title was amended so as to read: A bill to name the Department of Veterans Affairs outpatient clinic in Rome, New York, as the ''Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic''.

A motion to reconsider was laid on the table.

□ 1100

RECOGNIZING HEROES PLAZA IN CITY OF PUEBLO, COLORADO, AS HONORING RECIPIENTS OF MEDAL OF HONOR

Mr. STUMP. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 351) recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor.

The Clerk read as follows:

H. CON. RES. 351

Whereas the Medal of Honor was established by Congress in 1862 and is the highest military declaration bestowed by the Nation;

Whereas the criteria for receiving the Medal of Honor are extraordinarily stringent, requiring that an individual, while a member of the Armed Forces, have ''distinguish[ed] himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty'' while engaged in combat and that there have been at least two eyewitnesses to the act;

Whereas fewer than 155 of the approximately 3,500 Americans who have been awarded the Medal of Honor are alive, including two who are natives of the City of Pueblo, Colorado;

Whereas the City of Pueblo, Colorado, will be the site for the September 2000 reunion of living recipients of the Medal of Honor; and

Whereas during that reunion, a Medal of Honor memorial, to be known as ''Heroes Plaza'', will be dedicated: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Heroes Plaza in the City of Pueblo, Colorado, is recognized, effective as of the September 2000 reunion of living Medal of Honor recipients in that city, as honoring the recipients of the Medal of Honor and honoring their commitment to the United States and to serving in the Armed Forces with courage, valor, and patriotism.

The SPEAKER pro tempore Mrs. EMERSON). Pursuant to the rule, the gentleman from Arizona Mr. STUMP) and the gentleman from Illinois Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona Mr. STUMP).

GENERAL LEAVE

Mr. STUMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on H. Con. Res 351.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Mr. STUMP asked and was given permission to revise and extend his remarks.)

Mr. STUMP. Madam Speaker, H. Con. Res. 351, recognizes Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor. The city will host the annual convention of the Medal of Honor Society later this year. I urge my colleagues to support passage of H. Con. Res. 351.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Con. Res. 351. This resolution recognizes Heroes Plaza in the City of Pueblo, Colorado, as honoring the recipients of the Congressional Medal of Honor. During September of this year, the City of Pueblo will be host to a reunion of the living recipients of the Congressional Medal of Honor. In conjunction with this gathering, it is indeed fitting and appropriate to recognize Heroes Plaza in Pueblo as honoring the recipients of the Congressional Medal of Honor.

I want to thank all Members who have worked on this resolution. The gentleman from Colorado (Mr. MCINNIS) is a leader in this effort, and sometime I will have to get down to Pueblo and see the program with the gentleman from Colorado (Mr. MCINNIS); and I salute him again for his work on this issue.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Madam Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS), the sponsor of this resolution.

Mr. MCINNIS. Madam Speaker, first of all, I would like to thank the chairman, the gentleman from Arizona (Mr. STUMP), for yielding me this time. I appreciate the fact that he expedited this resolution. Without his assistance, we would not have been able to move forward.

Madam Speaker, I also wish to acknowledge the gentleman from Illinois (Mr. EVANS) and appreciate very much his cooperation, and I would wholeheartedly invite the gentleman from Illinois (Mr. EVANS) to Pueblo, Colorado, but only based on a commitment from him that he give me an extra day or two to take him up into the mountains and do a little skiing or see a little of that snow, show him the third district.

Anyway, I appreciate the assistance of both of these gentlemen. Clearly, the resolution is very simple in its writing, but it is very deep in its thought. Pueblo, Colorado, has a population of 100,000 people; and of that population four of them have received the Medal of Honor, probably the highest number of Medal of Honor winners proportionate to population of any city in the country.

The City of Pueblo takes deep pride in the military. Their schools incorporate, within their schools, what the real definition of the word ''hero'' means.

The Medal of Honor winners, when they come to Pueblo for these annual dinners, take extra time and go around to these schools. Many of these schools are poor schools. They go around and speak to these students, and I will say it is really refreshing and relives or brings back up a deep sense of patriotism, for those of us who feel that it is very important.

So this year, the City of Pueblo is recognizing Heroes Plaza and have actually commissioned, and it is a very expensive undertaking, but they have commissioned four statues representing each of the four Medal of Honor winners of the City of Pueblo.

Unfortunately, two of those four have passed away in the past year and will not be present, obviously, for the occasion in September; but, nonetheless, we expect a very large gathering, and we think that this resolution adds to the patriotism of that particular gathering. So I do appreciate the expedited schedule, again thanks to the gentleman from Arizona (Mr. STUMP), thanks to the gentleman from Illinois (Mr. EVANS), and thanks to the Speaker pro tempore.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like at this time to thank once again the gentleman from Illinois (Mr. EVANS) for all his cooperation in bringing these bills to the floor today, and also thank the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for allowing us to expedite this measure today.

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 351.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4654

Mr. MCNULTY. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4654.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

INNOCENT CHILD PROTECTION ACT OF 2000

Mr. HUTCHINSON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4888) to protect innocent children.

The Clerk read as follows:

H.R. 4888

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 ''Innocent Child Protection Act of 2000''.

SEC. 2. PROTECTION OF INNOCENT CHILDREN.

It shall be unlawful for any authority, military or civil, of the United States, a State, or any district, possession, commonwealth or other territory under the authority of the United States to carry out a sentence of death on a woman while she carries a child in utero. In this section, the term ''child in utero'' means a member of the species homo sapiens, at any stage of development, who is carried in the womb.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

GENERAL LEAVE

Mr. HUTCHINSON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on H.R. 4888, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4888 is the Innocent Child Protection Act of 2000, which would make it unlawful for the Federal Government or any State government to execute a woman while she is pregnant. This legislation was introduced by the gentlewoman from Florida (Ms. Ros-Lehtinen) on July 19 and would fulfill the obligations of the United States under the International Covenant on Civil and Political Rights.

That covenant, which was ratified by the United States in 1992 and has been signed by 143 other countries, guarantees certain civil and political rights to all individuals within the jurisdiction of the various nations, including the right to be free from torture or cruel and inhumane and degrading treatment or punishment, the right to be free from slavery, and the right to liberty and security of person.

The covenant also guarantees the right to freedom of expression, thought, conscience and religion; but of significance to today's legislation, article 6 of that covenant provides that a sentence of death shall not be carried out on a pregnant woman.

The United States agreed to this prohibition and promised to respect and ensure the rights recognized in the covenant to all individuals subject to the jurisdiction of the United States.

In addition, where not already provided for by existing legislation or by other measures, the United States agreed to take necessary steps to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in that covenant; and so Congress, pursuant to that treaty, enacted legislation in 1994 that prohibited Federal executions of pregnant women.

That statute codified the common-law rule which had been recognized by the United States Supreme Court in Union Pacific Railway v. Botsford. In that case, the Supreme Court explained the common law barred execution of a pregnant woman in order to guard against the taking of the life of an unborn child for the crime of the mother.

The majority of executions are carried out by the States; and, therefore, it appears that some States have no statutory prohibition on executing pregnant women; and for that reason it is necessary to implement the treaty for us to move forward with this legislation. It is important that the position of the United States be clear and unambiguous.

Now let me address the constitutional authority for this legislation. It is well settled that Congress has the authority to enact legislation implementing treaties under the necessary and proper clause of article I of the Constitution, even if that legislation interferes with matters that would otherwise be left to the States. The Supreme Court addressed this issue in Missouri v. Holland. In that case, the United States entered into a treaty with Great Britain in which both countries agreed to take certain steps to protect migratory birds. After ratification of the treaty, Congress enacted a Federal statute prohibiting the killing, capturing or selling of certain migratory birds, except as permitted by regulation of the Department of Agriculture. And so even though Missouri challenged this new statute and asserted the statute interfered with the powers reserved to the States by the 10th amendment, the Court upheld implementation of that treaty by statute.

In a similar way, the courts have followed similar reasoning in upholding of the Hostage-Taking Act, which was again implemented pursuant to a treaty; and so this is very appropriate that we enter into this legislation today.

The situation, we might say, contemplated by this legislation may occur very rarely, but enactment of the law is clearly worthwhile even if it has the potential to save only one innocent life. In recent years there have been 40 to 50 women at a time under state-imposed death sentences. As of January 1, there were 51 women on death row in the various States and 82 percent of those women were age 45 or younger.

While it may seem unlikely that any of these women would become pregnant, the fact is that incarcerated women do become pregnant even in maximum security facilities. As our colleague, the gentlewoman from California (Ms. WOOLSEY), pointed out during a June 22 debate on a proposal to remove the ban on the funding of abortions by the Bureau of Prisons, we know that women become pregnant in prison from rape or from having a relationship with one of the guards. And in his book, Into This Universe: The Story of Human Birth, Dr. Alan Guttmacher, the father of Planned Parenthood, recounted a story told to him by a judge about a woman who obtained two stays of execution after she became pregnant twice through the willing cooperation of her jailer.

It is not difficult to imagine this scenario recurring, especially given the fact that over 80 percent of the women on death row are of child-bearing age. This bill does not reflect any point of view on the desirability or the appropriateness of the death penalty. Nor does it have any relevance to other pending legislation pertaining to DNA evidence or other issues related to the guilt or innocence of a person who has been convicted of a crime. This bill simply recognizes and fulfills this Congress' obligation under the International Covenant on Civil and Political Rights, the treaty I referred to, to protect innocent unborn children from being executed with their mothers.

I urge my colleagues to support this important legislation.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it has been said that legislative redundancy is a common sin on the House floor but this bill makes that sin unusually self-indulgent. The execution of pregnant women is already illegal under Federal law, and it is doubtful that this Supreme Court would acknowledge our jurisdiction to impose that dictum on State courts.

Let me read from Title 18, section 3596, implementation of death sentence:

In general, a person who has been sentenced to death pursuant to this chapter shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence.

When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal, who shall supervise implementation of the sentence in the manner prescribed by law of the State in which the sentence is imposed. If the law of the State does not provide for implementation of the death sentence, the Court shall designate another State, the law of which does provide for the implementation of a death sentence and the sentence shall be implemented in the manner prescribed by such law; B, pregnant woman, a sentence of death shall not be carried out upon a woman while she is pregnant.

So I suggest to the members of the committee that this bill is likely to affect no one, but it is rushed through in lightning speed in an effort to satisfy some particular cause for the moment.

By contrast, the hate crimes legislation has been bottled up in the Committee on the Judiciary by the gentleman from Illinois (Mr. HYDE) for over 3 years now. We know that there are nearly 8,000 hate crimes in America each year; but that legislation, by contrast, has not seen the light of day. Our gun safety legislation continues to be blocked by the Congress; nearly 26,000 innocent people dying on the wrong end of a barrel each year. This Congress has not even shown the fortitude to stand up to the NRA on something as simple as closing the gun show loophole which makes guns available to criminals, but we can pass this legislation that in all likelihood will help no one.

This is a leadership that cannot pass a Patients' Bill of Rights; that cannot pass the minimum wage; that cannot pass prescription drug benefits for seniors; that cannot pass a marriage tax that will help middle-class Americans; cannot really do much of anything to help people.

□ 1115

So if we really wanted to protect innocent life, we would pass the bipartisan Innocence Protection Act already introduced, which would provide DNA tests and competent counsel for death row inmates. This legislation was introduced in the wake of widespread evidence across the country that innocents have been wrongly committed of capital crimes. But instead, we pass legislation that in all probability will assist no one.

Madam Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN), author of the legislation.

Ms. ROS-LEHTINEN. Madam Speaker, I thank the gentleman from Arkansas for yielding me this time. In our Nation a convicted murderer loses the right to vote, along with all basic civil rights. In 38 States, a convicted murderer may lose even the most fundamental right, the right to live.

But what if within the confines of our judicial and penal system a convicted murderer would have the right to kill again. What if, as a result of this legal right, a completely innocent human being to whom no trespass could be attributed was brutally killed. These hypothetical examples could be realized because for the 38 States which impose the death penalty, there is no current law which prohibits the execution of a pregnant woman who carries an innocent, unborn child.

Madam Speaker, last week I introduced the Innocent Child Protection Act, H.R. 4888, which would make it illegal for any authority, military or civil, in any State to carry out a death sentence on a woman who carries a child in utero. No unborn child can possibly be guilty of committing a crime, therefore, no unborn child should be punished by death. H.R. 4888 will protect unborn children by preventing innocent human life from being sentenced to death.

Even in a maximum security facility, women do become pregnant. Otherwise, some in Congress would not have tried to require the Federal Bureau of Prisons to fund abortions. As of January 1991, 51 women were on State death row and 82 percent of them were of childbearing age, age 45 or younger.

But how many lives must pay for the crime committed by one of these women? Today I ask my colleagues, regardless of whether they are pro-life or pro-choice, to vote to pass H.R. 4888. An innocent unborn child should not have to forfeit his opportunity for a life for a crime that his mother has committed. And as the gentleman from Arkansas has also pointed out, Alan Frank Guttmacher, commonly known as the ''father of Planned Parenthood,'' stated in his book, Into This Universe, the Story of Human Birth, he makes the case for a child to be born, and not aborted, by a prisoner.

Madam Speaker, if even the father of Planned Parenthood is against a prisoner having an abortion, who can be against legislation to protect innocent life from death?

H.R. 4888 does not make a statement on the appropriateness of capital punishment as a means to castigate persons convicted of premeditated murder or other serious crimes. H.R. 4888 does not impose on a woman's right to choose, for it does not prohibit them from having an abortion. This bill merely asks one simple question: Should the government execute an unborn child who has committed no crime?

Madam Speaker, the only answer to this question is no. Therefore, I ask my colleagues to vote ''yes'' on H.R. 4888.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I fully respect the gentlewoman from Florida who has introduced this measure. I point out to her that normally, there is some Federal jurisdictional requirement that is cited in a bill of this kind that applies to a State, and that there is none such in this bill.

I am not quite sure if she was aware that there was in the Federal Criminal Code a measure that precludes in the Federal law at this moment a sentence from death being carried out upon a woman while she is still pregnant. I would ask the gentlewoman from Florida if she were aware of the existence of such a provision in our Federal law.

Ms. ROS-LEHTINEN. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Madam Speaker, what my bill simply says is that although there are provisions applying on the Federal death penalty, this would make it applicable at the State level.

Madam Speaker, 38 States do have the death penalty. So this would apply to those States that do.

Mr. CONYERS. Madam Speaker, reclaiming my time, if I might continue, is the gentlewoman familiar with the fact of the limited role of the Federal Government with respect to the State function? The New York v. U.S. and the U.S. v. Lopez cases limit the role of the Federal Government with respect to State function unless there is an explicit jurisdictional requirement satisfied.

Madam Speaker, I raise the question to the gentlewoman, or anybody on the floor, what is the jurisdictional authority in this bill?

Ms. ROS-LEHTINEN. Madam Speaker, if the gentleman will continue to yield.

Mr. CONYERS. I am happy to yield.

Ms. ROS-LEHTINEN. Madam Speaker, as the gentleman from Arkansas (Mr. HUTCHINSON) had pointed out in his introductory statements, which I then blotted out of mine because we did not want to be redundant, he had pointed out case after case where it was based on a treaty and then it does give the congressional authority to act in this way.

Madam Speaker, if I could ask the gentleman from Arkansas to reread, to recite those particular cases having to do with the treaty. If the gentleman from Michigan (Mr. CONYERS) would yield to the gentleman from Arkansas, he would be glad to cite those again.

Mr. CONYERS. Just a moment. Madam Speaker, I will be happy to yield to the gentleman from Arkansas, but before I do, I just wanted to remind him and the gentlewoman that the case that I cited, U.S. v. Lopez, requires and says that the statute in a bill must cite the authority. The authority must be cited. And in this bill, it is not cited. That is the question that still remains.

Mr. HUTCHINSON. Madam Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Madam Speaker, the Lopez case is a Commerce clause

case in which the Court had indicated that there had to be a recognition of the interstate basis and a legislative history for it. And in this case, this is not based upon the Commerce clause, but it is based upon the Constitution itself. The necessary and proper clause of the Constitution that gives the Federal Government authority to pass legislation to implement treaties.

So this legislation is based upon that clause of the Constitution fulfilling our obligation under the treaty that has been signed with the United States and 142 other nations, and I would thank the gentleman for the question, and direct him to the Missouri v. Holland case, which is really directly on point, which recites the authority of the Federal legislature to adopt legislation, even for the States, when it is carried out to implement a treaty, in that case the Migratory Bird Treaty.

Mr. CONYERS. Madam Speaker, again reclaiming my time, I would close by merely reminding everyone that these two cases, which both cite very clearly and unambiguously that they are not limited to the Commerce clause or any other particular part of the Constitution, require that the statute must cite the authority. The role of the Federal Government with respect to State functions must be made clear and explicit. The jurisdictional requirement has to be satisfied.

I submit to my friends that this is one of the few cases, few bills I have ever seen come to the floor that does not cite any authority, whatsoever. Now, it may be that in the haste of the moment, this is a bill that has not been before the Committee on the Judiciary, so maybe my colleagues forgot. We are dealing with a bill that was introduced on July 19, 2000. That was a few days ago. So that may be the problem.

Madam Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman from Arkansas (Mr. HUTCHINSON), my good friend, for yielding me this time.

Madam Speaker, one might excuse Vice President AL GORE for not knowing that a 1994 Federal law prohibits Federal executions of pregnant women, but not State. Last week on NBC's Meet the Press, Mr. GORE did not have a clue, and even laughed nervously in response to the question.

A day later, however, all indecisiveness was gone. Mr. GORE came down in earnest in favor of executing children, as long as the convicted mother chose it. He said, and I quote, ''The principle of a woman's right to choose governs in that case.'' According to Mr. GORE, the baby is property, mere chattel of no inherent worth, possessing no inherent dignity. If the mother is to be punished with death for the commission of a crime, the Vice President believes she can take her unborn child to the gallows with her.

Madam Speaker, Mr. GORE's position, in my view, is breathtakingly insensitive, callous and punishes an innocent baby, or babies if twins are involved, with electrocution or lethal injection.

Madam Speaker, as a Member of the Congress for the past 20 years, I am adamantly opposed to the death penalty, and I was before I came to Congress. Yet I respect those who take the contrary view and acknowledge that the argument of punishing heinous crimes like premeditated murder with death, and the requisite due process rights afforded to the accused, makes the argument in favor of the death penalty credible, but for me it is not convincing.

Yet, I would be less than candid if I did not say that I have no respect whatsoever for Mr. GORE, and those who take the position to permit the execution of children. Mr. GORE's child death penalty is totally contrary, Madam Speaker, to internationally recognized human rights principles. For example, the International Covenant on Civil and Political Rights states clearly in article VI that the sentence of death shall not be carried out on pregnant women.

I would remind my friends that this was the international covenant that was touted again and again on the Chinese debate on MFN and PNTR, because they had signed it, but not ratified it, and people talked glowingly about that very important human rights covenant. And yet it states in article VI that the sentence of death shall not be carried out on pregnant women.

Why? I think it should be obvious. Notwithstanding the gross distortion of caring and compassion and logic that has been forced on society and politicians by the abortion rights movement, it is self-evident that unborn children are human and alive and worthy of respect.

The abortion efforts have a curious and I would suggest an unreasonable need, obsession is more to the point, to deny the unborn child any recognition or respect whatsoever. Can we at least today, Madam Speaker, assert that protection for unborn children from the death penalty would be a prudent action to take?

Mr. CONYERS. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Madam Speaker, I have great professional respect and personal admiration for the gentleman from New Jersey (Mr. SMITH), as he well knows. And he and I share a very similar disposition on the preciousness of human life.

I do not believe that human life should be taken, whether it is human life within the womb or whether it is human life after the womb, and so I oppose the principle and practice of abortion on demand. I also strongly oppose the death penalty.

Unfortunately, I do not think that there is, generally speaking, a consistency in approach. Some individuals favor the death penalty for virtually any and every case where they want to show that they can get tough on crime. I think that is unfortunate.

□ 1130

I also have a tremendous amount of respect for the Constitution of the United States. Today I think we are dishonoring the Constitution. We have certain rights, and we have certain prerogatives, and they extend to matters within our jurisdiction.

We can pass legislation dealing with interstate commerce, et cetera, but there are certain matters that we cannot address unless there is a Federal nexus explicitly declared.

Now, in case after case, especially under this court, Justice Thomas, Justice Scalia, Justice Rehnquist, et cetera, have almost ridiculed the Congress because they have passed legislation without even purporting to have a Federal nexus.

What we are doing today is proving them right, that we care little about a Federal nexus, that if there is a TV show that can give us a temporary political advantage by the introduction and passage of a bill, let us do it regardless of the Constitution.

Well, I ask my friends to have more respect for the Constitution. To have an unbelievable intrusion into State law, there is a Federal law dealing with this issue for Federal crimes. Now my colleagues are talking about State sentences, where the bill before us does not even make one reference to a Federal nexus, where it was introduced a few days ago, where there has been no hearing, my colleagues do violence to the constitutional process. They do violence to the Constitution of the United States.

Mr. HUTCHINSON. Madam Speaker, may I inquire as to the time remaining on our side?

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Arkansas (Mr. HUTCHINSON) has 8 minutes remaining. The gentleman from Michigan (Mr. CONYERS) has 6½ minutes remaining.

Mr. HUTCHINSON. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I just wanted to point out, again, the Federal basis for this, Missouri v. Holland. Justice Holmes, a very distinguished jurist, said that the legislation is valid because there was a treaty involved; and, under the Constitution, the Federal Government has the right to impose legislation that would enforce the treaty nationwide.

It does not violate the 10th amendment because ''valid treaties are as binding within the territorial limits in the States as they are elsewhere throughout the dominion of the United States.''

Clearly, the court has said we have the authority to do this.

Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Madam Speaker, today we will pass legislation to prevent innocent children from being executed along with their guilty parents; or, as one of the interns in my office so aptly put it, this bill is to ensure that a convicted killer cannot decide to kill again, this time the innocent child in her womb.

Now, opponents of this legislation have said that it is unnecessary. After all, when has a pregnant woman ever been executed, they ask? I agree with them that this bill should be completely unnecessary. Although a pregnant woman was once sentenced to death, according to the father of Planned Parenthood, Alan Guttmacher, the authorities had the good sense to postpone her execution until after she had given birth.

In fact, the innocent child principle has been the law of the land for more than a century. It was under a liberal Democratic Congress in 1994 that we reaffirmed this common law principle.

So why do we need to pass this bill? Well, it seems that there are those who think it is time to retreat from this long-standing policy. Some think, not many, but some very important people think that it is okay to execute pregnant women as long as they consent.

But what about the innocent child in utero who has committed no crime? The baby has no choice in the matter, says one of our leaders.

People on death row are there because they willfully have taken another life; and some, several lives. They are not given the death penalty for manslaughter or even third degree murder, only for the most heinous crimes.

The innocent child is not guilty of the horrible crimes of its mother. So we must defend this common law principle, common sense, in the face of liberal activism to legalize the execution of pregnant women or their innocent children.

Madam Speaker, we stand with the American people who believe that pregnant women should not be executed, plain and simple.

Is this a new problem? Yes. But we are not the one who caused it. Just examine the comments of the Vice President if one wants to understand how this came about.

I urge support for the Innocent Victim Protection Act.

Mr. CONYERS. Madam Speaker, who has the right to close?

The SPEAKER pro tempore. The gentleman from Arkansas (Mr. HUTCHINSON) has the right to close.

Mr. CONYERS. Even when there is no report?

The SPEAKER pro tempore. The maker of the motion has the right to close in this case.

Mr. CONYERS. How much time is remaining, Madam Speaker?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 6½ minutes remaining. The gentleman from Arkansas (Mr. HUTCHINSON) has 5½ minutes remaining.

Mr. HUTCHINSON. Madam Speaker, just for the gentleman's information, I do have two speakers that I will recognize.

Mr. CONYERS. Madam Speaker, I am delighted to yield 4 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the distinguished ranking member of the Committee on the Judiciary for yielding me this time.

There would be little reason to come to the floor of the House and quarrel with this legislation. My distinguished colleague from Florida has raised an issue that I think should be part of a series of issues. So my angst today is not to quarrel with the fact that I think the legislation is weak on Federal nexus and, in fact, as we all have debated here today, it is already Federal law. But if this is to reach to the 50 States, then here are the questions that I would raise.

These are such weighty issues. There is so much debate going on on the sanctity and the reasonableness of the death penalty that I think it is actually a tragedy that we are here today on a very narrow function.

It has already been noted by Human Watch as well as statistics just related that this Nation has the most individuals incarcerated. Those of us who wish to protect the innocent, we hope that those who have been truly convicted of crimes, yes, do have to pay the time. But we also are looked upon in this world as a country that favors and supports and advocates democracy, justice.

Just yesterday, we debated the motto ''In God we trust'' to suggest that we are a people who believe and love in a higher being. But, yet, we have a situation where I come from a State where 135 people have been put to their death. We have had a legislative initiative that we are now debating that has not even seen a hearing.

What I would say to my colleagues, Madam Speaker, is that this is an issue, or the issue of the death penalty in general, that should be looked upon even in the face of its popularity in this country.

I am always reminded that it is those who stand against adversity or stand when others are pointing the finger that they are on the wrong side of the issue, if you will, that will rise to the occasion or will at least support the values of this country, which is that we believe in the protecting of the majority and the minority.

In the instance of the death penalty, there are legislative initiatives dealing with the moratorium. The Governor of Illinois, a conservative Republican, has given or rendered a moratorium in the State of Illinois because he has doubts as to whether or not those who are on death row have truly gotten fair access to justice or that he is not in the position to have executed innocent people. We cannot even get the legislative initiative with a moratorium a hearing.

In addition, in my own State, it is well known that the procedures of the Board of Pardons and Parole is a procedure racked with inadequacy, lacking due process. I have a legislative initiative to standardize the due process procedures for administrative boards throughout this Nation who make those determinations on the death penalty.

Finally, I think we have the opportunity to look at putting forward a Federal body that deals similarly to what our Governor in Illinois has done, a national Federal innocence commission.

These are the global issues that I think puts this Nation and this Congress in a position where the debate is a realistic debate.

This narrow focus just offered some days ago, no one would come to the floor to debate in opposition to the realism or the practicality of such a legislative initiative. But I think that it is a shame that we are debating this in the narrowness of the focus.

I hope, Madam Speaker, that we are not politicizing this issue because we are engaged in national politics. That is not the place of this body.

So I would say to my Republican colleagues that, if we are to really promote this Nation for what it is, democracy and openness and fairness and justice, we would have considered the plight of a Gary Graham, we would have considered reviewing the entire death penalty, both Federal and State, and we would, as I close, Madam Speaker, look at the disparity of minorities on death row and seriously address this question.

Mr. HUTCHINSON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Madam Speaker, here we are again debating a question of life, and I am really saddened that we even have to be here.

I think the gentleman from New York (Mr. LAFALCE) raises a great question. What is the nexus? But there is an even greater question. What is the nexus that the Supreme Court used to say that innocent life has no value if, in fact, a mother says it has no value? So the question of nexus has tremendous precedent, as set by the Court, in overruling laws in my State that said innocent life should be protected beyond any shadow of a doubt.

The second point which I think is very obvious to us is that it is right, nobody would come to the floor to say that this is not a proper thing to do. What a shame it is that a potential next leader of our country was confused on this issue. What that tells me is there is a rudder lacking in our moral integrity and foundation in this country and it was very well exhibited by that gentleman's statements.

There is no question in this country that we are paying a tremendous moral

price for the convenience of abortion. This bill is on the floor because we still have a tremendous moral wrong in this country. Any way that that issue can be discussed and talked about is a bona fide actuality on the floor of this House.

We may not like it, but the truth matters; and the truth is that our Founders said that we are all equal, that we all have the right to the pursuit of life, liberty and happiness.

Our country is in a sad state of affairs when we fail to recognize unborn life. This is just one of the symptoms of that. The gentleman from New York (Mr. LAFALCE), I grant him, I do not like the politicization of this issue. But the realistic facts are we are here today because innocent life is being torn from the foundation of what would make us a great country.

Mr. CONYERS. Madam Speaker, I yield myself 2½ minutes, the remaining time on our side.

Madam Speaker, I refer to the Missouri v. Holland case that the floor manager cited because it deals with whether incidents of the State are covered by treaties entered into by the United States. There the Supreme Court said that the supremacy clause means treaties do cover State residents, a very important point that is completely unrelated to the issue of Federal nexus before us.

But this bill is an entirely different constitutional animal. This bill deals with commandeering State functions and officials. As such, the New York v. U.S. and U.S. v. Lopez both reinforce one another and say that one must cite the Federal nexus, which this bill does not have.

But I say that to say that the bill may not have been, in haste, properly drafted. It does not mean that we cannot correct it. I would not object to this bill being passed. I do not oppose the bill on these grounds.

But my colleagues must recall, Madam Speaker, that, without any notice, we have had a bill rushed to the floor that was introduced less than a week ago. Is this to soften the less than kind, less than gentle, somewhat brutal image of the Republican presidential candidate after his somewhat callous and callow action on the death penalty in Texas?

□ 1145

I hope not. It seems to me that we have had the execution in the State of Texas of Karla Faye Tucker, a born-again Christian. She was executed and was mocked later by the governor of Texas, who made a whimpering noise and claimed, ''With tears in her eyes, she said, 'Please Governor, don't kill me.'''

And so I am saddened by the fact that we take this small tiny portion of the death penalty and bring it to the floor in this very hurried manner.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HUTCHINSON. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER).

(Mr. HUNTER asked and was given permission to revise and extend his remarks.)

Mr. HUNTER. Madam Speaker, I want to commend the author of this act, the gentlewoman from Florida (Ms. ROS-LEHTINEN), one of our great leaders in the House on these issues.

It is very clear, Madam Speaker, that we have built a great and enormous system of safeguards to protect criminal defendants, and that is because we are very concerned about their rights. I would suggest that this bill attempts to transfer just a small part of that concern that we have about the criminal, just a very small insignificant fraction of that concern, to that unborn child. We should be able to give just a little bit of that concern to that child, and that is what we are doing right now.

Our criminal statutes reflect the need to deter and to punish; and they can, at the same time, reflect our humanity, and that is what we do today. Let us protect the innocent children. Let us pass this act.

Mr. HUTCHINSON. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, first I want to express my appreciation to the ranking member of the committee, the gentleman from Michigan (Mr. CONYERS), for the way that he has conducted this debate, as well as the other Members across the aisle. I think anytime, as the gentleman from Oklahoma (Mr. COBURN) said, that we can discuss the issues of life, that it is a healthy debate for the Congress of the United States; and whenever we conduct it in a high tone, I think it is even better.

If I understand the gentleman correctly, he really does not oppose the substance of this bill. There have been arguments made that we should have a broader debate; that we should look at some additional death penalty protections, and those are fair debates as well; but today we have this bill before us that is very important. We can do something today that not only carries out the intent of the United States in signing the treaty with 142 other nations, but we can do something to make sure that innocent life is protected and that everyone in our society understands that we are clear and unambiguous as to our attempt to protect that life.

The gentlewoman from Texas (Ms. JACKSON-LEE) indicated these are weighty issues. They are weighty issues; but I am so thankful that when there is a mooring, that even weighty issues can be simple issues because they are based upon a moral foundation. So I believe that we can all be together in supporting this legislation. I think it sends a strong statement. It certainly supplements the Federal legislation that was passed previously. It supplements what the States have already done, and I think it really sends a statement to the world that we are going to abide by the treaties that we have entered into; that we are going to support life under these circumstances. I ask my colleagues to support the passage of this bill.

Mr. PITTS. Madam Speaker, I submit the following for the RECORD.

SHOULD AN INNOCENT UNBORN CHILD BE EXECUTED? KEY POINTS ON THE INNOCENT CHILD PROTECTION ACT (H.R. 4888)

JULY 20, 2000.

The Innocent Child Protection Act (H.R. 4888), introduced by Congresswoman Ileana Ros-Lehtinen (R–Fl.) on July 19, 2000, prohibits state governments from carrying out a sentence of death on a woman who carries a child in utero.

This bill does not reflect any point of view on the desirability or appropriateness of imposing capital punishment on persons convicted of premeditated murder or other grave crimes. Nor does this bill have anything to do with other bills that deal with DNA evidence or other issues pertaining to the actual guilt of a person who has been convicted of a capital crime. This bill simply recognizes (1) most states and the federal government do currently impose capital punishment for certain crimes, but (2) no child in utero can possibly be guilty of a crime, therefore (3) Congress should prevent the government from taking the life of an innocent child in utero by prohibiting, within all U.S. jurisdictions, any death sentence from being carried out while a woman convicted of a capital crime carries a child in utero.

Title 18 U.S.C.A. Sect. 3596, enacted in 1994, already prohibits federal executions of pregnant women, but most executions are carried out by states, and in any event it is just and appropriate to have a uniform law for all jurisdictions on this question.

Under traditional common law (non-statutory, judge-made law), a death sentence should not be carried out on a woman who carries a child in utero. The purpose of this common law doctrine, as the Supreme Court noted in the 1891 case of Union Pacific Railway v. Botsford, was ''to guard against the taking of the life of an unborn child for the crime of the mother.'' [11 Sup. Ct. Rep. 1000, 1002] However, common law offers weak and uncertain protection against the execution of an innocent child in utero.

While the situation under discussion here may seldom arise in the U.S. in modern times, maintaining and reinforcing the innocent child principle is worthwhile even if it saves only one innocent life in a century. Currently, 38 states (and the federal government) employ the death penalty for certain offenses. As of January 1, 1999, 51 women were on state death rows, of whom 82% were age 45 or younger.

Women do become pregnant in prison—even in maximum-security facilities. As Congresswoman Lynn Woolsey (D–Ca.) said on the floor of the House of Representatives on June 22, 2000, in a speech in favor of an unsuccessful amendment to require the federal Bureau of Prisons to fund abortions, ''We know that women become pregnant in prison, from rape or from having a relationship with one of the guards.''

In his 1937 book Into This Universe: The Story of Human Birth, Dr. Alan Guttmacher—the ''father of Planned Parenthood''—wrote: ''A judge has told me that in one of the States a pregnant woman received the ordinary stay of execution on account of pregnancy, and through the willing cooperation of a jailer became pregnant again shortly after her delivery, before the original execution order could be carried out. She was granted a second stay to allow her to give birth to the jailer's child.'' (page 46)

In 1976, the U.S. became a signatory to the International Covenant on Civil and Political Rights (CCPR), which 143 other nations have also joined. Article 6(5) states, ''Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.'' The U.S. entered a partial reservation to Article 6(5), which reads, ''The United States reserves the right, subject to its Constitutional constraints, to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below eighteen years of age.'' [italics added for emphasis] Thus, within the reservation itself, the U.S. bound itself not to permit the execution of any woman who carries an unborn child. Congress has constitutional authority to explicitly apply this treaty obligation to the states.

H.R. 4888's definition of ''child in utero'' (''a member of the species homo sapiens, at any stage of development, who is carried in the womb'') is taken verbatim from the Unborn Victims of Violence Act (H.R. 2436), passed by the House on September 30, 1999, by a vote of 254–172. (1999 House roll call no. 465) Similar definitions and terminology are found in numerous state laws. Like those state laws, this bill has no effect on access to legal abortion, either for women on death row or anybody else.

Vice President Gore, asked by NBC's Tim Russert whether he agreed with the current prohibition on federal executions of pregnant women, laughed and said, ''I'd want to think about it.'' (Meet the Press, July 16, 2000) On July 17, ''Mr. Gore said he favored allowing a pregnant woman to choose whether to delay her execution until she gave birth. 'The principle of a woman's right to choose governs in that case,' he said.'' (The New York Times, July 18) Gore's position implicitly repudiates the innocent child principle embodied in the International Covenant on Civil and Political Rights and in Title 18 U.S.C.A. Sect. 3596, both of which flatly prohibit the government from taking the child's life.

Mr. DELAHUNT. Madam Speaker, I rise in support of the bill, which would prevent the execution of a woman who is carrying a child.

As the lead sponsor of the Innocence Protection Act, I commend the authors of the bill for their concern that innocent human beings not be executed. However, I urge them to recognize that there may also be a second innocent human being involved in such cases—namely the mother herself.

Unfortunately, this very limited measure does nothing to prevent the execution of an innocent adult human being for a crime she did not commit.

The Innocence Protection Act of 2000 (H.R. 4167), which Mr. LAHOOD and I have introduced, would prevent such a thing from happening. Its two principal provisions concern the two most important tools by which the possibility of error can be minimized: DNA testing and competent legal representation.

This legislation arose out of a growing national awareness that the machinery by which we try capital cases in this country has gone seriously and dangerously awry.

Since the reinstatement of the death penalty in 1976, a total of 653 men and women have been executed in the United States, including 55 so far this year alone. During this same period, 87 people—more than one out of every 100 men and women sentenced to death in the United States—have been exonerated after spending years on death row for crimes they did not commit.

It is cases like these that convinced such organizations as the American Bar Association—which has no position on the death penalty per se—to call for a halt to executions until each jurisdiction can ensure that it has taken steps to minimize the risk that innocent persons may be executed.

It is cases like these that convinced Governor Ryan—a Republican and a supporter of the death penalty—to put a stop to executions in Illinois until he could be certain that ''everyone sentenced to death in Illinois is truly guilty.''

It is cases like these that should convince every American that Governor Ryan and the American Bar Association are right. We may not all agree on the ultimate morality or utility of capital punishment. Indeed, you have before you a pair of cosponsors who differ on that question. I spent my career as a prosecutor in opposition to the death penalty. Congressman LAHOOD is a supporter of the death penalty. But we agree profoundly that a just society cannot engage in the killing of the innocent. We have come together in this bipartisan effort to help prevent what Governor Ryan has called ''the ultimate nightmare, the state's taking of innocent life.''

I have heard some suggest that the concerns expressed by Governor Ryan are somehow peculiar to the State of Illinois. Nothing could be further from the truth. The system is fallible everywhere it is in place.

Only last month we received fresh evidence of this with the release of the first comprehensive statistical study ever undertaken of modern American capital appeals. The study, led by Professor James Liebman of Columbia University, looked at over 4,500 capital cases in 34 states over a 23-year period. According to the study, the courts found serious, reversible error in 68 percent of the capital sentences handed down over this period. And when these individuals were retried, 82 percent of them were found not to deserve the death penalty, and 7 percent were found innocent of the capital crime altogether.

These are shocking statistics, Mr. Speaker. It is hard to imagine many other human enterprises that would continue to operate with such a sorry record. I dare say that if seven out of every 10 NASA flights burned up in the upper atmosphere, we'd be reassessing the space program. If commercial airlines operated their planes with a 68 percent failure rate, we'd all be taking the train.

Yet even if these statistics are wildly exaggerated, where the taking of human life is involved, it seems to me we must strive to reach ''zero tolerance'' for error. As Governor Ryan recently said, ''99.5 percent isn't good enough'' when lives are in the balance.

Nothing we can do will bring absolute certainty. Judges, jurors, police, eyewitnesses, defense attorneys, and prosecutors themselves—all are human beings, and all make mistakes. As a prosecutor for over 20 years, I certainly made my share of them. But we do have the means at our disposal to minimize the possibility of error. And where lives are at stake, we have a responsibility to put those tools to use.

The Innocence Protection Act will help ensure that fewer mistakes are made in capital cases. And that when mistakes are made, they are caught in time.

I hope that the authors of today's bill are truly serious about the need to prevent the execution of the innocent, and that they will join the 79 members of this House—both Republicans and Democrats—who have cosponsored the Innocence Protection Act.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4888.

The question was taken.

Mr. HUTCHINSON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4461. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4461) ''An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD to be the conferees on the part of the Senate.

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4923) to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, to encourage investments in new markets, and for other purposes.

The Clerk read as follows:

H.R. 4923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Community Renewal and New Markets Act of 2000''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—TAX INCENTIVES FOR RENEWAL COMMUNITIES

Sec. 101. Designation of and tax incentives for renewal communities.
Sec. 102. Extension of expensing of environmental remediation costs to renewal communities; extension of termination date for renewal communities and empowerment zones.
Sec. 103. Work opportunity credit for hiring youth residing in renewal communities.

TITLE II—EXTENSION AND EXPANSION OF EMPOWERMENT ZONE INCENTIVES

Sec. 201. Authority to designate 9 additional empowerment zones.
Sec. 202. Extension of enterprise zone treatment through 2009.
Sec. 203. 20 percent employment credit for all empowerment zones
Sec. 204. Increased expensing under section 179.
Sec. 205. Higher limits on tax-exempt empowerment zone facility bonds.
Sec. 206. Nonrecognition of gain on rollover of empowerment zone investments.
Sec. 207. Increased exclusion of gain on sale of empowerment zone stock.

TITLE III—NEW MARKETS TAX CREDIT

Sec. 301. New markets tax credit.

TITLE IV—IMPROVEMENTS IN LOW-INCOME HOUSING CREDIT

Sec. 401. Modification of State ceiling on low-income housing credit.
Sec. 402. Modification of criteria for allocating housing credits among projects.
Sec. 403. Additional responsibilities of housing credit agencies.
Sec. 404. Modifications to rules relating to basis of building which is eligible for credit.
Sec. 405. Other modifications.
Sec. 406. Carryforward rules.
Sec. 407. Effective date.

TITLE V—PRIVATE ACTIVITY BOND VOLUME CAP

Sec. 501. Acceleration of phase-in of increase in volume cap on private activity bonds.

TITLE VI—AMERICA'S PRIVATE INVESTMENT COMPANIES

Sec. 601. Short title.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Authorization.
Sec. 605. Selection of APICs.
Sec. 606. Operations of APICs.
Sec. 607. Credit enhancement by the Federal Government.
Sec. 608. APIC requests for guarantee actions.
Sec. 609. Examination and monitoring of APICs.
Sec. 610. Penalties.
Sec. 611. Effective date.
Sec. 612. Sunset.

TITLE VII—OTHER COMMUNITY RENEWAL AND NEW MARKETS ASSISTANCE

Sec. 701. Transfer of unoccupied and substandard HUD-held housing to local governments and community development corporations.
Sec. 702. Transfer of HUD assets in revitalization areas.
Sec. 703. Risk-sharing demonstration.
Sec. 704. Prevention and treatment of substance abuse; services provided through religious organizations.
Sec. 705. New markets venture capital program.
Sec. 706. BusinessLINC grants and cooperative agreements.

TITLE I—TAX INCENTIVES FOR RENEWAL COMMUNITIES

SEC. 101. DESIGNATION OF AND TAX INCENTIVES FOR RENEWAL COMMUNITIES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Renewal Communities

''Part I. Designation.
''Part II. Renewal community capital gain; renewal community business.
''Part III. Additional incentives.

"PART I—DESIGNATION

''Sec. 1400E. Designation of renewal communities.

"SEC. 1400E. DESIGNATION OF RENEWAL COMMUNITIES.

''(a) DESIGNATION.—

''(1) DEFINITIONS.—For purposes of this title, the term 'renewal community' means any area—

''(A) which is nominated by one or more local governments and the State or States in which it is located for designation as a renewal community (hereinafter in this section referred to as a 'nominated area'), and

''(B) which the Secretary of Housing and Urban Development designates as a renewal community, after consultation with—

''(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and

''(ii) in the case of an area on an Indian reservation, the Secretary of the Interior.

''(2) NUMBER OF DESIGNATIONS.—

''(A) IN GENERAL.—The Secretary of Housing and Urban Development may designate not more than 40 nominated areas as renewal communities.

''(B) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under paragraph (1), at least 8 must be areas—

''(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000,

''(ii) which are outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

''(iii) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

''(3) AREAS DESIGNATED BASED ON DEGREE OF POVERTY, ETC.—

''(A) IN GENERAL.—Except as otherwise provided in this section, the nominated areas designated as renewal communities under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

''(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action described in subsection (d)(2) with respect to such area is inadequate.

''(4) LIMITATION ON DESIGNATIONS.—

''(A) PUBLICATION OF REGULATIONS.—The Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

''(i) the procedures for nominating an area under paragraph (1)(A),

''(ii) the parameters relating to the size and population characteristics of a renewal community, and

''(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

''(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development may designate nominated areas as renewal communities only during the 24-month period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed.

''(C) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation of a nominated area as a renewal community under paragraph (2) unless—

''(i) the local governments and the States in which the nominated area is located have the authority—

''(I) to nominate such area for designation as a renewal community,

''(II) to make the State and local commitments described in subsection (d), and

''(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

''(ii) a nomination regarding such area is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe, and

''(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate.

''(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—For purposes of this subchapter, in the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be treated as being both the State and local governments with respect to such area.

''(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

''(1) IN GENERAL.—Any designation of an area as a renewal community shall remain in effect during the period beginning on July 1, 2001, and ending on the earliest of—

''(A) December 31, 2009,

''(B) the termination date designated by the State and local governments in their nomination, or

''(C) the date the Secretary of Housing and Urban Development revokes such designation.

''(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which the area is located—

''(A) has modified the boundaries of the area, or

''(B) is not complying substantially with, or fails to make progress in achieving, the State or local commitments, respectively, described in subsection (d).

''(3) EARLIER TERMINATION OF CERTAIN BENEFITS IF EARLIER TERMINATION OF DESIGNATION.—If the designation of an area as a renewal community terminates before December 31, 2009—

''(A) the date of such termination shall be substituted for 'December 31, 2009' in section 198(h) with respect to such area, and

''(B) the day after the date of such termination shall be substituted for 'January 1, 2010' each place it appears in sections 1400F and 1400J with respect to such area.

''(c) AREA AND ELIGIBILITY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate a nominated area as a renewal community under subsection (a) only if the area meets the requirements of paragraphs (2) and (3) of this subsection.

''(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

''(A) the area is within the jurisdiction of one or more local governments,

''(B) the boundary of the area is continuous, and

''(C) the area—

''(i) has a population of not more than 200,000 and at least—

''(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 143(k)(2)(B)) which has a population of 50,000 or greater, or

''(II) 1,000 in any other case, or

''(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

''(3) ELIGIBILITY REQUIREMENTS.—A nominated area meets the requirements of this paragraph if the State and the local governments in which it is located certify in writing (and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification) that—

''(A) the area is one of pervasive poverty, unemployment, and general distress;

''(B) the unemployment rate in the area, as determined by the most recent available data, was at least 1½ times the national unemployment rate for the period to which such data relate;

''(C) the poverty rate for each population census tract within the nominated area is at least 20 percent; and

''(D) in the case of an urban area, at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

''(4) CONSIDERATION OF HIGH INCIDENCE OF CRIME.—The Secretary of Housing and Urban Development shall take into account, in selecting nominated areas for designation as renewal communities under this section, the extent to which such areas have a high incidence of crime.

''(5) CONSIDERATION OF COMMUNITIES IDENTIFIED IN GAO STUDY.—The Secretary of Housing and Urban Development shall take into account, in selecting nominated areas for designation as renewal communities under this section, if the area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas.

''(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

''(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate any nominated area as a renewal community under subsection (a) only if—

''(A) the local government and the State in which the area is located agree in writing that, during any period during which the area is a renewal community, such governments will follow a specified course of action which meets the requirements of paragraph (2) and is designed to reduce the various burdens borne by employers or employees in such area, and

''(B) the economic growth promotion requirements of paragraph (3) are met.

''(2) COURSE OF ACTION.—

''(A) IN GENERAL.—A course of action meets the requirements of this paragraph if such course of action is a written document, signed by a State (or local government) and neighborhood organizations, which evidences a partnership between such State or government and community-based organizations and which commits each signatory to specific and measurable goals, actions, and timetables. Such course of action shall include at least 4 of the following:

''(i) A reduction of tax rates or fees applying within the renewal community.

''(ii) An increase in the level of efficiency of local services within the renewal community.

''(iii) Crime reduction strategies, such as crime prevention (including the provision of crime prevention services by nongovernmental entities).

''(iv) Actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal community.

''(v) Involvement in the program by private entities, organizations, neighborhood organizations, and community groups, particularly those in the renewal community, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the renewal community.

''(vi) The gift (or sale at below fair market value) of surplus real property (such as land, homes, and commercial or industrial structures) in the renewal community to neighborhood organizations, community development corporations, or private companies.

''(B) RECOGNITION OF PAST EFFORTS.—For purposes of this section, in evaluating the course of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

''(3) ECONOMIC GROWTH PROMOTION REQUIREMENTS.—The economic growth promotion requirements of this paragraph are met with respect to a nominated area if the local government and the State in which such area is located certify in writing that such government and State (respectively) have repealed or reduced, will not enforce, or will reduce within the nominated area at least 4 of the following:

''(A) Licensing requirements for occupations that do not ordinarily require a professional degree.

''(B) Zoning restrictions on home-based businesses which do not create a public nuisance.

''(C) Permit requirements for street vendors who do not create a public nuisance.

''(D) Zoning or other restrictions that impede the formation of schools or child care centers.

''(E) Franchises or other restrictions on competition for businesses providing public services, including taxicabs, jitneys, cable television, or trash hauling.

This paragraph shall not apply to the extent that such regulation of businesses and occupations is necessary for and well-tailored to the protection of health and safety.

''(e) COORDINATION WITH TREATMENT OF EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.—For purposes of this title, the designation under section 1391 of any area as an empowerment zone or enterprise community shall cease to be in effect as of the date that the designation of any portion of such area as a renewal community takes effect.

''(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this subchapter—

''(1) GOVERNMENTS.—If more than one government seeks to nominate an area as a renewal community, any reference to, or requirement of, this section shall apply to all such governments.

''(2) LOCAL GOVERNMENT.—The term 'local government' means—

''(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

''(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development.

''(3) APPLICATION OF RULES RELATING TO CENSUS TRACTS.—The rules of section 1392(b)(4) shall apply.

''(4) CENSUS DATA.—Population and poverty rate shall be determined by using 1990 census data.

''(g) PRIORITY FOR DISTRICT OF COLUMBIA NOMINATED AREA.—For purposes of this subchapter—

''(1) IN GENERAL.—Any nominated area within the District of Columbia shall be treated for purposes of subsection (a)(3) as having the highest average with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3).

''(2) DATE OF DESIGNATION.—Notwithstanding subsection (b)(1), the designation of a nominated area within the District of Columbia as a renewal community shall take effect on January 1, 2003.

''(3) NOMINATION.—The District of Columbia shall be treated as being both a State and local government with respect to such area.

''PART II—RENEWAL COMMUNITY CAPITAL GAIN; RENEWAL COMMUNITY BUSINESS

''Sec. 1400F. Renewal community capital gain.

''Sec. 1400G. Renewal community business defined.

''SEC. 1400F. RENEWAL COMMUNITY CAPITAL GAIN.

''(a) GENERAL RULE.—Gross income does not include any qualified capital gain from the sale or exchange of a qualified community asset held for more than 5 years.

''(b) QUALIFIED COMMUNITY ASSET.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified community asset' means—

''(A) any qualified community stock,

''(B) any qualified community partnership interest, and

''(C) any qualified community business property.

''(2) QUALIFIED COMMUNITY STOCK.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'qualified community stock' means any stock in a domestic corporation if—

''(i) such stock is acquired by the taxpayer after June 30, 2001, and before January 1, 2010, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash,

''(ii) as of the time such stock was issued, such corporation was a renewal community business (or, in the case of a new corporation, such corporation was being organized for purposes of being a renewal community business), and

''(iii) during substantially all of the taxpayer's holding period for such stock, such corporation qualified as a renewal community business.

''(B) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

''(3) QUALIFIED COMMUNITY PARTNERSHIP INTEREST.—The term 'qualified community partnership interest' means any capital or profits interest in a domestic partnership if—

''(A) such interest is acquired by the taxpayer after June 30, 2001, and before January 1, 2010, from the partnership solely in exchange for cash,

''(B) as of the time such interest was acquired, such partnership was a renewal community business (or, in the case of a new partnership, such partnership was being organized for purposes of being a renewal community business), and

''(C) during substantially all of the taxpayer's holding period for such interest, such partnership qualified as a renewal community business.

A rule similar to the rule of paragraph (2)(B) shall apply for purposes of this paragraph.

''(4) QUALIFIED COMMUNITY BUSINESS PROPERTY.—

''(A) IN GENERAL.—The term 'qualified community business property' means tangible property if—

''(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after June 30, 2001, and before January 1, 2010,

''(ii) the original use of such property in the renewal community commences with the taxpayer, and

''(iii) during substantially all of the taxpayer's holding period for such property, substantially all of the use of such property was in a renewal community business of the taxpayer.

''(B) SPECIAL RULE FOR SUBSTANTIAL IMPROVEMENTS.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to—

''(i) property which is substantially improved by the taxpayer before January 1, 2010, and

''(ii) any land on which such property is located.

The determination of whether a property is substantially improved shall be made under clause (ii) of section 1400B(b)(4)(B), except that 'June 30, 2001' shall be substituted for 'December 31, 1997' in such clause.

''(c) QUALIFIED CAPITAL GAIN.—For purposes of this section—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified capital gain' means any gain recognized on the sale or exchange of—

''(A) a capital asset, or

''(B) property used in the trade or business (as defined in section 1231(b)).

''(2) GAIN BEFORE JULY 1, 2001, OR AFTER 2014 NOT QUALIFIED.—The term 'qualified capital gain' shall not include any gain attributable to periods before July 1, 2001, or after December 31, 2014.

''(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 1400B(e) shall apply for purposes of this subsection.

''(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of paragraphs (5), (6), and (7) of subsection (b), and subsections (f) and (g), of section 1400B shall apply; except that for such purposes section 1400B(g)(2) shall be applied by substituting 'July 1, 2001' for 'January 1, 1998' and 'December 31, 2014' for 'December 31, 2007'.

''(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the avoidance of the purposes of this section.

''SEC. 1400G. RENEWAL COMMUNITY BUSINESS DEFINED.

''For purposes of this subchapter, the term 'renewal community business' means any entity or proprietorship which would be a qualified business entity or qualified proprietorship under section 1397C if references to renewal communities were substituted for references to empowerment zones in such section.

''PART III—ADDITIONAL INCENTIVES

''Sec. 1400H. Renewal community employment credit.

''Sec. 1400I. Commercial revitalization deduction.

''Sec. 1400J. Increase in expensing under section 179.

''SEC. 1400H. RENEWAL COMMUNITY EMPLOYMENT CREDIT.

''(a) IN GENERAL.—Subject to the modification in subsection (b), a renewal community shall be treated as an empowerment zone for purposes of section 1396 with respect to wages paid or incurred after June 30, 2001.

''(b) MODIFICATION.—In applying section 1396 with respect to renewal communities—

''(1) the applicable percentage shall be 15 percent, and

''(2) subsection (c) thereof shall be applied by substituting '$10,000' for '$15,000' each place it appears.

''SEC. 1400I. COMMERCIAL REVITALIZATION DEDUCTION.

''(a) GENERAL RULE.—At the election of the taxpayer, either—

''(1) one-half of any qualified revitalization expenditures chargeable to capital account with respect to any qualified revitalization building shall be allowable as a deduction for the taxable year in which the building is placed in service, or

''(2) a deduction for all such expenditures shall be allowable ratably over the 120-month period beginning with the month in which the building is placed in service.

''(b) QUALIFIED REVITALIZATION BUILDINGS AND EXPENDITURES.—For purposes of this section—

''(1) QUALIFIED REVITALIZATION BUILDING.—The term 'qualified revitalization building' means any building (and its structural components) if—

''(A) the building is placed in service by the taxpayer in a renewal community and the original use of the building begins with the taxpayer, or

''(B) in the case of such building not described in subparagraph (A), such building—

''(i) is substantially rehabilitated (within the meaning of section 47(c)(1)(C)) by the taxpayer, and

''(ii) is placed in service by the taxpayer after the rehabilitation in a renewal community.

''(2) QUALIFIED REVITALIZATION EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified revitalization expenditure' means any amount properly chargeable to capital account for property for which depreciation is allowable under section 168 (without regard to this section) and which is—

''(i) nonresidential real property (as defined in section 168(e)), or

''(ii) section 1250 property (as defined in section 1250(c)) which is functionally related and subordinate to property described in clause (i).

''(B) CERTAIN EXPENDITURES NOT INCLUDED.—

''(i) ACQUISITION COST.—In the case of a building described in paragraph (1)(B), the cost of acquiring the building or interest therein shall be treated as a qualified revitalization expenditure only to the extent that such cost does not exceed 30 percent of the aggregate qualified revitalization expenditures (determined without regard to such cost) with respect to such building.

''(ii) CREDITS.—The term 'qualified revitalization expenditure' does not include any expenditure which the taxpayer may take into account in computing any credit allowable under this title unless the taxpayer elects to take the expenditure into account only for purposes of this section.

''(c) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building shall not exceed the lesser of—

''(1) $10,000,000, or

''(2) the commercial revitalization expenditure amount allocated to such building under this section by the commercial revitalization agency for the State in which the building is located.

''(d) COMMERCIAL REVITALIZATION EXPENDITURE AMOUNT.—

''(1) IN GENERAL.—The aggregate commercial revitalization expenditure amount which a commercial revitalization agency may allocate for any calendar year is the amount of the State commercial revitalization expenditure ceiling determined under this paragraph for such calendar year for such agency.

''(2) STATE COMMERCIAL REVITALIZATION EXPENDITURE CEILING.—The State commercial revitalization expenditure ceiling applicable to any State—

''(A) for the period after June 30, 2001, and before January 1, 2002, is $6,000,000 for each renewal community in the State,

''(B) for each calendar year after 2001 and before 2010 is $12,000,000 for each renewal community in the State, and

''(C) for each calendar year thereafter is zero.

''(3) COMMERCIAL REVITALIZATION AGENCY.—For purposes of this section, the term 'commercial revitalization agency' means any agency authorized by a State to carry out this section.

''(4) TIME AND MANNER OF ALLOCATIONS.—Allocations under this section shall be made at the same time and in the same manner as under paragraphs (1) and (7) of section 42(h).

''(e) RESPONSIBILITIES OF COMMERCIAL REVITALIZATION AGENCIES.—

''(1) PLANS FOR ALLOCATION.—Notwithstanding any other provision of this section, the commercial revitalization expenditure amount with respect to any building shall be zero unless—

''(A) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization agency which is approved (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) by the governmental unit of which such agency is a part; and

''(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such allocation and provides such individual a reasonable opportunity to comment on the allocation.

''(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means any plan—

''(A) which sets forth selection criteria to be used to determine priorities of the commercial revitalization agency which are appropriate to local conditions,

''(B) which considers—

''(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for a renewal community through a citizen participation process,

''(ii) the amount of any increase in permanent, full-time employment by reason of any project, and

''(iii) the active involvement of residents and nonprofit groups within the renewal community, and

''(C) which provides a procedure that the agency (or its agent) will follow in monitoring compliance with this section.

''(f) SPECIAL RULES.—

''(1) DEDUCTION IN LIEU OF DEPRECIATION.—The deduction provided by this section for qualified revitalization expenditures shall—

''(A) with respect to the deduction determined under subsection (a)(1), be in lieu of any depreciation deduction otherwise allowable on account of ½ of such expenditures, and

''(B) with respect to the deduction determined under subsection (a)(2), be in lieu of any depreciation deduction otherwise allowable on account of all of such expenditures.

''(2) BASIS ADJUSTMENT, ETC.—For purposes of sections 1016 and 1250, the deduction under this section shall be treated in the same manner as a depreciation deduction. For purposes of section 1250(b)(5), the straight line method of adjustment shall be determined without regard to this section.

''(3) SUBSTANTIAL REHABILITATIONS TREATED AS SEPARATE BUILDINGS.—A substantial rehabilitation (within the meaning of section 47(c)(1)(C)) of a building shall be treated as a separate building for purposes of subsection (a).

''(4) CLARIFICATION OF ALLOWANCE OF DEDUCTION UNDER MINIMUM TAX.—Notwithstanding section 56(a)(1), the deduction under this section shall be allowed in determining alternative minimum taxable income under section 55.

''(g) REGULATIONS.—For purposes of this section, the Secretary shall, by regulations, provide for the application of rules similar to the rules of section 49 and subsections (a) and (b) of section 50.

''(h) TERMINATION.—This section shall not apply to any building placed in service after December 31, 2009.

''SEC. 1400J. INCREASE IN EXPENSING UNDER SECTION 179.

''(a) IN GENERAL.—For purposes of section 1397A—

''(1) a renewal community shall be treated as an empowerment zone,

''(2) a renewal community business shall be treated as an empowerment zone business, and

''(3) qualified renewal property shall be treated as enterprise zone property.

''(b) QUALIFIED RENEWAL PROPERTY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified renewal property' means any property to which section 168 applies (or would apply but for section 179) if—

''(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after June 30, 2001, and before January 1, 2010, and

''(B) such property would be qualified zone property (as defined in section 1397D) if references to renewal communities were substituted for references to empowerment zones in section 1397D.

''(2) CERTAIN RULES TO APPLY.—The rules of subsections (a)(2) and (b) of section 1397D shall apply for purposes of this section.''.

(b) EXCEPTION FOR COMMERCIAL REVITALIZATION DEDUCTION FROM PASSIVE LOSS RULES.—

(1) Paragraph (3) of section 469(i) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) EXCEPTION FOR COMMERCIAL REVITALIZATION DEDUCTION.—Subparagraph (A) shall not apply to any portion of the passive activity loss for any taxable year which is attributable to the commercial revitalization deduction under section 1400I.''

(2) Subparagraph (E) of section 469(i)(3), as redesignated by subparagraph (A), is amended to read as follows:

''(E) ORDERING RULES TO REFLECT EXCEPTIONS AND SEPARATE PHASE-OUTS.—If subparagraph (B), (C), or (D) applies for a taxable year, paragraph (1) shall be applied—

''(i) first to the portion of the passive activity loss to which subparagraph (C) does not apply,

''(ii) second to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

''(iii) third to the portion of such credit to which subparagraph (B) applies,

''(iv) fourth to the portion of such loss to which subparagraph (C) applies, and

''(v) then to the portion of such credit to which subparagraph (D) applies.''

(3)(A) Subparagraph (B) of section 469(i)(6) is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) any deduction under section 1400I (relating to commercial revitalization deduction).''

(B) The heading for such subparagraph (B) is amended by striking ''OR REHABILITATION CREDIT'' and inserting '', REHABILITATION CREDIT, OR COMMERCIAL REVITALIZATION DEDUCTION''.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

''Subchapter X. Renewal Communities.''.

SEC. 102. EXTENSION OF EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS TO RENEWAL COMMUNITIES; EXTENSION OF TERMINATION DATE FOR RENEWAL COMMUNITIES AND EMPOWERMENT ZONES.

(a) EXTENSION.—

(1) IN GENERAL.—Subparagraph (A) of section 198(c)(2) (defining targeted area) is amended by striking ''and'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', and'', and by adding at the end the following new clause:

''(v) any renewal community (as defined in section 1400E).''

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to expenditures paid or incurred after June 30, 2001.

(b) EXTENSION OF TERMINATION DATE.—Subsection (h) of section 198 is amended by inserting before the period ''(December 31, 2009, in the case of an empowerment zone or renewal community)''.

SEC. 103. WORK OPPORTUNITY CREDIT FOR HIRING YOUTH RESIDING IN RENEWAL COMMUNITIES.

(a) HIGH-RISK YOUTH.—Subparagraphs (A)(ii) and (B) of section 51(d)(5) are each amended by striking ''empowerment zone or enterprise community'' and inserting ''empowerment zone, enterprise community, or renewal community''.

(b) QUALIFIED SUMMER YOUTH EMPLOYEE.—Clause (iv) of section 51(d)(7)(A) is amended by striking ''empowerment zone or enterprise community'' and inserting ''empowerment zone, enterprise community, or renewal community''.

(c) HEADINGS.—Paragraphs (5)(B) and (7)(C) of section 51(d) are each amended by inserting ''OR COMMUNITY'' in the heading after ''ZONE''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after June 30, 2001.

TITLE II—EXTENSION AND EXPANSION OF EMPOWERMENT ZONE INCENTIVES

SEC. 201. AUTHORITY TO DESIGNATE 9 ADDITIONAL EMPOWERMENT ZONES.

Section 1391 is amended by adding at the end the following new subsection:

''(h) ADDITIONAL DESIGNATIONS PERMITTED.—

''(1) IN GENERAL.—In addition to the areas designated under subsections (a) and (g), the appropriate Secretaries may designate in the aggregate an additional 9 nominated areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than 7 may be designated in urban areas and not more than 2 may be designated in rural areas.

''(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before January 1, 2002. Subject to subparagraphs (B) and (C) of subsection (d)(1), such designations shall remain in effect during the period beginning on January 1, 2002, and ending on December 31, 2009.

''(3) MODIFICATIONS TO ELIGIBILITY CRITERIA, ETC.—The rules of subsection (g)(3) shall apply to designations under this subsection.''

SEC. 202. EXTENSION OF ENTERPRISE ZONE TREATMENT THROUGH 2009.

Subparagraph (A) of section 1391(d)(1) (relating to period for which designation is in effect) is amended to read as follows:

''(A) December 31, 2009,''.

SEC. 203. 20 PERCENT EMPLOYMENT CREDIT FOR ALL EMPOWERMENT ZONES

(a) 20 PERCENT CREDIT.—Subsection (b) of section 1396 (relating to empowerment zone employment credit) is amended to read as follows:

''(b) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage is 20 percent.''

(b) ALL EMPOWERMENT ZONES ELIGIBLE FOR CREDIT.—Section 1396 is amended by striking subsection (e).

(c) CONFORMING AMENDMENT.—Subsection (d) of section 1400 is amended to read as follows:

''(d) SPECIAL RULE FOR APPLICATION OF EMPLOYMENT CREDIT.—With respect to the DC Zone, section 1396(d)(1)(B) (relating to empowerment zone employment credit) shall be applied by substituting 'the District of Columbia' for 'such empowerment zone'.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid or incurred after December 31, 2001.

SEC. 204. INCREASED EXPENSING UNDER SECTION 179.

(a) IN GENERAL.—Subparagraph (A) of section 1397A(a)(1) is amended by striking ''$20,000'' and inserting ''$35,000''.

(b) EXPENSING FOR PROPERTY USED IN DEVELOPABLE SITES.—Section 1397A is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 205. HIGHER LIMITS ON TAX-EXEMPT EMPOWERMENT ZONE FACILITY BONDS.

(a) IN GENERAL.—Paragraph (3) of section 1394(f) (relating to bonds for empowerment zones designated under section 1391(g)) is amended to read as follows:

''(3) EMPOWERMENT ZONE FACILITY BOND.—For purposes of this subsection, the term 'empowerment zone facility bond' means any bond which would be described in subsection (a) if—

''(A) in the case of obligations issued before January 1, 2002, only empowerment zones designated under section 1391(g) were taken into account under sections 1397C and 1397D, and

''(B) in the case of obligations issued after December 31, 2001, all empowerment zones (other than the District of Columbia) were taken into account under sections 1397C and 1397D.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2001.

SEC. 206. NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.

(a) IN GENERAL.—Part III of subchapter U of chapter 1 is amended—

(1) by redesignating subpart C as subpart D,

(2) by redesignating sections 1397B and 1397C as sections 1397C and 1397D, respectively, and

(3) by inserting after subpart B the following new subpart:

''Subpart C—Nonrecognition of Gain on Rollover of Empowerment Zone Investments

''Sec. 1397B. Nonrecognition of Gain on Rollover of Empowerment Zone Investments.

''SEC. 1397B. NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.

''(a) NONRECOGNITION OF GAIN.—In the case of any sale of a qualified empowerment zone asset held by the taxpayer for more than 1 year and with respect to which such taxpayer elects the application of this section, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds—

''(1) the cost of any qualified empowerment zone asset (with respect to the same zone as the asset sold) purchased by the taxpayer during the 60-day period beginning on the date of such sale, reduced by

''(2) any portion of such cost previously taken into account under this section.

''(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) QUALIFIED EMPOWERMENT ZONE ASSET.—

''(A) IN GENERAL.—The term 'qualified empowerment zone asset' means any property which would be a qualified community asset (as defined in section 1400F) if in section 1400F—

''(i) references to empowerment zones were substituted for references to renewal communities,

''(ii) references to enterprise zone businesses (as defined in section 1397C) were substituted for references to renewal community businesses, and

''(iii) the date of the enactment of this paragraph were substituted for 'December 31, 2001' each place it appears.

''(B) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this section.

''(2) CERTAIN GAIN NOT ELIGIBLE FOR ROLLOVER.—This section shall not apply to—

''(A) any gain which is treated as ordinary income for purposes of this subtitle, and

''(B) any gain which is attributable to real property, or an intangible asset, which is not an integral part of an enterprise zone business.

''(3) PURCHASE.—A taxpayer shall be treated as having purchased any property if, but for paragraph (4), the unadjusted basis of such property in the hands of the taxpayer would be its cost (within the meaning of section 1012).

''(4) BASIS ADJUSTMENTS.—If gain from any sale is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any qualified empowerment zone asset which is purchased by the taxpayer during the 60-day period described in subsection (a). This paragraph shall not apply for purposes of section 1202.

''(5) HOLDING PERIOD.—For purposes of determining whether the nonrecognition of gain under subsection (a) applies to any qualified empowerment zone asset which is sold—

''(A) the taxpayer's holding period for such asset and the asset referred to in subsection (a)(1) shall be determined without regard to section 1223, and

''(B) only the first year of the taxpayer's holding period for the asset referred to in subsection (a)(1) shall be taken into account for purposes of paragraphs (2)(A)(iii), (3)(C), and (4)(A)(iii) of section 1400F(b).''

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (23) of section 1016(a) is amended—

(A) by striking ''or 1045'' and inserting ''1045, or 1397B'', and

(B) by striking ''or 1045(b)(4)'' and inserting ''1045(b)(4), or 1397B(b)(4)''.

(2) Paragraph (15) of section 1223 is amended to read as follows:

''(15) Except for purposes of sections 1202(a)(2), 1202(c)(2)(A), 1400B(b), and 1400F(b), in determining the period for which the taxpayer has held property the acquisition of which resulted under section 1045 or 1397B in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property has been held as of the date of such sale.''

(3) Paragraph (2) of section 1394(b) is amended—

(A) by striking ''section 1397C'' and inserting ''section 1397D'', and

(B) by striking ''section 1397C(a)(2)'' and inserting ''section 1397D(a)(2)''.

(4) Paragraph (3) of section 1394(b) is amended—

(A) by striking ''section 1397B'' each place it appears and inserting ''section 1397C'', and

(B) by striking ''section 1397B(d)'' and inserting ''section 1397C(d)''.

(5) Sections 1400(e) and 1400B(c) are each amended by striking ''section 1397B'' each place it appears and inserting ''section 1397C''.

(6) The table of subparts for part III of subchapter U of chapter 1 is amended by striking the last item and inserting the following new items:

''Subpart C. Nonrecognition of gain on rollover of empowerment zone investments.

''Subpart D. General provisions.''

(7) The table of sections for subpart D of such part III is amended to read as follows:

''Sec. 1397C. Enterprise zone business defined.

''Sec. 1397D. Qualified zone property defined.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified empowerment zone assets acquired after the date of the enactment of this Act.

SEC. 207. INCREASED EXCLUSION OF GAIN ON SALE OF EMPOWERMENT ZONE STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 is amended to read as follows:

''(a) EXCLUSION.—

''(1) IN GENERAL.—In the case of a taxpayer other than a corporation, gross income shall not include 50 percent of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

''(2) EMPOWERMENT ZONE BUSINESSES.—

''(A) IN GENERAL.—In the case of qualified small business stock acquired after the date of the enactment of this paragraph in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer's holding period for such stock, paragraph (1) shall be applied by substituting '60 percent' for '50 percent'.

''(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

''(C) GAIN AFTER 2014 NOT QUALIFIED.—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

''(D) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this paragraph.''

(b) CONFORMING AMENDMENT.—Paragraph (8) of section 1(h) is amended by striking ''means'' and all that follows and inserting ''means the excess of—

''(A) the gain which would be excluded from gross income under section 1202 but for the percentage limitation in section 1202(a), over

''(B) the gain excluded from gross income under section 1202.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

TITLE III—NEW MARKETS TAX CREDIT

SEC. 301. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

''SEC. 45D. NEW MARKETS TAX CREDIT.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—For purposes of section 38, in the case of a taxpayer who holds a qualified equity investment on a credit allowance date of such investment which occurs during the taxable year, the new markets tax credit determined under this section for such taxable year is an amount equal to the applicable percentage of the amount paid to the qualified community development entity for such investment at its original issue.

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

''(A) 5 percent with respect to the first 3 credit allowance dates, and

''(B) 6 percent with respect to the remainder of the credit allowance dates.

''(3) CREDIT ALLOWANCE DATE.—For purposes of paragraph (1), the term 'credit allowance date' means, with respect to any qualified equity investment—

''(A) the date on which such investment is initially made, and

''(B) each of the 6 anniversary dates of such date thereafter.

''(b) QUALIFIED EQUITY INVESTMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified equity investment' means any equity investment in a qualified community development entity if—

''(A) such investment is acquired by the taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash,

''(B) substantially all of such cash is used by the qualified community development entity to make qualified low-income community investments, and

''(C) such investment is designated for purposes of this section by the qualified community development entity.

Such term shall not include any equity investment issued by a qualified community development entity more than 5 years after the date that such entity receives an allocation under subsection (f). Any allocation not used within such 5-year period may be reallocated by the Secretary under subsection (f).

''(2) LIMITATION.—The maximum amount of equity investments issued by a qualified

community development entity which may be designated under paragraph (1)(C) by such entity shall not exceed the portion of the limitation amount allocated under subsection (f) to such entity.

''(3) SAFE HARBOR FOR DETERMINING USE OF CASH.—The requirement of paragraph (1)(B) shall be treated as met if at least 85 percent of the aggregate gross assets of the qualified community development entity are invested in qualified low-income community investments.

''(4) TREATMENT OF SUBSEQUENT PURCHASERS.—The term 'qualified equity investment' includes any equity investment which would (but for paragraph (1)(A)) be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

''(5) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this subsection.

''(6) EQUITY INVESTMENT.—The term 'equity investment' means—

''(A) any stock (other than nonqualified preferred stock as defined in section 351(g)(2)) in an entity which is a corporation, and

''(B) any capital interest in an entity which is a partnership.

''(c) QUALIFIED COMMUNITY DEVELOPMENT ENTITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified community development entity' means any domestic corporation or partnership if—

''(A) the primary mission of the entity is serving, or providing investment capital for, low-income communities or low-income persons,

''(B) the entity maintains accountability to residents of low-income communities through representation on governing or advisory boards or otherwise, and

''(C) the entity is certified by the Secretary for purposes of this section as being a qualified community development entity.

''(2) SPECIAL RULES FOR CERTAIN ORGANIZATIONS.—The requirements of paragraph (1) shall be treated as met by—

''(A) any specialized small business investment company (as defined in section 1044(c)(3)), and

''(B) any community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

''(d) QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified low-income community investment' means—

''(A) any equity investment in, or loan to, any qualified active low-income community business,

''(B) the purchase from another community development entity of any loan made by such entity which is a qualified low-income community investment,

''(C) financial counseling and other services specified in regulations prescribed by the Secretary to businesses located in, and residents of, low-income communities, and

''(D) any equity investment in, or loan to, any qualified community development entity.

''(2) QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified active low-income community business' means, with respect to any taxable year, any corporation or partnership if for such year—

''(i) at least 50 percent of the total gross income of such entity is derived from the active conduct of a qualified business within any low-income community,

''(ii) a substantial portion of the use of the tangible property of such entity (whether owned or leased) is within any low-income community,

''(iii) a substantial portion of the services performed for such entity by its employees are performed in any low-income community,

''(iv) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

''(v) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to nonqualified financial property (as defined in section 1397C(e)).

''(B) PROPRIETORSHIP.—Such term shall include any business carried on by an individual as a proprietor if such business would meet the requirements of subparagraph (A) were it incorporated.

''(C) PORTIONS OF BUSINESS MAY BE QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—The term 'qualified active low-income community business' includes any trades or businesses which would qualify as a qualified active low-income community business if such trades or businesses were separately incorporated.

''(3) QUALIFIED BUSINESS.—For purposes of this subsection, the term 'qualified business' has the meaning given to such term by section 1397C(d); except that—

''(A) in lieu of applying paragraph (2)(B) thereof, the rental to others of real property located in any low-income community shall be treated as a qualified business if there are substantial improvements located on such property,

''(B) paragraph (3) thereof shall not apply, and

''(C) such term shall not include any business if a significant portion of the equity interests in such business are held by any person who holds a significant portion of the equity investments in the community development entity.

''(e) LOW-INCOME COMMUNITY.—For purposes of this section—

''(1) IN GENERAL.—The term 'low-income community' means any population census tract if—

''(A) the poverty rate for such tract is at least 20 percent, or

''(B)(i) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or

''(ii) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income.

''(2) AREAS NOT WITHIN CENSUS TRACTS.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates and median family income.

''(f) NATIONAL LIMITATION ON AMOUNT OF INVESTMENTS DESIGNATED.—

''(1) IN GENERAL.—There is a new markets tax credit limitation for each calendar year. Such limitation is—

''(A) $1,000,000,000 for 2001,

''(B) $1,500,000,000 for 2002 and 2003,

''(C) $2,000,000,000 for 2004 and 2005,

''(E) $3,500,000,000 for 2006 and 2007.

''(2) ALLOCATION OF LIMITATION.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified community development entities selected by the Secretary. In making allocations under the preceding sentence, the Secretary shall give priority to entities with records of having successfully provided capital or technical assistance to disadvantaged businesses or communities.

''(3) CARRYOVER OF UNUSED LIMITATION.—If the new markets tax credit limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2014.

''(g) RECAPTURE OF CREDIT IN CERTAIN CASES.—

''(1) IN GENERAL.—If, at any time during the 7-year period beginning on the date of the original issue of a qualified equity investment in a qualified community development entity, there is a recapture event with respect to such investment, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

''(2) CREDIT RECAPTURE AMOUNT.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

''(A) the aggregate decrease in the credits allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if no credit had been determined under this section with respect to such investment, plus

''(B) interest at the overpayment rate established under section 6621 on the amount determined under subparagraph (A) for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this chapter for interest described in subparagraph (B).

''(3) RECAPTURE EVENT.—For purposes of paragraph (1), there is a recapture event with respect to an equity investment in a qualified community development entity if—

''(A) such entity ceases to be a qualified community development entity,

''(B) the proceeds of the investment cease to be used as required of subsection (b)(1)(B), or

''(C) such investment is redeemed by such entity.

''(4) SPECIAL RULES.—

''(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

''(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

''(h) BASIS REDUCTION.—The basis of any qualified equity investment shall be reduced by the amount of any credit determined under this section with respect to such investment. This subsection shall not apply for purposes of sections 1202, 1400B, and 1400F.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

''(1) which limit the credit for investments which are directly or indirectly subsidized by other Federal tax benefits (including the credit under section 42 and the exclusion from gross income under section 103),

''(2) which prevent the abuse of the purposes of this section,

''(3) which provide rules for determining whether the requirement of subsection (b)(1)(B) is treated as met,

''(4) which impose appropriate reporting requirements, and

''(5) which apply the provisions of this section to newly formed entities.''

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 is amended by striking ''plus'' at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting '', plus'', and by adding at the end the following new paragraph:

''(13) the new markets tax credit determined under section 45D(a).''

(2) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

''(9) NO CARRYBACK OF NEW MARKETS TAX CREDIT BEFORE JANUARY 1, 2001.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45D may be carried back to a taxable year ending before January 1, 2001.''

(c) DEDUCTION FOR UNUSED CREDIT.—Subsection (c) of section 196 is amended by striking ''and'' at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting '', and'', and by adding at the end the following new paragraph:

''(9) the new markets tax credit determined under section 45D(a).''

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 45D. New markets tax credit.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to investments made after December 31, 2000.

(f) REGULATIONS ON ALLOCATION OF NATIONAL LIMITATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate shall prescribe regulations which specify—

(1) how entities shall apply for an allocation under section 45D(f)(2) of the Internal Revenue Code of 1986, as added by this section,

(2) the competitive procedure through which such allocations are made, and

(3) the actions that such Secretary or delegate shall take to ensure that such allocations are properly made to appropriate entities.

TITLE IV—IMPROVEMENTS IN LOW-INCOME HOUSING CREDIT

SEC. 401. MODIFICATION OF STATE CEILING ON LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Clauses (i) and (ii) of section 42(h)(3)(C) (relating to State housing credit ceiling) are amended to read as follows:

''(i) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

''(ii) the greater of—

''(I) the applicable amount under subparagraph (H) multiplied by the State population, or

''(II) $2,000,000,''.

(b) APPLICABLE AMOUNT.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies) is amended by adding at the end the following new subparagraph:

''(H) APPLICABLE AMOUNT OF STATE CEILING.—For purposes of subparagraph (C)(ii), the applicable amount shall be determined under the following table:

''For calendar year:	The applicable amount is:
2001	$1.35
2002	1.45
2003	1.55
2004	1.65
2005	1.70
2006 and thereafter	1.75.''.

(c) ADJUSTMENT OF STATE CEILING FOR INCREASES IN COST-OF-LIVING.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies), as amended by subsection (c), is amended by adding at the end the following new subparagraph:

''(I) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of a calendar year after 2006, the $2,000,000 in subparagraph (C) and the $1.75 amount in subparagraph (H) shall each be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2005' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—

''(I) In the case of the amount in subparagraph (C), any increase under clause (i) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

''(II) In the case of the amount in subparagraph (H), any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 42(h)(3)(C), as amended by subsection (a), is amended—

(A) by striking ''clause (ii)'' in the matter following clause (iv) and inserting ''clause (i)''; and

(B) by striking ''clauses (i)'' in the matter following clause (iv) and inserting ''clauses (ii)''.

(2) Section 42(h)(3)(D)(ii) is amended—

(A) by striking ''subparagraph (C)(ii)'' and inserting ''subparagraph (C)(i)''; and

(B) by striking ''clauses (i)'' in subclause (II) and inserting ''clauses (ii)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2000.

SEC. 402. MODIFICATION OF CRITERIA FOR ALLOCATING HOUSING CREDITS AMONG PROJECTS.

(a) SELECTION CRITERIA.—Subparagraph (C) of section 42(m)(1) (relating to certain selection criteria must be used) is amended—

(1) by inserting '', including whether the project includes the use of existing housing as part of a community revitalization plan'' before the comma at the end of clause (iii); and

(2) by striking clauses (v), (vi), and (vii) and inserting the following new clauses:

''(v) tenant populations with special housing needs,

''(vi) public housing waiting lists,

''(vii) tenant populations of individuals with children, and

''(viii) projects intended for eventual tenant ownership.''.

(b) PREFERENCE FOR COMMUNITY REVITALIZATION PROJECTS LOCATED IN QUALIFIED CENSUS TRACTS.—Clause (ii) of section 42(m)(1)(B) is amended by striking ''and'' at the end of subclause (I), by adding ''and'' at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

''(III) projects which are located in qualified census tracts (as defined in subsection (d)(5)(C)) and the development of which contributes to a concerted community revitalization plan,''.

SEC. 403. ADDITIONAL RESPONSIBILITIES OF HOUSING CREDIT AGENCIES.

(a) MARKET STUDY; PUBLIC DISCLOSURE OF RATIONALE FOR NOT FOLLOWING CREDIT ALLOCATION PRIORITIES.—Subparagraph (A) of section 42(m)(1) (relating to responsibilities of housing credit agencies) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by adding at the end the following new clauses:

''(iii) a comprehensive market study of the housing needs of low-income individuals in the area to be served by the project is conducted before the credit allocation is made and at the developer's expense by a disinterested party who is approved by such agency, and

''(iv) a written explanation is available to the general public for any allocation of a housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the housing credit agency.''.

(b) SITE VISITS.—Clause (iii) of section 42(m)(1)(B) (relating to qualified allocation plan) is amended by inserting before the period ''and in monitoring for noncompliance with habitability standards through regular site visits''.

SEC. 404. MODIFICATIONS TO RULES RELATING TO BASIS OF BUILDING WHICH IS ELIGIBLE FOR CREDIT.

(a) ADJUSTED BASIS TO INCLUDE PORTION OF CERTAIN BUILDINGS USED BY LOW-INCOME INDIVIDUALS WHO ARE NOT TENANTS AND BY PROJECT EMPLOYEES.—Paragraph (4) of section 42(d) (relating to special rules relating to determination of adjusted basis) is amended—

(1) by striking ''subparagraph (B)'' in subparagraph (A) and inserting ''subparagraphs (B) and (C)'';

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) INCLUSION OF BASIS OF PROPERTY USED TO PROVIDE SERVICES FOR CERTAIN NONTENANTS.—

''(i) IN GENERAL.—The adjusted basis of any building located in a qualified census tract (as defined in paragraph (5)(C)) shall be determined by taking into account the adjusted basis of property (of a character subject to the allowance for depreciation and not otherwise taken into account) used throughout the taxable year in providing any community service facility.

''(ii) LIMITATION.—The increase in the adjusted basis of any building which is taken into account by reason of clause (i) shall not exceed 10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of the preceding sentence, all community service facilities which are part of the same qualified low-income housing project shall be treated as one facility.

''(iii) COMMUNITY SERVICE FACILITY.—For purposes of this subparagraph, the term 'community service facility' means any facility designed to serve primarily individuals whose income is 60 percent or less of area median income (within the meaning of subsection (g)(1)(B)).''.

(b) CERTAIN NATIVE AMERICAN HOUSING ASSISTANCE DISREGARDED IN DETERMINING WHETHER BUILDING IS FEDERALLY SUBSIDIZED FOR PURPOSES OF THE LOW-INCOME HOUSING CREDIT.—Subparagraph (E) of section 42(i)(2) (relating to determination of whether building is federally subsidized) is amended—

(1) in clause (i), by inserting ''or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on October 1, 1997)'' after ''this subparagraph)''; and

(2) in the subparagraph heading, by inserting ''OR NATIVE AMERICAN HOUSING ASSISTANCE'' after ''HOME ASSISTANCE''.

SEC. 405. OTHER MODIFICATIONS.

(a) ALLOCATION OF CREDIT LIMIT TO CERTAIN BUILDINGS.—

(1) The first sentence of section 42(h)(1)(E)(ii) is amended by striking ''(as of'' the first place it appears and inserting ''(as of the later of the date which is 6 months after the date that the allocation was made or''.

(2) The last sentence of section 42(h)(3)(C) is amended by striking ''project which'' and inserting ''project which fails to meet the 10 percent test under paragraph (1)(E)(ii) on a date after the close of the calendar year in which the allocation was made or which''.

(b) DETERMINATION OF WHETHER BUILDINGS ARE LOCATED IN HIGH COST AREAS.—The first sentence of section 42(d)(5)(C)(ii)(I) is amended—

(1) by inserting ''either'' before ''in which 50 percent''; and

(2) by inserting before the period ''or which has a poverty rate of at least 25 percent''.

SEC. 406. CARRYFORWARD RULES.

(a) IN GENERAL.—Clause (ii) of section 42(h)(3)(D) (relating to unused housing credit carryovers allocated among certain States) is amended by striking ''the excess'' and all that follows and inserting ''the excess (if any) of—

''(I) the unused State housing credit ceiling for the year preceding such year, over

''(II) the aggregate housing credit dollar amount allocated for such year.''.

(b) CONFORMING AMENDMENT.—The second sentence of section 42(h)(3)(C) (relating to State housing credit ceiling) is amended by striking ''clauses (i) and (iii)'' and inserting ''clauses (i) through (iv)''.

SEC. 407. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2000; and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

TITLE V—PRIVATE ACTIVITY BOND VOLUME CAP

SEC. 501. ACCELERATION OF PHASE-IN OF INCREASE IN VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) IN GENERAL.—The table contained in section 146(d)(2) (relating to per capita limit; aggregate limit) is amended to read as follows:

''Calendar Year	Per Capita Limit	Aggregate Limit
2001	$55.00	$165,000,000
2002	60.00	180,000,000
2003	65.00	195,000,000
2004, 2005, and 2006.	70.00	210,000,000
2007 and thereafter.	75.00	225,000,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years beginning after 2000.

TITLE VI—AMERICA'S PRIVATE INVESTMENT COMPANIES

SEC. 601. SHORT TITLE.

This title may be cited as the ''America's Private Investment Companies Act''.

SEC. 602. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) people living in distressed areas, both urban and rural, that are characterized by high levels of joblessness, poverty, and low incomes have not benefited adequately from the economic expansion experienced by the Nation as a whole;

(2) unequal access to economic opportunities continues to make the social costs of joblessness and poverty to our Nation very high; and

(3) there are significant untapped markets in our Nation, and many of these are in areas that are underserved by institutions that can make equity and credit investments.

(b) PURPOSES.—The purposes of this title are to—

(1) license private for profit community development entities that will focus on making equity and credit investments for large-scale business developments that benefit low-income communities;

(2) provide credit enhancement for those entities for use in low-income communities; and

(3) provide a vehicle under which the economic and social returns on financial investments made pursuant to this title may be available both to the investors in these entities and to the residents of the low-income communities.

SEC. 603. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) AGENCY.—The term ''agency'' has the meaning given such term in section 551(1) of title 5, United States Code.

(3) APIC.—The term ''APIC'' means a business entity that has been licensed under the terms of this title as an America's Private Investment Company, and the license of which has not been revoked.

(4) COMMUNITY DEVELOPMENT ENTITY.—The term ''community development entity'' means an entity the primary mission of which is serving or providing investment capital for low-income communities or low-income persons and which maintains accountability to residents of low-income communities.

(5) HUD.—The term ''HUD'' means the Secretary of Housing and Urban Development or the Department of Housing and Urban Development, as the context requires.

(6) LICENSE.—The term ''license'' means a license issued by HUD as provided in section 604.

(7) LOW-INCOME COMMUNITY.—The term ''low-income community'' means—

(A) a census tract or tracts that have—

(i) a poverty rate of 20 percent or greater, based on the most recent census data; or

(ii) a median family income that does not exceed 80 percent of the greater of (I) the median family income for the metropolitan area in which such census tract or tracts are located, or (II) the median family income for the State in which such census tract or tracts are located; or

(B) a property that was located on a military installation that was closed or realigned pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), section 2687 of title 10, United States Code, or any other similar law enacted after the date of the enactment of this Act that provides for closure or realignment of military installations.

(8) LOW-INCOME PERSON.—The term ''low-income person'' means a person who is a member of a low-income family, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(9) PRIVATE EQUITY CAPITAL.—

(A) IN GENERAL.—The term ''private equity capital''—

(i) in the case of a corporate entity, the paid-in capital and paid-in surplus of the corporate entity;

(ii) in the case of a partnership entity, the contributed capital of the partners of the partnership entity;

(iii) in the case of a limited liability company entity, the equity investment of the members of the limited liability company entity; and

(iv) earnings from investments of the entity that are not distributed to investors and are available for reinvestment by the entity.

(B) EXCLUSIONS.—Such term does not include any—

(i) funds borrowed by an entity from any source or obtained through the issuance of leverage; except that this clause may not be construed to exclude amounts evidenced by a legally binding and irrevocable investment commitment in the entity, or the use by an entity of a pledge of such investment commitment to obtain bridge financing from a private lender to fund the entity's activities on an interim basis; or

(ii) funds obtained directly or indirectly from any Federal, State, or local government or any government agency, except for—

(I) funds invested by an employee welfare benefit plan or pension plan; and

(II) credits against any Federal, State, or local taxes.

(10) QUALIFIED ACTIVE BUSINESS.—The term ''qualified active business'' means a business or trade—

(A) that, at the time that an investment is made in the business or trade, is deriving at least 50 percent of its gross income from the conduct of trade or business activities in low-income communities;

(B) a substantial portion of the use of the tangible property of which is used within low-income communities;

(C) a substantial portion of the services that the employees of which perform are performed in low-income communities; and

(D) less than 5 percent of the aggregate unadjusted bases of the property of which is attributable to certain financial property, as the Secretary shall set forth in regulations, or in collectibles, other than collectibles held primarily for sale to customers.

(11) QUALIFIED DEBENTURE.—The term ''qualified debenture'' means a debt instrument having terms that meet the requirements established pursuant to section 606(c)(1).

(12) QUALIFIED LOW-INCOME COMMUNITY INVESTMENT.—The term ''qualified low-income community investment'' mean an equity investment in, or a loan to, a qualified active business.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development, unless otherwise specified in this title.

SEC. 604. AUTHORIZATION.

(a) LICENSES.—The Secretary is authorized to license community development entities as America's Private Investment Companies, in accordance with the terms of this title.

(b) REGULATIONS.—The Secretary shall regulate APICs for compliance with sound financial management practices, and the program and procedural goals of this title and other related Acts, and other purposes as required or authorized by this title, or determined by the Secretary. The Secretary shall issue such regulations as are necessary to carry out the licensing and regulatory and other duties under this title, and may issue notices and other guidance or directives as the Secretary determines are appropriate to carry out such duties.

(c) USE OF CREDIT SUBSIDY FOR LICENSES.—

(1) NUMBER OF LICENSES.—The number of APICs licensed at any one time may not exceed—

(A) the number that may be supported by the amount of budget authority appropriated in accordance with section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c) for the cost (as such term is defined in section 502 of such Act) of the subsidy and the investment strategies of such APICs; or

(B) to the extent the limitation under section 605(e)(1) applies, the number authorized under such section.

(2) USE OF ADDITIONAL CREDIT SUBSIDY.—Subject to the limitation under paragraph (1), the Secretary may use any budget authority available after credit subsidy has been allocated for the APICs initially licensed pursuant to section 605 as follows:

(A) ADDITIONAL LICENSES.—To license additional APICs.

(B) CREDIT SUBSIDY INCREASES.—To increase the credit subsidy allocated to an APIC as an award for high performance under this title, except that such increases may be made only in accordance with the following requirements and limitations:

(i) TIMING.—An increase may only be provided for an APIC that has been licensed for a period of not less than 2 years.

(ii) COMPETITION.—An increase may only be provided for a fiscal year pursuant to a competition for such fiscal year among APICs eligible for, and requesting, such an increase. The competition shall be based upon criteria that the Secretary shall establish, which shall include the financial soundness and performance of the APICs, as measured by achievement of the public performance goals included in the APICs statements required under section 605(a)(6) and audits conducted under section 609(b)(2). Among the criteria established by the Secretary to determine priority for selection under this section, the Secretary shall include making investments in and loans to qualified active businesses in urban or rural areas that have been designated under subchapter U of Chapter 1 of the Internal Revenue Code of 1986 as empowerment zones or enterprise communities.

(d) COOPERATION AND COORDINATION.—

(1) PROGRAM POLICIES.—The Secretary is authorized to coordinate and cooperate, through memoranda of understanding, an APIC liaison committee, or otherwise, with the Administrator, the Secretary of the Treasury, and other agencies in the discretion of the Secretary, on implementation of this title, including regulation, examination, and monitoring of APICs under this title.

(2) FINANCIAL SOUNDNESS REQUIREMENTS.—The Secretary shall consult with the Administrator and the Secretary of the Treasury, and may consult with such other heads of agencies as the Secretary may consider appropriate, in establishing any regulations, requirements, guidelines, or standards for financial soundness or management practices of APICs or entities applying for licensing as APICs. In implementing and monitoring compliance with any such regulations, requirements, guidelines, and standards, the Secretary shall enter into such agreements and memoranda of understanding with the Administrator and the Secretary of the Treasury as may be appropriate to provide for such officials to provide any assistance that may be agreed to.

(3) OPERATIONS.—The Secretary may carry out this title—

(A) directly, through agreements with other Federal entities under section 1535 of title 31, United States Code, or otherwise, or

(B) indirectly, under contracts or agreements, as the Secretary shall determine.

(e) FEES AND CHARGES FOR ADMINISTRATIVE COSTS.—To the extent provided in appropriations Acts, the Secretary is authorized to impose fees and charges for application, review, licensing, and regulation, or other actions under this title, and to pay for the costs of such activities from the fees and charges collected.

(f) GUARANTEE FEES.—The Secretary is authorized to set and collect fees for loan guarantee commitments and loan guarantees that the Secretary makes under this title.

(g) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR LOAN GUARANTEE COMMITMENTS.—For each of fiscal years 2000, 2001, 2002, 2003, and 2004, there is authorized to be appropriated up to $36,000,000 for the cost (as such term is defined in section 502(5) of the Federal Credit Reform Act of 1990) of annual loan guarantee commitments under this title. Amounts appropriated under this paragraph shall remain available until expended.

(2) AGGREGATE LOAN GUARANTEE COMMITMENT LIMITATION.—The Secretary may make commitments to guarantee loans only to the extent that the total loan principal, any part of which is guaranteed, will not exceed $1,000,000,000, unless another such amount is specified in appropriation Acts for any fiscal year.

(3) AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATIVE EXPENSES.—For each of the fiscal years 2000, 2001, 2002, 2003, and 2004, there is authorized to be appropriated $1,000,000 for administrative expenses for carrying out this title. The Secretary may transfer amounts appropriated under this paragraph to any appropriation account of HUD or another agency, to carry out the program under this title. Any agency to which the Secretary may transfer amounts under this title is authorized to accept such transferred amounts in any appropriation account of such agency.

SEC. 605. SELECTION OF APICS.

(a) ELIGIBLE APPLICANTS.—An entity shall be eligible to be selected for licensing under section 604 as an APIC only if the entity submits an application in compliance with the requirements established pursuant to subsection (b) and the entity meets or complies with the following requirements:

(1) ORGANIZATION.—The entity shall be a private, for-profit entity that qualifies as a community development entity for the purposes of the New Markets Tax Credits, to the extent such credits are established under Federal law.

(2) MINIMUM PRIVATE EQUITY CAPITAL.—The amount of private equity capital reasonably available to the entity, as determined by the Secretary, at the time that a license is approved may not be less than $25,000,000.

(3) QUALIFIED MANAGEMENT.—The management of the entity shall, in the determination of the Secretary, meet such standards as the Secretary shall establish to ensure that the management of the APIC is qualified, and has the financial expertise, knowledge, experience, and capability necessary, to make investments for community and economic development in low-income communities.

(4) CONFLICT OF INTEREST.—The entity shall demonstrate that, in accordance with sound financial management practices, the entity is structured to preclude financial conflict of interest between the APIC and a manager or investor.

(5) INVESTMENT STRATEGY.—The entity shall prepare and submit to the Secretary an investment strategy that includes benchmarks for evaluation of its progress, that includes an analysis of existing locally owned businesses in the communities in which the investments under the strategy will be made, that prioritizes such businesses for investment opportunities, and that fulfills the specific public purpose goals of the entity.

(6) STATEMENT OF PUBLIC PURPOSE GOALS.—The entity shall prepare and submit to the Secretary a statement of the public purpose goals of the entity, which shall—

(A) set forth goals that shall promote community and economic development, which shall include—

(i) making investments in low-income communities that further economic development objectives by targeting such investments in businesses or trades that comply with the requirements under subparagraphs (A) through (C) of section 603(10) relating to low-income communities in a manner that benefits low-income persons;

(ii) creating jobs in low-income communities for residents of such communities;

(iii) involving community-based organizations and residents in community development activities;

(iv) such other goals as the Secretary shall specify; and

(v) such elements as the entity may set forth to achieve specific public purpose goals;

(B) include such other elements as the Secretary shall specify; and

(C) include proposed measurements and strategies for meeting the goals.

(7) COMPLIANCE WITH LAWS.—The entity shall agree to comply with applicable laws, including Federal executive orders, Office of Management and Budget circulars, and requirements of the Department of the Treasury, and such operating and regulatory requirements as the Secretary may impose from time to time.

(8) OTHER.—The entity shall satisfy any other application requirements that the Secretary may impose by regulation or Federal Register notice.

(b) COMPETITIONS.—The Secretary shall select eligible entities under subsection (a) to be licensed under section 604 as APICs on the basis of competitions. The Secretary shall announce each such competition by causing a notice to be published in the Federal Register that invites applications for licenses and sets forth the requirements for application and such other terms of the competition not otherwise provided for, as determined by the Secretary.

(c) SELECTION.—In competitions under subsection (b), the Secretary shall select eligible entities under subsection (a) for licensing as APICs on the basis of—

(1) the extent to which the entity is expected to achieve the goals of this title by meeting or exceeding criteria established under subsection (d); and

(2) to the extent practicable and subject to the existence of approvable applications, ensuring geographical diversity among the applicants selected and diversity of APICs investment strategies, so that urban and rural communities are both served, in the determination of the Secretary, by the program under this title.

(d) SELECTION CRITERIA.—The Secretary shall establish selection criteria for competitions under subsection (b), which shall include the following criteria:

(1) CAPACITY.—

(A) MANAGEMENT.—The extent to which the entity's management has the quality, experience, and expertise to make and manage successful investments for community and economic development in low-income communities.

(B) STATE AND LOCAL COOPERATION.—The extent to which the entity demonstrates a capacity to cooperate with States or units of general local government and with community-based organizations and residents of low-income communities.

(2) INVESTMENT STRATEGY.—The quality of the entity's investment strategy submitted in accordance with subsection (a)(5) and the

extent to which the investment strategy furthers the goals of this title pursuant to paragraph (3) of this subsection.

(3) PUBLIC PURPOSE GOALS.—With respect to the statement of public purpose goals of the entity submitted in accordance with subsection (a)(6), and the strategy and measurements included therein—

(A) the extent to which such goals promote community and economic development;

(B) the extent to which such goals provide for making qualified investments in low-income communities that further economic development objectives, such as—

(i) creating, within 2 years of the completion of the initial such investment, job opportunities, opportunities for ownership, and other economic opportunities within a low-income community, both short-term and of a longer duration;

(ii) improving the economic vitality of a low-income community, including stimulating other business development;

(iii) bringing new income into a low-income community and assisting in the revitalization of such community;

(iv) converting real property for the purpose of creating a site for business incubation and location, or business district revitalization;

(v) enhancing economic competition, including the advancement of technology;

(vi) rural development;

(vii) mitigating, rehabilitating, and reusing real property considered subject to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the Resource Conservation and Recovery Act) or restoring coal mine-scarred land;

(viii) creation of local wealth through investments in employee stock ownership companies or resident-owned ventures; and

(ix) any other objective that the Secretary may establish to further the purposes of this title;

(C) the quality of jobs to be created for residents of low-income communities, taking into consideration such factors as the payment of higher wages, job security, employment benefits, opportunity for advancement, and personal asset building;

(D) the extent to which achievement of such goals will involve community-based organizations and residents in community development activities; and

(E) the extent to which the investments referred to in subparagraph (B) are likely to benefit existing small business in low-income communities or will encourage the growth of small business in such communities.

(4) OTHER.—Any other criteria that the Secretary may establish to carry out the purposes of this title.

(e) FIRST YEAR REQUIREMENTS.—

(1) NUMERICAL LIMITATION.—The number of APICs may not, at any time during the 1-year period that begins upon the Secretary awarding the first license for an APIC under this title, exceed 15.

(2) LIMITATION ON ALLOCATION OF AVAILABLE CREDIT SUBSIDY.—Of the amount of budget authority initially made available for allocation under this title for APICs, the amount allocated for any single APIC may not exceed 20 percent.

(3) NATIVE AMERICAN PRIVATE INVESTMENT COMPANY.—Subject only to the absence of an approvable application from an entity, during the 1-year period referred to in paragraph (1), of the entities selected and licensed by the Secretary as APICs, at least one shall be an entity that has as its primary purpose the making of qualified low-income community investments in areas that are within Indian country (as such term is defined in section 1151 of title 18, United States Code) or within lands that have status as Hawaiian home land under section 204 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) or are acquired pursuant to such Act. The Secretary may establish specific selection criteria for applicants under this paragraph.

(f) COMMUNICATIONS BETWEEN HUD AND APPLICANTS.—

(1) IN GENERAL.—The Secretary shall set forth in regulations the procedures under which HUD and applicants for APIC licenses, and others, may communicate. Such regulations shall—

(A) specify by position the HUD officers and employees who may communicate with such applicants and others;

(B) permit HUD officers and employees to request and discuss with the applicant and others (such as banks or other credit or business references, or potential investors, that the applicant specifies in writing) any more detailed information that may be desirable to facilitate HUD's review of the applicant's application;

(C) restrict HUD officers and employees from revealing to any applicant—

(i) the fact or chances of award of a license to such applicant, unless there has been a public announcement of the results of the competition; and

(ii) any information with respect to any other applicant; and

(D) set forth requirements for making and keeping records of any communications conducted under this subsection, including requirements for making such records available to the public after the award of licenses under an initial or subsequent notice, as appropriate, under subsection (a).

(2) TIMING.—Regulations under this subsection may be issued as interim rules for effect on or before the date of publication of the first notice under subsection (a), and shall apply only with respect to applications under such notice. Regulations to implement this subsection with respect to any notice after the first such notice shall be subject to notice and comment rulemaking.

(3) INAPPLICABILITY OF DEPARTMENT OF HUD ACT PROVISION.—Section 12(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3537a(e)(2)) is amended by inserting before the period at the end the following: ''or any license provided under the America's Private Investment Companies Act''.

SEC. 606. OPERATIONS OF APICS.

(a) POWERS AND AUTHORITIES.—

(1) IN GENERAL.—An APIC shall have any powers or authorities that—

(A) the APIC derives from the jurisdiction in which it is organized, or that the APIC otherwise has;

(B) may be conferred by a license under this title; and

(C) the Secretary may prescribe by regulation.

(2) NEW MARKET ASSISTANCE.—Nothing in this title shall preclude an APIC or its investors from receiving an allocation of New Market Tax Credits (to the extent such credits are established under Federal law) if the APIC satisfies any applicable terms and conditions under the Internal Revenue Code of 1986.

(b) INVESTMENT LIMITATIONS.—

(1) QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS.—Substantially all investments that an APIC makes shall be qualified low-income community investments if the investments are financed with—

(A) amounts available from the proceeds of the issuance of an APIC's qualified debenture guaranteed under this title;

(B) proceeds of the sale of obligations described under subsection (c)(3)(C)(iii); or

(C) the use of private equity capital, as determined by the Secretary, in an amount specified in the APIC's license.

(2) SINGLE BUSINESS INVESTMENTS.—An APIC shall not, as a matter of sound financial practice, invest in any one business an amount that exceeds an amount equal to 35 percent of the sum of—

(A) the APIC's private equity capital; plus

(B) an amount equal to the percentage limit that the Secretary determines that an APIC may have outstanding at any one time, under subsection (c)(2)(A).

(c) BORROWING POWERS; QUALIFIED DEBENTURES.—

(1) ISSUANCE.—An APIC may issue qualified debentures. The Secretary shall, by regulation, specify the terms and requirements for debentures to be considered qualified debentures for purposes of this title, except that the term to maturity of any qualified debenture may not exceed 21 years and each qualified debenture shall bear interest during all or any part of that time period at a rate or rates approved by the Secretary.

(2) LEVERAGE LIMITS.—In general, as a matter of sound financial management practices—

(A) the total amount of qualified debentures that an APIC issues under this title that an APIC may have outstanding at any one time shall not exceed an amount equal to 200 percent of the private equity capital of the APIC, as determined by the Secretary; and

(B) an APIC shall not have more than $300,000,000 in face value of qualified debentures issued under this title outstanding at any one time.

(3) REPAYMENT.—

(A) CONDITION OF BUSINESS WIND-UP.—An APIC shall have repaid, or have otherwise been relieved of indebtedness, with respect to any interest or principal amounts of borrowings under this subsection no less than 2 years before the APIC may dissolve or otherwise complete the wind-up of its business.

(B) TIMING.—An APIC may repay any interest or principal amounts of borrowings under this subsection at any time: *Provided*, That the repayment of such amounts shall not relieve an APIC of any duty otherwise applicable to the APIC under this title, unless the Secretary orders such relief.

(C) USE OF INVESTMENT PROCEEDS BEFORE REPAYMENT.—Until an APIC has repaid all interest and principal amounts on APIC borrowings under this subsection, an APIC may use the proceeds of investments, in accordance with regulations issued by the Secretary, only to—

(i) pay for proper costs and expenses the APIC incurs in connection with such investments;

(ii) pay for the reasonable administrative expenses of the APIC;

(iii) purchase Treasury securities;

(iv) repay interest and principal amounts on APIC borrowings under this subsection;

(v) make interest, dividend, or other distributions to or on behalf of an investor; or

(vi) undertake such other purposes as the Secretary may approve.

(D) USE OF INVESTMENT PROCEEDS AFTER REPAYMENT.—After an APIC has repaid all interest and principal amounts on APIC borrowings under this subsection, and subject to continuing compliance with subsection (a), the APIC may use the proceeds from investments to make interest, dividend, or other distributions to or on behalf of investors in the nature of returns on capital, or the withdrawal of private equity capital, without regard to subparagraph (C) but in conformity with the APIC's investment strategy and statement of public purpose goals.

(d) REUSE OF QUALIFIED DEBENTURE PROCEEDS.—An APIC may use the proceeds of sale of Treasury securities purchased under subsection (c)(3)(C)(iii) to make qualified low-income community investments, subject

to the Secretary's approval. In making the request for the Secretary's approval, the APIC shall follow the procedures applicable to an APIC's request for HUD guarantee action, as the Secretary may modify such procedures for implementation of this subsection. Such procedures shall include the description and certifications that an APIC must include in all requests for guarantee action, and the environmental certification applicable to initial expenditures for a project or activity.

(e) ANTIPIRATING.—Notwithstanding any other provision of law, an APIC may not use any private equity capital required to be contributed under this title, or the proceeds from the sale of any qualified debenture under this title, to make an investment, as determined by the Secretary, to assist directly in the relocation of any industrial or commercial plant, facility, or operation, from 1 area to another area, if the relocation is likely to result in a significant loss of employment in the labor market area from which the relocation occurs.

(f) EXCLUSION OF APIC FROM DEFINITION OF DEBTOR UNDER BANKRUPTCY PROVISIONS.—Section 109(b)(2) of title 11, United States Code, is amended by inserting before ''credit union'' the following: ''America's Private Investment Company licensed under the America's Private Investment Companies Act,''.

SEC. 607. CREDIT ENHANCEMENT BY THE FEDERAL GOVERNMENT.

(a) ISSUANCE AND GUARANTEE OF QUALIFIED DEBENTURES.—

(1) AUTHORITY.—To the extent consistent with the Federal Credit Reform Act of 1990, the Secretary is authorized to make commitments to guarantee and guarantee the timely payment of all principal and interest as scheduled on qualified debentures issued by APICs. Such commitments and guarantees may only be made in accordance with the terms and conditions established under paragraph (2).

(2) TERMS AND CONDITIONS.—The Secretary shall establish such terms and conditions as the Secretary determines to be appropriate for commitments and guarantees under this subsection, including terms and conditions relating to amounts, expiration, number, priorities of repayment, security, collateral, amortization, payment of interest (including the timing thereof), and fees and charges. The terms and conditions applicable to any particular commitment or guarantee may be established in documents that the Secretary approves for such commitment or guarantee.

(3) SENIORITY.—Notwithstanding any other provision of Federal law or any law or the constitution of any State, qualified debentures guaranteed under this subsection by the Secretary shall be senior to any other debt obligation, equity contribution or earnings, or the distribution of dividends, interest, or other amounts, of an APIC.

(b) ISSUANCE OF TRUST CERTIFICATES.—The Secretary, or an agent or entity selected by the Secretary, is authorized to issue trust certificates representing ownership of all or a fractional part of guaranteed qualified debentures issued by APICs and held in trust.

(c) GUARANTEE OF TRUST CERTIFICATES.—

(1) IN GENERAL.—The Secretary is authorized, upon such terms and conditions as the Secretary determines to be appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Secretary, or an agent or other entity, for purposes of this section. Such guarantee shall be limited to the extent of principal and interest on the guaranteed qualified debentures which compose the trust.

(2) SUBSTITUTION OPTION.—The Secretary shall have the option to replace in the corpus of the trust any prepaid or defaulted qualified debenture with a debenture, another full faith and credit instrument, or any obligations of the United States, that may reasonably substitute for such prepaid or defaulted qualified debenture.

(3) PROPORTIONATE REDUCTION OPTION.—In the event that the Secretary elects not to exercise the option under paragraph (2), and a qualified debenture in such trust is prepaid, or in the event of default of a qualified debenture, the guarantee of timely payment of principal and interest on the trust certificate shall be reduced in proportion to the amount of principal and interest that such prepaid qualified debenture represents in the trust. Interest on prepaid or defaulted qualified debentures shall accrue and be guaranteed by the Secretary only through the date of payment of the guarantee. During the term of a trust certificate, it may be called for redemption due to prepayment or default of all qualified debentures that are in the corpus of the trust.

(d) FULL FAITH AND CREDIT BACKING OF GUARANTEES.—The full faith and credit of the United States is pledged to the timely payment of all amounts which may be required to be paid under any guarantee by the Secretary pursuant to this section.

(e) SUBROGATION AND LIENS.—

(1) SUBROGATION.—In the event the Secretary pays a claim under a guarantee issued under this section, the Secretary shall be subrogated fully to the rights satisfied by such payment.

(2) PRIORITY OF LIENS.—No State or local law, and no Federal law, shall preclude or limit the exercise by the Secretary of its ownership rights in the debentures in the corpus of a trust under this section.

(f) REGISTRATION.—

(1) IN GENERAL.—The Secretary shall provide for a central registration of all trust certificates issued pursuant to this section.

(2) AGENTS.—The Secretary may contract with an agent or agents to carry out on behalf of the Secretary the pooling and the central registration functions of this section notwithstanding any other provision of law, including maintenance on behalf of and under the direction of the Secretary, such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate trusts backed by qualified debentures guaranteed under this title and the issuance of trust certificates to facilitate formation of the corpus of the trusts. The Secretary may require such agent or agents to provide a fidelity bond or insurance in such amounts as the Secretary determines to be necessary to protect the interests of the Government.

(3) FORM.—Book-entry or other electronic forms of registration for trust certificates under this title are authorized.

(g) TIMING OF ISSUANCE OF GUARANTEES OF QUALIFIED DEBENTURES AND TRUST CERTIFICATES.—The Secretary may, from time to time in the Secretary's discretion, exercise the authority to issue guarantees of qualified debentures under this title or trust certificates under this title.

SEC. 608. APIC REQUESTS FOR GUARANTEE ACTIONS.

(a) IN GENERAL.—The Secretary may issue a guarantee under this title for a qualified debenture that an APIC intends to issue only pursuant to a request to the Secretary by the APIC for such guarantee that is made in accordance with regulations governing the content and procedures for such requests, that the Secretary shall prescribe. Such regulations shall provide that each such request shall include—

(1) a description of the manner in which the APIC intends to use the proceeds from the qualified debenture;

(2) a certification by the APIC that the APIC is in substantial compliance with—

(A) this title and other applicable laws, including any requirements established under this title by the Secretary;

(B) all terms and conditions of its license, any cease-and-desist order issued under section 610, and of any penalty or condition that may have arisen from examination or monitoring by the Secretary or otherwise, including the satisfaction of any financial audit exception that may have been outstanding; and

(C) all requirements relating to the allocation and use of New Markets Tax Credits, to the extent such credits are established under Federal law; and

(3) any other information or certification that the Secretary considers appropriate.

(b) REQUESTS FOR GUARANTEE OF QUALIFIED DEBENTURES THAT INCLUDE FUNDING FOR INITIAL EXPENDITURE FOR A PROJECT OR ACTIVITY.—In addition to the description and certification that an APIC is required to supply in all requests for guarantee action under subsection (a), in the case of an APIC's request for a guarantee that includes a qualified debenture, the proceeds of which the APIC expects to be used as its initial expenditure for a project or activity in which the APIC intends to invest, and the expenditure for which would require an environmental assessment under the National Environmental Policy Act of 1969 and other related laws that further the purposes of such Act, such request for guarantee action shall include evidence satisfactory to the Secretary of the certification of the completion of environmental review of the project or activity required of the cognizant State or local government under subsection (c). If the environmental review responsibility for the project or activity has not been assumed by a State or local government under subsection (c), then the Secretary shall be responsible for carrying out the applicable responsibilities under the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act that relate to the project or activity, and the Secretary shall execute such responsibilities before acting on the APIC's request for the guarantee that is covered by this subsection.

(c) RESPONSIBILITY FOR ENVIRONMENTAL REVIEWS.—

(1) EXECUTION OF RESPONSIBILITY BY THE SECRETARY.—This subsection shall apply to guarantees by the Secretary of qualified debentures under this title, the proceeds of which would be used in connection with qualified low-income community investments of APICs under this title.

(2) ASSUMPTION OF RESPONSIBILITY BY COGNIZANT UNIT OF GENERAL GOVERNMENT.—

(A) GUARANTEE OF QUALIFIED DEBENTURES.—In order to assure that the policies of the National Environmental Policy Act of 1969 and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of funds under this title, and to assure to the public undiminished protection of the environment, the Secretary may, under such regulations, in lieu of the environmental protection procedures otherwise applicable, provide for the guarantee of qualified debentures, any part of the proceeds of which are to fund particular qualified low-income community investments of APICs under this title, if a State or unit of general local government, as designated by the Secretary in accordance with regulations issued by the Secretary, assumes all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969 and such other provisions of law that further such Act as the regulations of the Secretary specify, that would otherwise apply to the Secretary were the Secretary to undertake

the funding of such investments as a Federal action.

(B) IMPLEMENTATION.—The Secretary shall issue regulations to carry out this subsection only after consultation with the Council on Environmental Quality. Such regulations shall—

(i) specify any other provisions of law which further the purposes of the National Environmental Policy Act of 1969 and to which the assumption of responsibility as provided in this subsection applies;

(ii) provide eligibility criteria and procedures for the designation of a State or unit of general local government to assume all of the responsibilities in this subsection;

(iii) specify the purposes for which funds may be committed without regard to the procedure established under paragraph (3);

(iv) provide for monitoring of the performance of environmental reviews under this subsection;

(v) in the discretion of the Secretary, provide for the provision or facilitation of training for such performance; and

(vi) subject to the discretion of the Secretary, provide for suspension or termination by the Secretary of the assumption under subparagraph (A).

(C) RESPONSIBILITIES OF STATES AND UNITS OF GENERAL LOCAL GOVERNMENT.—The Secretary's duty under subparagraph (B) shall not be construed to limit any responsibility assumed by a State or unit of general local government with respect to any particular request for guarantee under subparagraph (A), or the use of funds for a qualified investment.

(3) PROCEDURE.—Subject to compliance by the APIC with the requirements of this title, the Secretary shall approve the request for guarantee of a qualified debenture, any part of the proceeds of which is to fund particular qualified low-income community investments of an APIC under this title, that is subject to the procedures authorized by this subsection only if, not less than 15 days prior to such approval and prior to any commitment of funds to such investment (except for such purposes specified in the regulations issued under paragraph (2)(B)), the APIC submits to the Secretary a request for guarantee of a qualified debenture that is accompanied by evidence of a certification of the State or unit of general local government which meets the requirements of paragraph (4). The approval by the Secretary of any such certification shall be deemed to satisfy the Secretary's responsibilities pursuant to paragraph (1) under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the guarantees of qualified debentures, any parts of the proceeds of which are to fund such investments, which are covered by such certification.

(4) CERTIFICATION.—A certification under the procedures authorized by this subsection shall—

(A) be in a form acceptable to the Secretary;

(B) be executed by the chief executive officer or other officer of the State or unit of general local government who qualifies under regulations of the Secretary;

(C) specify that the State or unit of general local government under this subsection has fully carried out its responsibilities as described under paragraph (2); and

(D) specify that the certifying officer—

(i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to paragraph (2); and

(ii) is authorized and consents on behalf of the State or unit of general local government and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities as such an official.

SEC. 609. EXAMINATION AND MONITORING OF APICS.

(a) IN GENERAL.—The Secretary shall, under regulations, through audits, performance agreements, license conditions, or otherwise, examine and monitor the operations and activities of APICs for compliance with sound financial management practices, and for satisfaction of the program and procedural goals of this title and other related Acts. The Secretary may undertake any responsibility under this section in cooperation with an APIC liaison committee, or any agency that is a member of such a committee, or other agency.

(b) MONITORING, UPDATING, AND PROGRAM REVIEW.—

(1) REPORTING AND UPDATING.—The Secretary shall establish such annual or more frequent reporting requirements for APICs, and such requirements for the updating of the statement of public purpose goals, investment strategy (including the benchmarks in such strategy), and other documents that may have been used in the license application process under this title, as the Secretary determines necessary to assist the Secretary in monitoring the compliance and performance of APICs.

(2) ANNUAL AUDITS.—The Secretary shall require each APIC to have an independent audit conducted annually of the operations of the APIC. The Secretary, in consultation with the Administrator and the Secretary of the Treasury, shall establish requirements and standards for such audits, including requirements that such audits be conducted in accordance with generally accepted accounting principles, that the APIC submit the results of the audit to Secretary, and that specify the information to be submitted.

(3) EXAMINATIONS.—The Secretary shall, no less often than once every 2 years, examine the operations and portfolio of each APIC licensed under this title for compliance with sound financial management practices, and for compliance with this title.

(4) EXAMINATION STANDARDS.—

(A) SOUND FINANCIAL MANAGEMENT PRACTICES.—The Secretary shall examine each APIC to ensure, as a matter of sound financial management practices, substantial compliance with this and other applicable laws, including Federal executive orders, Department of Treasury and Office of Management and Budget guidance, circulars, and application and licensing requirements on a continuing basis. The Secretary may, by regulation, establish any additional standards for sound financial management practices, including standards that address solvency and financial exposure.

(B) PERFORMANCE AND OTHER EXAMINATIONS.—The Secretary shall monitor each APIC's progress in meeting the goals in the APIC's statement of public purpose goals, executing the APIC's investment strategy, and other matters.

(c) INSPECTOR GENERAL RESPONSIBILITY.—In carrying out monitoring of HUD's responsibilities under this title and for purposes of ensuring that the program under this title is operated in accordance with sound financial management practices, the Inspector General of the Department of Housing and Urban Development shall consult with the Inspector General of the Department of the Treasury and the Inspector General of the Small Business Administration, as appropriate, and may enter into such agreements and memoranda of understanding as may be necessary to obtain the cooperation of the Inspectors General of the Department of the Treasury and the Small Business Administration in carrying out such function.

(d) ANNUAL REPORT BY SECRETARY.—The Secretary shall submit a report to the Congress annually regarding the operations, activities, financial health, and achievements of the APIC program under this title. The report shall list each investment made by an APIC and include a summary of the examinations conducted under subsection (b)(3), the guarantee actions of HUD, and any regulatory or policy actions taken by HUD. The report shall distinguish recently licensed APICs from APICs that have held licenses for a longer period for purposes of indicating program activities and performance.

(e) GAO REPORT.—

(1) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress regarding the operation of the program under this title for licensing and guarantees for APICs.

(2) CONTENTS.—The report shall include—

(A) an analysis of the operations and monitoring by HUD of the APIC program under this title;

(B) the administrative and capacity needs of HUD required to ensure the integrity of the program;

(C) the extent and adequacy of any credit subsidy appropriated for the program; and

(D) the management of financial risk and liability of the Federal Government under the program.

SEC. 610. PENALTIES.

(a) VIOLATIONS SUBJECT TO PENALTY.—The Secretary may impose a penalty under this subsection on any APIC or manager of an APIC that, by any act, practice, or failure to act, engages in fraud, mismanagement, or noncompliance with this title, the regulations under this title, or a condition of the APIC's license under this title. The Secretary shall, by regulation, identify, by generic description of a role or responsibilities, any manager of an APIC that is subject to a penalty under this section.

(b) PENALTIES REQUIRING NOTICE AND AN OPPORTUNITY TO RESPOND.—If, after notice in writing to an APIC or the manager of an APIC that the APIC or manager has engaged in any action, practice, or failure to act that, under subsection (a), is subject to a penalty, and after an opportunity for the APIC or manager to respond to the notice, the Secretary determines that the APIC or manager engaged in such action or failure to act, the Secretary may, in addition to other penalties imposed—

(1) assess a civil money penalty, except than any civil money penalty under this subsection shall be in an amount not exceeding $10,000;

(2) issue an order to cease and desist with respect to such action, practice, or failure to act of the APIC or manager;

(3) suspend, or condition the use of, the APIC's license, including deferring, for the period of the suspension, any commitment to guarantee any new qualified debenture of the APIC, except that any suspension or condition under this paragraph may not exceed 90 days; and

(4) impose any other penalty that the Secretary determines to be less burdensome to the APIC than a penalty under subsection (c).

(c) PENALTIES REQUIRING NOTICE AND HEARING.—If, after notice in writing to an APIC or the manager of an APIC that an APIC or manager has engaged in any action, practice, or failure to act that, under subsection (a), is subject to a penalty, and after an opportunity for administrative hearing, the Secretary determines that the APIC or manager

engaged in such action or failure to act, the Secretary may—

(1) assess a civil money penalty against the APIC or a manager in any amount;

(2) require the APIC to divest any interest in an investment, on such terms and conditions as the Secretary may impose; or

(3) revoke the APIC's license.

(d) EFFECTIVE DATE OF PENALTIES.—

(1) PRIOR NOTICE REQUIREMENT.—Except as provided in paragraph (2) of this subsection, a penalty under subsection (b) or (c) shall not be due and payable and shall not otherwise take effect or be subject to enforcement by an order of a court, before notice of the penalty is published in the Federal Register.

(2) CEASE-AND-DESIST ORDERS AND SUSPENSION OR CONDITIONING OF LICENSE.—In the case of a cease-and-desist order under subsection (b)(2) or the suspension or conditioning of an APIC's license under subsection (b)(3), the following procedures shall apply:

(A) ACTION WITHOUT PUBLISHED NOTICE.—The Secretary may order an APIC or manager to cease and desist from an action, practice, or failure to act or may suspend or condition an APIC's license, for not more than 45 days without prior publication of notice in the Federal Register, but such cease-and-desist order or suspension or conditioning shall take effect only after the Secretary has issued a written notice (which may include a writing in electronic form) of such action to the APIC. Notwithstanding subsection (b), such written notice shall be effective without regard to whether the APIC has been accorded an opportunity to respond. Upon such notice, such cease-and-desist order or suspension or conditioning shall be subject to enforcement by an order of a court.

(B) PUBLICATION OF NOTICE OF SUSPENSION OR CONDITIONING OF LICENSE.—Upon a suspension or conditioning of a license taking effect pursuant to subparagraph (A), the Secretary shall promptly cause a notice of suspension or conditioning of such license for a period of not more than 90 days to be published in the Federal Register. The Secretary shall provide the APIC an opportunity to respond to such notice. For purposes of the determining the duration of the period of any suspension or conditioning under this subparagraph, the first day of such period shall be the day of issuance of the written notice under this paragraph of the suspension or conditioning.

(C) REVOCATION OF LICENSE.—During the period of the suspension or conditioning of an APIC's license, the Secretary may take action under subsection (c)(3) to revoke the license of the APIC, in accordance with the procedures applicable to such subsection. Notwithstanding any other provision of this section, if the Secretary takes such action, the Secretary may extend the suspension or conditioning of the APIC's license, for one or more periods of not more than 90 days each, by causing notice of such action to be published in the Federal Register—

(i) for the first such extension, before the expiration of the period under subparagraph (B); and

(ii) for any subsequent extension, before the expiration of the preceding extension period under this subparagraph.

(D) TERM OF EFFECTIVENESS.—A cease-and-desist order or the suspension or conditioning of an APIC's license by the Secretary under this paragraph shall remain in effect in accordance with the terms of the order, suspension, or conditioning until final adjudication in any action undertaken to challenge the order, or the suspension or conditioning, or the revocation, of an APIC's license.

SEC. 611. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title shall take effect upon the expiration of the 6-month period beginning on the date of the enactment of this Act.

(b) ISSUANCE OF REGULATIONS AND GUIDELINES.—Any authority under this title of the Secretary, the Administrator, and the Secretary of the Treasury to issue regulations, standards, guidelines, or licensing requirements, and any authority of such officials to consult or enter into agreements or memoranda of understanding regarding such issuance, shall take effect on the date of the enactment of this Act.

SEC. 612. SUNSET.

After the expiration of the 5-year period beginning upon the date that the Secretary awards the first license for an APIC under this title—

(1) the Secretary may not license any APIC; and

(2) no amount may be appropriated for the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c)) of any guarantee under this title for any debenture issued by an APIC.

This section may not be construed to prohibit, limit, or affect the award, allocation, or use of any budget authority for the costs of such guarantees that is appropriated before the expiration of such period.

TITLE VII—OTHER COMMUNITY RENEWAL AND NEW MARKETS ASSISTANCE

SEC. 701. TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking ''FLEXIBLE AUTHORITY.—'' and inserting ''DISPOSITION OF HUD-OWNED PROPERTIES. (a) FLEXIBLE AUTHORITY FOR MULTIFAMILY PROJECTS.—''; and

(2) by adding at the end the following new subsection:

''(b) TRANSFER OF UNOCCUPIED AND SUBSTANDARD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.—

''(1) TRANSFER AUTHORITY.—Notwithstanding the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property, subject to the requirements of this section, to a unit of general local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such a unit of general local government in accordance with this subsection, but only to the extent that units of general local government and community development corporations consent to transfer and the Secretary determines that such transfer is practicable.

''(2) QUALIFIED HUD PROPERTIES.—For purposes of this subsection, the term 'qualified HUD property' means any property for which, as of the date that notification of the property is first made under paragraph (3)(B), not less than 6 months have elapsed since the later of the date that the property was acquired by the Secretary or the date that the property was determined to be unoccupied or substandard, that is owned by the Secretary and is—

''(A) an unoccupied multifamily housing project;

''(B) a substandard multifamily housing project; or

''(C) an unoccupied single family property that—

''(i) has been determined by the Secretary not to be an eligible asset under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or

''(ii) is an eligible asset under such section 204(h), but—

''(I) is not subject to a specific sale agreement under such section; and

''(II) has been determined by the Secretary to be inappropriate for continued inclusion in the program under such section 204(h) pursuant to paragraph (10) of such section.

''(3) TIMING.—The Secretary shall establish procedures that provide for—

''(A) time deadlines for transfers under this subsection;

''(B) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions;

''(C) such units and corporations to express interest in the transfer under this subsection of such properties;

''(D) a right of first refusal for transfer of qualified HUD properties to units of general local government and community development corporations, under which—

''(i) the Secretary shall establish a period during which the Secretary may not transfer such properties except to such units and corporations;

''(ii) the Secretary shall offer qualified HUD properties that are single family properties for purchase by units of general local government at a cost of $1 for each property, but only to the extent that the costs to the Federal Government of disposal at such price do not exceed the costs to the Federal Government of disposing of property subject to the procedures for single family property established by the Secretary pursuant to the authority under the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g));

''(iii) the Secretary may accept an offer to purchase a property made by a community development corporation only if the offer provides for purchase on a cost recovery basis; and

''(iv) the Secretary shall accept an offer to purchase such a property that is made during such period by such a unit or corporation and that complies with the requirements of this paragraph;

''(E) a written explanation, to any unit of general local government or community development corporation making an offer to purchase a qualified HUD property under this subsection that is not accepted, of the reason that such offer was not acceptable.

''(4) OTHER DISPOSITION.—With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under paragraph (3), the Secretary shall dispose of the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

''(5) SATISFACTION OF INDEBTEDNESS.—Before transferring ownership of any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

''(6) DETERMINATION OF STATUS OF PROPERTIES.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

''(A) UPON ENACTMENT.—Upon the enactment of this subsection, the Secretary shall promptly assess each residential property owned by the Secretary to determine whether such property is a qualified HUD property.

''(B) UPON ACQUISITION.—Upon acquiring any residential property, the Secretary shall

promptly determine whether the property is a qualified HUD property.

''(C) UPDATES.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

''(7) TENANT LEASES.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

''(8) USE OF PROPERTY.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

''(9) INAPPLICABILITY TO PROPERTIES MADE AVAILABLE FOR HOMELESS.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any properties that the Secretary determines are to be made available for use by the homeless pursuant to subpart E of part 291 of title 24, Code of Federal Regulations, during the period that the properties are so available.

''(10) PROTECTION OF EXISTING CONTRACTS.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.

''(11) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) COMMUNITY DEVELOPMENT CORPORATION.—The term 'community development corporation' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

''(B) COST RECOVERY BASIS.—The term 'cost recovery basis' means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to or greater than the sum of (i) the appraised value of the property, as determined in accordance with such requirements as the Secretary shall establish, and (ii) the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

''(C) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' has the meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.

''(D) RESIDENTIAL PROPERTY.—The term 'residential property' means a property that is a multifamily housing project or a single family property.

''(E) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

''(F) SEVERE PHYSICAL PROBLEMS.—The term 'severe physical problems' means, with respect to a dwelling unit, that the unit—

''(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

''(ii) on not less than three separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

''(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced three or more blown fuses or tripped circuit breakers during the preceding 90-day period;

''(iv) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

''(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

''(G) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence.

''(H) SUBSTANDARD.—The term 'substandard' means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

''(I) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given such term in section 102(a) of the Housing and Community Development Act of 1974.

''(J) UNOCCUPIED.—The term 'unoccupied' means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

''(12) REGULATIONS.—

''(A) INTERIM.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall issue such interim regulations as are necessary to carry out this subsection.

''(B) FINAL.—Not later than 60 days after the date of the enactment of this subsection, the Secretary shall issue such final regulations as are necessary to carry out this subsection.''.

SEC. 702. TRANSFER OF HUD ASSETS IN REVITALIZATION AREAS.

In carrying out the program under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)), upon the request of the chief executive officer of a county or the government of appropriate jurisdiction and not later than 60 days after such request is made, the Secretary of Housing and Urban Development shall designate as a revitalization area all portions of such county that meet the criteria for such designation under paragraph (3) of such section.

SEC. 703. RISK-SHARING DEMONSTRATION.

Section 249 of the National Housing Act (12 U.S.C. 1715z–14) is amended—

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

''RISK-SHARING DEMONSTRATION'';

(2) by striking ''reinsurance'' each place such term appears and insert ''risk-sharing'';

(3) in subsection (a)—

(A) in the first sentence, by inserting ''and insured community development financial institutions'' after ''private mortgage insurers'';

(B) in the second sentence—

(i) by striking ''two'' and inserting ''4''; and

(ii) by striking ''March 15, 1988'' and inserting ''the expiration of the 5-year period beginning on the date of the enactment of the Community Renewal and New Market Act of 2000''; and

(C) in the last sentence, by striking ''10 percent'' and inserting ''20 percent'';

(4) in subsection (b)—

(A) in the first sentence, by inserting ''and with insured community development financial institutions'' before the period at the end;

(B) in the first sentence, by striking ''which have been determined to be qualified insurers under section 302(b)(2)(C)'';

(C) in the second sentence, by inserting ''and insured community development financial institutions'' after ''private mortgage insurance companies'';

(D) by striking paragraph (1) and inserting the following new paragraph:

''(1) assume the first loss on any mortgage insured pursuant to section 203(b), 234, or 245 that covers a one- to four-family dwelling and is included in the program under this section, up to the percentage of loss that is set forth in the risk-sharing contract;''; and

(E) in paragraph (2)—

(i) by striking ''carry out (under appropriate delegation) such'' and inserting ''delegate underwriting,''; and

(ii) by striking ''function'' and inserting ''functions'';

(5) in subsection (c)—

(A) in the first sentence—

(i) by striking ''of'' the first place it appears and insert ''for'';

(ii) by striking ''insurance reserves'' and inserting ''loss reserves''; and

(iii) by striking ''such insurance'' and inserting ''such reserves''; and

(B) in the second sentence, by inserting ''or insured community development financial institution'' after ''private mortgage insurance company'';

(6) in subsection (d), by inserting ''or insured community development financial institution'' after ''private mortgage insurance company''; and

(7) by adding at the end the following new subsection:

''(e) INSURED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS.—For purposes of this section, the term 'insured community development financial institution' means a community development financial institution, as such term is defined in section 103 of Reigle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) that is an insured depository institution (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or an insured credit union (as such term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).''.

SEC. 704. PREVENTION AND TREATMENT OF SUBSTANCE ABUSE; SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following part:

''PART G—SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS

''SEC. 581. APPLICABILITY TO DESIGNATED PROGRAMS.

''(a) DESIGNATED PROGRAMS.—Subject to subsection (b), this part applies to discretionary and formula grant programs administered by the Substance Abuse and Mental Health Services Administration that make awards of financial assistance to public or private entities for the purpose of carrying out activities to prevent or treat substance abuse (in this part referred to as a 'designated program'). Designated programs include the program under subpart II of part B of title XIX (relating to formula grants to the States).

''(b) LIMITATION.—This part does not apply to any award of financial assistance under a designated program for a purpose other than the purpose specified in subsection (a).

''(c) DEFINITIONS.—For purposes of this part (and subject to subsection (b)):

''(1) The term 'designated program' has the meaning given such term in subsection (a).

''(2) The term 'financial assistance' means a grant, cooperative agreement, or contract.

''(3) The term 'program beneficiary' means an individual who receives program services.

''(4) The term 'program participant' means a public or private entity that has received financial assistance under a designated program.

''(5) The term 'program services' means treatment for substance abuse, or preventive

services regarding such abuse, provided pursuant to an award of financial assistance under a designated program.

''(6) The term 'religious organization' means a nonprofit religious organization.

''SEC. 582. RELIGIOUS ORGANIZATIONS AS PROGRAM PARTICIPANTS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, a religious organization, on the same basis as any other nonprofit private provider—

''(1) may receive financial assistance under a designated program; and

''(2) may be a provider of services under a designated program.

''(b) RELIGIOUS ORGANIZATIONS.—The purpose of this section is to allow religious organizations to be program participants on the same basis as any other nonprofit private provider without impairing the religious character of such organizations, and without diminishing the religious freedom of program beneficiaries.

''(c) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—

''(1) ELIGIBILITY AS PROGRAM PARTICIPANTS.—Religious organizations are eligible to be program participants on the same basis as any other nonprofit private organization as long as the programs are implemented consistent with the Establishment Clause and Free Exercise Clause of the First Amendment to the United States Constitution. Nothing in this Act shall be construed to restrict the ability of the Federal Government, or a State or local government receiving funds under such programs, to apply to religious organizations the same eligibility conditions in designated programs as are applied to any other nonprofit private organization.

''(2) NONDISCRIMINATION.—Neither the Federal Government nor a State or local government receiving funds under designated programs shall discriminate against an organization that is or applies to be a program participant on the basis that the organization has a religious character.

''(d) RELIGIOUS CHARACTER AND FREEDOM.—

''(1) RELIGIOUS ORGANIZATIONS.—Except as provided in this section, any religious organization that is a program participant shall retain its independence from Federal, State, and local government, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

''(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State shall require a religious organization to—

''(A) alter its form of internal governance; or

''(B) remove religious art, icons, scripture, or other symbols;

in order to be a program participant.

''(e) EMPLOYMENT PRACTICES.—Nothing in this section shall be construed to modify or affect the provisions of any other Federal or State law or regulation that relates to discrimination in employment. A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 regarding employment practices shall not be affected by its participation in, or receipt of funds from, a designated program.

''(f) RIGHTS OF PROGRAM BENEFICIARIES.—

''(1) IN GENERAL.—If an individual who is a program beneficiary or a prospective program beneficiary objects to the religious character of a program participant, within a reasonable period of time after the date of such objection such program participant shall refer such individual to, and the appropriate Federal, State, or local government that administers a designated program or is a program participant shall provide to such individual (if otherwise eligible for such services), program services that—

''(A) are from an alternative provider that is accessible to, and has the capacity to provide such services to, such individual; and

''(B) have a value that is not less than the value of the services that the individual would have received from the program participant to which the individual had such objection.

''(2) NOTICES.—Appropriate Federal, State, or local governments that administer designated programs or are program participants shall ensure that notice is provided to program beneficiaries or prospective program beneficiaries of their rights under this subsection.

''(3) ADDITIONAL REQUIREMENTS.—A program participant making a referral pursuant to paragraph (1) shall—

''(A) prior to making such referral, consider any list that the State or local government makes available of entities in the geographic area that provide program services; and

''(B) ensure that the individual makes contact with the alternative provider to which the individual is referred.

''(4) NONDISCRIMINATION.—A religious organization that is a program participant shall not in providing program services or engaging in outreach activities under designated programs discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

''(g) FISCAL ACCOUNTABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization that is a program participant shall be subject to the same regulations as other recipients of awards of Federal financial assistance to account, in accordance with generally accepted auditing principles, for the use of the funds provided under such awards.

''(2) LIMITED AUDIT.—With respect to the award involved, if a religious organization that is a program participant maintains the Federal funds in a separate account from non-Federal funds, then only the Federal funds shall be subject to audit.

''(h) COMPLIANCE.—With respect to compliance with this section by an agency, a religious organization may obtain judicial review of agency action in accordance with chapter 7 of title 5, United States Code.

''SEC. 583. LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.

''No funds provided under a designated program shall be expended for sectarian worship, instruction, or proselytization.

''SEC. 584. EDUCATIONAL REQUIREMENTS FOR PERSONNEL IN DRUG TREATMENT PROGRAMS.

''(a) FINDINGS.—The Congress finds that—

''(1) establishing unduly rigid or uniform educational qualification for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs; and

''(2) such educational requirements for counselors and other personnel may hinder or prevent the provision of needed drug treatment services.

''(b) NONDISCRIMINATION.—In determining whether personnel of a program participant that has a record of successful drug treatment for the preceding three years have satisfied State or local requirements for education and training, a State or local government shall not discriminate against education and training provided to such personnel by a religious organization, so long as such education and training includes basic content substantially equivalent to the content provided by nonreligious organizations that the State or local government would credit for purposes of determining whether the relevant requirements have been satisfied.''.

SEC. 705. NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''New Markets Venture Capital Program Act of 2000''.

(b) NEW MARKETS VENTURE CAPITAL PROGRAM.—

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended—

(1) in the heading for the title, by striking ''SMALL BUSINESS INVESTMENT COMPANIES'' and inserting ''INVESTMENT DIVISION PROGRAMS'';

(2) by inserting before the heading for section 301 the following:

''PART A—SMALL BUSINESS INVESTMENT COMPANIES''

; and

(3) by adding at the end the following:

''PART B—NEW MARKETS VENTURE CAPITAL PROGRAM

''SEC. 351. DEFINITIONS.

''In this part, the following definitions apply:

''(1) DEVELOPMENTAL VENTURE CAPITAL.—The term 'developmental venture capital' means capital in the form of equity investments in businesses made with a primary objective of fostering economic development in low- or moderate-income geographic areas.

''(2) LOW- OR MODERATE-INCOME GEOGRAPHIC AREA.—The term 'low- or moderate-income geographic area' means—

''(A) a census tract, or the equivalent county division as defined by the Bureau of the Census for purposes of defining poverty areas, in which—

''(i) the poverty rate is not less than 20 percent;

''(ii) in the case of a census tract or division located within a metropolitan area, the median family income for such tract or division does not exceed the greater of 80 percent of the statewide median family income or 80 percent of the metropolitan area median family income; or

''(iii) in the case of a census tract or division not located within a metropolitan area, the median family income for such tract or division does not exceed 80 percent of the statewide median family income; or

''(B) any area located within—

''(i) a historically underutilized business zone (HUBZone), as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p));

''(ii) an urban empowerment zone or an urban enterprise community, as designated by the Secretary of the Department of Housing and Urban Development; or

''(iii) a rural empowerment zone or a rural enterprise community, as designated by the Secretary of the Department of Agriculture.

''(3) NEW MARKETS VENTURE CAPITAL COMPANY.—The term 'New Markets Venture Capital company' means a company that—

''(A) has been granted final approval by the Administration under section 354(e); and

''(B) has entered into a participation agreement with the Administration.

''(4) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

''(5) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administration and a company granted final approval under section 354(e), that—

''(A) details the company's operating plan and investment criteria; and

''(B) requires the company to make investments in smaller enterprises at least 80 percent of which are located in low- or moderate-income geographic areas.

''(6) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY.—The term 'specialized small

business investment company' means any small business investment company that—

''(A) invests solely in small business concerns that contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages;

''(B) is organized or chartered under State business or nonprofit corporations statutes, or formed as a limited partnership; and

''(C) was licensed under section 301(d), as in effect before September 30, 1996.

''SEC. 352. PURPOSES.

''The purposes of the New Markets Venture Capital Program established under this part are—

''(1) to promote economic development and the creation of wealth and job opportunities in low- or moderate-income geographic areas and among individuals living in such areas by encouraging developmental venture capital investments in smaller enterprises primarily located in such areas; and

''(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises located in low- and moderate-income geographic areas, to be administered by the Administration—

''(A) to enter into participation agreements with New Markets Venture Capital companies;

''(B) to guarantee debentures of New Markets Venture Capital companies to enable each such company to make developmental venture capital investments in smaller enterprises in low- or moderate-income geographic areas; and

''(C) to make grants to New Markets Venture Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

''SEC. 353. ESTABLISHMENT.

''In accordance with this part, the Administration shall establish a New Markets Venture Capital Program, under which the Administration may—

''(1) enter into participation agreements with companies granted final approval under section 354(e) for the purposes set forth in section 352;

''(2) guarantee the debentures issued by New Markets Venture Capital companies as provided in section 355; and

''(3) make grants to New Markets Venture Capital companies, and to other entities, under section 358.

''SEC. 354. SELECTION OF NEW MARKETS VENTURE CAPITAL COMPANIES.

''(a) ELIGIBILITY.—A company shall be eligible to apply to participate, as a New Markets Venture Capital company, in the program established under this part if—

''(1) the company is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

''(2) the company has a management team with experience in community development financing or relevant venture capital financing; and

''(3) the company has a primary objective of economic development of low- or moderate-income geographic areas.

''(b) APPLICATION.—To participate, as a New Markets Venture Capital company, in the program established under this part a company meeting the eligibility requirements set forth in subsection (a) shall submit an application to the Administration that includes—

''(1) a business plan describing how the company intends to make successful developmental venture capital investments in identified low- or moderate-income geographic areas;

''(2) information regarding the community development finance or relevant venture capital qualifications and general reputation of the company's management;

''(3) a description of how the company intends to work with community organizations and to seek to address the unmet capital needs of the communities served;

''(4) a proposal describing how the company will use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company will use licensed professionals, where applicable, on the company's staff or from an outside entity;

''(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

''(6) a description of the criteria to be used to evaluate whether and to what extent the company meets the objectives of the program established under this part;

''(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the company's business plan; and

''(8) such other information as the Administration may require.

''(c) CONDITIONAL APPROVAL.—

''(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administration shall, in accordance with this subsection, conditionally approve companies to participate in the New Markets Venture Capital Program.

''(2) SELECTION CRITERIA.—In selecting companies under paragraph (1), the Administration shall consider the following:

''(A) The likelihood that the company will meet the goals of its business plan.

''(B) The experience and background of the company's management team.

''(C) The need for developmental venture capital investments in the geographic areas in which the company intends to invest.

''(D) The extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest.

''(E) The likelihood that the company will be able to satisfy the conditions under subsection (d).

''(F) The extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest.

''(G) The strength of the company's proposal to provide operational assistance under this part as the proposal relates to the ability of the applicant to meet applicable cash requirements and properly utilize in-kind contributions, including the use of resources for the services of licensed professionals whether provided by persons on the company's staff or by persons outside of the company.

''(H) Any other factors deemed appropriate by the Administration.

''(3) NATIONWIDE DISTRIBUTION.—The Administration shall select companies under paragraph (1) in such a way that promotes investment nationwide.

''(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—The Administration shall grant each conditionally approved company a period of time, not to exceed 2 years, to satisfy the following requirements:

''(1) CAPITAL REQUIREMENT.—Each conditionally approved company must raise not less than $5,000,000 of private capital or binding capital commitments from 1 or more investors (other than agencies or departments of the Federal Government) who meet criteria established by the Administration.

''(2) NONADMINISTRATION RESOURCES FOR OPERATIONAL ASSISTANCE.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company—

''(A) must have binding commitments (for contribution in cash or in kind)—

''(i) from any sources other than the Administration that meet criteria established by the Administration;

''(ii) payable or available over a multiyear period acceptable to the Administration (not to exceed 10 years); and

''(iii) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1);

''(B) must have purchased an annuity—

''(i) from an insurance company acceptable to the Administration;

''(ii) using funds (other than the funds raised under paragraph (1)) from any source other than the Administration; and

''(iii) that yields cash payments over a multiyear period acceptable to the Administration (not to exceed 10 years) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1); or

''(C) must have binding commitments (for contributions in cash or in kind) of the type described in subparagraph (A) and must have purchased an annuity of the type described in subparagraph (B), which in the aggregate make available, over a multiyear period acceptable to the Administration (not to exceed 10 years), an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1).

''(e) FINAL APPROVAL.—The Administration shall grant to a company conditionally approved under subsection (c) final approval to participate in the program established under this part after the company has met the requirements set forth in subsection (d).

''SEC. 355. DEBENTURES.

''(a) IN GENERAL.—The Administration may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any New Markets Venture Capital company.

''(b) TERMS AND CONDITIONS.—The Administration may make guarantees under this section on such terms and conditions as it deems appropriate, except that the term of any debenture guaranteed under this section shall not exceed 15 years.

''(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

''(d) MAXIMUM GUARANTEE.—

''(1) IN GENERAL.—Under this section, the Administration may guarantee the debentures issued by a New Markets Venture Capital company only to the extent that the total face amount of outstanding guaranteed debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administration.

''(2) TREATMENT OF CERTAIN FEDERAL FUNDS.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than an agency or department of the Federal Government.

''SEC. 356. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

''(a) ISSUANCE.—The Administration may issue trust certificates representing ownership of all or a fractional part of debentures issued by a New Markets Venture Capital company and guaranteed by the Administration under this part, if such certificates are based on and backed by a trust or pool approved by the Administration and composed solely of guaranteed debentures.

''(b) GUARANTEE.—

''(1) IN GENERAL.—The Administration may, under such terms and conditions as it deems appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administration or its agents for purposes of this section.

''(2) LIMITATION.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

''(3) PREPAYMENT OR DEFAULT.—In the event that a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administration only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

''(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administration or its agents under this section.

''(d) FEES.—The Administration shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administration may collect a fee approved by the Administration for the functions described in subsection (f)(2).

''(e) SUBROGATION AND OWNERSHIP RIGHTS.—

''(1) SUBROGATION.—In the event the Administration pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

''(2) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administration of its ownership rights in the debentures residing in a trust or pool against which trust certificates are issued under this section.

''(f) MANAGEMENT AND ADMINISTRATION.—

''(1) REGISTRATION.—

''(A) IN GENERAL.—The Administration may provide for a central registration of all trust certificates issued under this section.

''(B) FORMS OF REGISTRATION.—Nothing in this subsection shall prohibit the use of a book entry or other electronic form of registration for trust certificates.

''(2) CONTRACTING OF FUNCTIONS.—

''(A) IN GENERAL.—The Administration may contract with an agent or agents to carry out on behalf of the Administration the pooling and the central registration functions provided for in this section including, notwithstanding any other provision of law—

''(i) maintenance, on behalf of and under the direction of the Administration, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and

''(ii) the issuance of trust certificates to facilitate the creation of such trusts or pools.

''(B) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Administration under this paragraph shall provide a fidelity bond or insurance in such amounts as the Administration determines to be necessary to fully protect the interests of the United States.

''(3) APPLICABILITY OF THE SECURITIES EXCHANGE ACT OF 1934.—Notwithstanding section 3(a)(42) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(42)), trust certificates issued under this section shall not be treated as government securities for the purposes of that Act.

''SEC. 357. FEES.

''Except as provided in section 356(d), the Administration may charge such fees as it deems appropriate with respect to any guarantee or grant issued under this part.

''SEC. 358. OPERATIONAL ASSISTANCE GRANTS.

''(a) IN GENERAL.—

''(1) AUTHORITY.—In accordance with this section, the Administration may make grants to New Markets Venture Capital companies and to other entities, as authorized by this part, to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

''(2) TERMS.—Grants made under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administration may require.

''(3) GRANTS TO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.—

''(A) AUTHORITY.—In accordance with this section, the Administration may make grants to specialized small business investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies after the effective date of the New Markets Venture Capital Program Act of 2000.

''(B) USE OF FUNDS.—

''(i) IN GENERAL.—The proceeds of a grant made under this paragraph may be used by the company receiving such grant only to provide operational assistance in connection with an equity investment (made with capital raised after the effective date of the New Markets Venture Capital Program Act of 2000) in a business located in a low- or moderate-income geographic area.

''(ii) ADDITIONAL LIMITATION.—Operational assistance referred to in clause (i) may not be provided in connection with more than 1 equity investment.

''(C) SUBMISSION OF PLANS.—A specialized small business investment company shall be eligible for a grant under this section only if the company submits to the Administrator, in such form and manner as the Administrator may require, a plan for use of the grant.

''(4) GRANT AMOUNT.—

''(A) NEW MARKETS VENTURE CAPITAL COMPANIES.—The amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the resources (in cash or in kind) raised by the company under with section 354(d)(2).

''(B) OTHER ENTITIES.—The amount of a grant made under this subsection to any entity other than a New Markets Venture capital company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to New Markets Venture Capital companies set forth in section 354(d)(2).

''(5) PRO RATA REDUCTIONS.—If the amount made available to carry out this section is insufficient for the Administration to provide grants in the amounts provided for in paragraph (4), the Administration shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

''(b) SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—The Administration may make supplemental grants to New Markets Venture Capital companies and to other entities, as authorized by this part, under such terms as the Administration may require, to provide additional operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

''(2) MATCHING REQUIREMENT.—The Administration may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide from resources (in cash or in kind), other than those provided by the Administration, a matching contribution equal to the amount of the supplemental grant.

''(c) LIMITATION.—None of the assistance made available under this section may be used for any operating expense of a New Markets Venture Capital company or a specialized small business investment company.

''SEC. 359. BANK PARTICIPATION.

''(a) IN GENERAL.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any New Markets Venture Capital company, or in any entity established to invest solely in New Markets Venture Capital companies.

''(b) LIMITATION.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

''SEC. 360. FEDERAL FINANCING BANK.

''Section 318 shall not apply to any debenture issued by a New Markets Venture Capital company under this part.

''SEC. 361. REPORTING REQUIREMENTS.

''Each New Markets Venture Capital company that participates in the program established under this part shall provide to the Administration such information as the Administration may require, including—

''(1) information related to the measurement criteria that the company proposed in its program application; and

''(2) in each case in which the company under this part makes an investment in, or a loan or grant to, a business that is not located in a low- or moderate-income geographic area, a report on the number and percentage of employees of the business who reside in such areas.

''SEC. 362. EXAMINATIONS.

''(a) IN GENERAL.—Each New Markets Venture Capital company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Administration in accordance with this section.

''(b) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

''(c) COSTS.—

''(1) ASSESSMENT.—

''(A) IN GENERAL.—The Administration may assess the cost of examinations under this section, including compensation of the examiners, against the company examined.

''(B) PAYMENT.—Any company against which the Administration assesses costs under this paragraph shall pay such costs.

''(2) DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Administration.

''SEC. 363. INJUNCTIONS AND OTHER ORDERS.

''(a) IN GENERAL.—Whenever, in the judgment of the Administration, a New Markets Venture Capital company or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act, the Administration may make application to the proper district court of the

United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Administration that such New Markets Venture Capital company or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond.

''(b) JURISDICTION.—In any proceeding under subsection (a), the court as a court of equity may, to such extent as it deems necessary, take exclusive jurisdiction of the New Market Venture Capital company and the assets thereof, wherever located, and the court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed.

''(c) ADMINISTRATION AS TRUSTEE OR RECEIVER.—

''(1) AUTHORITY.—The Administration may act as trustee or receiver of a New Markets Venture Capital company.

''(2) APPOINTMENT.—Upon request of the Administration, the court may appoint the Administration to act as a trustee or receiver of a New Markets Venture Capital company unless the court deems such appointment inequitable or otherwise inappropriate by reason of the special circumstances involved.

''SEC. 364. ADDITIONAL PENALTIES FOR NONCOMPLIANCE.

''(a) IN GENERAL.—With respect to any New Markets Venture Capital company that violates or fails to comply with any of the provisions of this Act, of any regulation issued under this Act, or of any participation agreement entered into under this Act, the Administration may in accordance with this section—

''(1) void the participation agreement between the Administration and the company; and

''(2) cause the company to forfeit all of the rights and privileges derived by the company from this Act.

''(b) ADJUDICATION OF NONCOMPLIANCE.—

''(1) IN GENERAL.—Before the Administration may cause a New Markets Venture Capital company to forfeit rights or privileges under subsection (a), a court of the United States of competent jurisdiction must find that the company committed a violation, or failed to comply, in a cause of action brought for that purpose in the district, territory, or other place subject to the jurisdiction of the United States, in which the principal office of the company is located.

''(2) PARTIES AUTHORIZED TO FILE CAUSES OF ACTION.—Each cause of action brought by the United States under this subsection shall be brought by the Administration or by the Attorney General.

''SEC. 365. UNLAWFUL ACTS AND OMISSIONS; BREACH OF FIDUCIARY DUTY.

''(a) PARTIES DEEMED TO COMMIT A VIOLATION.—Whenever any New Markets Venture Capital company violates any provision of this Act, of a regulation issued under this Act, or of a participation agreement entered into under this Act, by reason of its failure to comply with its terms or by reason of its engaging in any act or practice that constitutes or will constitute a violation thereof, such violation shall also be deemed to be a violation and an unlawful act committed by any person who, directly or indirectly, authorizes, orders, participates in, causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions that constitute or will constitute, in whole or in part, such violation.

''(b) FIDUCIARY DUTIES.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a New Markets Venture Capital company to engage in any act or practice, or to omit any act or practice, in breach of the person's fiduciary duty as such officer, director, employee, agent, or participant if, as a result thereof, the company suffers or is in imminent danger of suffering financial loss or other damage.

''(c) UNLAWFUL ACTS.—Except with the written consent of the Administration, it shall be unlawful—

''(1) for any person to take office as an officer, director, or employee of any New Markets Venture Capital company, or to become an agent or participant in the conduct of the affairs or management of such a company, if the person—

''(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust, or

''(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud, or breach of trust; and

''(2) for any person continue to serve in any of the capacities described in paragraph (1), if—

''(A) the person is convicted of a felony, or any other criminal offense involving dishonesty or breach of trust, or

''(B) the person is found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

''SEC. 366. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

''Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administration may remove or suspend any director or officer of any New Markets Venture Capital company.

''SEC. 367. REGULATIONS.

''The Administration may issue such regulations as it deems necessary to carry out the provisions of this part in accordance with its purposes.

''SEC. 368. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) IN GENERAL.—For fiscal years 2000 through 2005, the Administration is authorized to be appropriated, to remain available until expended—

''(1) such subsidy budget authority as may be necessary to guarantee $150,000,000 of debentures under this part; and

''(2) $30,000,000 to make grants under this part.

''(b) FUNDS COLLECTED FOR EXAMINATIONS.—Funds deposited under section 362(c)(2) are authorized to be appropriated only for the costs of examinations under section 362 and for the costs of other oversight activities with respect to the program established under this part.''.

(c) CONFORMING AMENDMENT.—Section 20(e)(1)(C) of the Small Business Act (15 U.S.C 631 note) is amended by inserting ''part A of'' before ''title III''.

(d) CALCULATION OF MAXIMUM AMOUNT OF SBIC LEVERAGE.—

(1) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended to read as follows:

''(2) MAXIMUM LEVERAGE.—

''(A) IN GENERAL.—After March 31, 1993, the maximum amount of outstanding leverage made available to a company licensed under section 301(c) of this Act shall be determined by the amount of such company's private capital—

''(i) if the company has private capital of not more than $15,000,000, the total amount of leverage shall not exceed 300 percent of private capital;

''(ii) if the company has private capital of more than $15,000,000 but not more than $30,000,000, the total amount of leverage shall not exceed $45,000,000 plus 200 percent of the amount of private capital over $15,000,000; and

''(iii) if the company has private capital of more than $30,000,000, the total amount of leverage shall not exceed $75,000,000 plus 100 percent of the amount of private capital over $30,000,000 but not to exceed an additional $15,000,000.

''(B) ADJUSTMENTS.—

''(i) IN GENERAL.—The dollar amounts in clauses (i), (ii), and (iii) of subparagraph (A) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

(ii) INITIAL ADJUSTMENTS.—The initial adjustments made under this subparagraph after the date of enactment of the Small Business Reauthorization Act of 1997 shall reflect only increases from March 31, 1993.

''(C) INVESTMENTS IN LOW- OR MODERATE INCOME AREAS.—In calculating the outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low- or moderate-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.''.

(2) MAXIMUM AGGREGATE LEVERAGE.—Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(4)) is amended by adding at the end the following new subparagraph:

''(D) INVESTMENTS IN LOW- OR MODERATE INCOME AREAS.—In calculating the aggregate outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low- or moderate-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.''.

(e) BANKRUPTCY EXEMPTION FOR NEW MARKETS VENTURE CAPITAL COMPANIES.—Section 109(b)(2) of title 11, United States Code, is amended by inserting ''a New Markets Venture Capital company as defined in section 351 of the Small Business Investment Act of 1958,'' after ''homestead association,''.

(f) FEDERAL SAVINGS ASSOCIATIONS.—Section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)) is amended by adding at the end the following:

''(F) NEW MARKETS VENTURE CAPITAL COMPANIES.—A Federal savings association may invest in stock, obligations, or other securities of any New Markets Venture Capital company as defined in section 351 of the Small Business investment Act of 1958, except that a Federal savings association may not make any investment under this subparagraph if its aggregate outstanding investment under this subparagraph would exceed 5 percent of the capital and surplus of such savings association.''.

SEC. 706. BUSINESSLINC GRANTS AND COOPERATIVE AGREEMENTS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

''(m) BUSINESSLINC GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) IN GENERAL.—In accordance with this subsection, the Administrator may make grants to and enter into cooperative agreements with any coalition of private entities, public entities, or any combination of private and public entities—

''(A) to expand business-to-business relationships between large and small businesses; and

''(B) to provide businesses, directly or indirectly, with online information and a database of companies that are interested in mentor-protege programs or community-based, state-wide, or local business development programs.

''(2) MATCHING REQUIREMENT.—Subject to subparagraph (B), the Administrator may make a grant to a coalition under paragraph (1) only if the coalition provides for activities described in paragraph (1)(A) or (1)(B) an amount, either in kind or in cash, equal to the grant amount.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $6,600,000, to remain available until expended, for each of fiscal years 2001 through 2003.''.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentleman from Pennsylvania (Mr. ENGLISH) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on the bill, H.R. 4923.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ENGLISH. Madam Speaker, I ask unanimous consent that both sides in this debate control an additional 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RANGEL. Mr. Speaker, I am in support of the bill and, under the rules of the House, the time that is allocated to me should more properly be allocated to someone that is in opposition to the bill. The gentleman from Virginia (Mr. SCOTT) is in opposition, and so I ask that the 20 minutes allotted to me be yielded to him.

The SPEAKER pro tempore. Does the gentleman object to the additional 10 minutes?

Mr. RANGEL. No, I have no objection.

The SPEAKER pro tempore. There being no objection to the request of the gentleman from Pennsylvania, the gentleman from Virginia (Mr. SCOTT) will control 30 minutes in opposition.

The Chair recognizes the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I yield myself 2¼ minutes.

Today, Mr. Speaker, we will vote on landmark legislation that will provide our communities with the tools they need to revitalize our cities and many of our depressed rural areas. This is the day we will provide communities the tools they need to once again become self-reliant, and with that we give people more control over their own futures.

The Community Renewal and New Markets Act breathes new life into areas that have become America's forgotten communities. With this legislation, we empower impoverished cities and towns to rise above the perils of poverty. We give them the mechanisms needed to mold faith, family, hard work, and cooperation into opportunity, while expanding the community leaders' ability to attract new investment and grow existing businesses.

This bipartisan community renewal initiative will provide poor inner cities and rural areas with workable mechanisms that allow them to evaluate the needs in their communities and address them. This bill creates 40 renewal communities with targeted pro-growth tax benefits, homeownership opportunities, and other incentives that address the principal hurdles facing budding small businesses: raising capital and maintaining cash flow.

In a renewal community, individuals would not pay capital gains taxes on the sale of renewal community businesses and business assets held for more than 5 years. Small businesses would also be able to expense up to $35,000 more in equipment than they are able to under current law. And those who revitalize buildings located in these renewal communities will receive a special deduction.

Beyond that, this bill will stimulate State efforts to build the necessary infrastructure and rebuild economically depressed areas by accelerating the scheduled increase in the amount of tax exempt private bonds. Even more importantly, we will increase the amount of low-income tax credits a State can allocate. This translates into more and better housing opportunities for low-income families.

Today, through a variety of incentives, we will create a fertile environment for growth, with targeted pro-growth tax benefits, regulatory relief, savings accounts, and homeownership opportunities, as well as provide for the inclusion of local faith-based organizations. This is an opportunity for Congress to aid in lifting up those who have already been left behind during a time when many are enjoying the benefits of a prospering economy.

With this legislation, we will truly make a difference in people's lives and allow more people to participate in the American Dream.

Mr. Speaker, I submit for the RECORD material from the Joint Committee on Taxation relevant to this bill.

TECHNICAL EXPLANATION OF THE TAX PROVISIONS IN H.R. 4923 THE ''COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000''

(Prepared by the Staff of the Joint Committee on Taxation)

I. INTRODUCTION

This document, prepared by the staff of the Joint Committee on Taxation, provides a technical explanation of the tax provisions contained in H.R. 4923, the ''Community Renewal and New Markets Act of 2000.''

II. SUMMARY

H.R. 4923, the ''Community Renewal and New Markets Act of 2000,'' provides additional tax incentives for targeted areas that are identified as areas of pervasive poverty, high unemployment, and general economic distress. The bill also increases the limits with respect to the low-income housing tax credit and the private activity bond volume caps.

Tax incentives for renewal communities

The bill authorizes the Secretary of HUD to designate up to 40 ''renewal communities'' from areas nominated by States and local governments. At least eight of the designated renewal communities must be in rural areas. In general, nominated areas are ranked based on a formula that takes into account the area's poverty rate, median income, and unemployment rate. A nominated area within the District of Columbia will be designated as a renewal community (without regard to its ranking) beginning in 2003.

A nominated area that is designated as a renewal community is eligible for the following tax incentives during the period beginning July 1, 2001, and ending December 31, 2009: (1) a 100-percent capital gains exclusion for capital gain from the sale of qualifying assets acquired after June 30, 2001, and before January 1, 2010, and held for more than five years; (2) a 15 percent wage credit to employers for the first $10,000 of qualified wages paid to each employee who (i) is a resident of the renewal community, and (ii) performs substantially all employment services within the renewal community in a trade or business of the employer; (3) a ''commercial revitalization expenditure'' that allows taxpayers (to the extent allocated by the appropriate State agency for the period after June 30, 2001) to deduct either (i) 50 percent of qualifying expenditures for the taxable year in which a qualified building is placed in service, or (ii) all of the qualifying expenditures ratably over a 10-year period beginning with the month in which such building is placed in service; (4) an additional $35,000 of section 179 expensing for qualified renewal property placed in service after June 30, 2001 and before January 1, 2010 by a renewal community business; (5) the expensing of certain environmental remediation expenditures incurred after June 30, 2001, and before January 1, 2010 within a renewal community; and (6) an expansion of the Work Opportunity Tax Credit with respect to qualified individuals who live in a renewal community.

Extension and expansion of empowerment zone incentives

The bill extends the designation of empowerment zone status for existing zones (other than the D.C. Enterprise Zone) through December 31, 2009. In addition, the 20-percent wage credit is made available to all existing empowerment zones beginning in 2002 (and remains at the 20-percent rate). Furthermore, $35,000 (rather than $20,000) of additional section 179 expensing is available for qualified zone property placed in service in taxable years beginning after December 31, 2001, by a qualified zone business. The bill also extends an empowerment zone's status

as a ''target area'' under section 198 (thus permitting expensing of certain environmental remediation costs) for costs incurred after December 31, 2001, and before January 1, 2010. Also beginning in 2002, certain businesses in existing empowerment zones (other than the D.C. Enterprise Zone) become eligible for more generous tax-exempt bond rules.

The bill also authorizes Secretaries of HUD and Agriculture to designate nine additional empowerment zones (seven to be located in urban areas and two in rural areas). The new empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the new empowerment zones generally are available during the period beginning on January 1, 2002, and ending on December 31, 2009. Businesses in the new empowerment zones are eligible for the same tax incentives that, under this bill, are available to existing zones (i.e., a 20-percent wage credit, $35,000 of additional section 179 expensing, the enhanced tax-exempt financing benefits, and expensing of certain environmental remediation costs).

The bill permits a taxpayer to roll over gain from the sale or exchange of any qualified empowerment zone asset held for more than 1 year where the taxpayer uses the proceeds to purchase other qualifying empowerment zone assets (in the same zone) within 60 days of the sale of the original asset. In general, a qualifying empowerment zone asset refers to a stock or partnership investment in, or assets acquired by, a qualifying business within an empowerment zone that is purchased by a taxpayer after the date of enactment of the bill.

The bill increases to 60 percent (from 50 percent) the exclusion of gain from the sale of qualifying small business stock held more than five years where such stock also satisfies the requirements of a qualifying business under the empowerment zone rules. The provision applies to qualifying small business stock that is purchased after the date of enactment of the bill.

Provide new markets tax credit

The bill creates a new tax credit for qualified equity investments made after December 31, 2000, to acquire stock in a community development entity (''CDE''). The maximum annual amount of qualifying equity investments is capped as follows:

Calendar year	Maximum qualifying equity investment
2001	$1.0 billion
2002–2003	$1.5 billion per year
2004–2005	$2.0 billion per year
2006–2007	$3.5 billion per year

The amount of the credit allowed to the investor is (1) a five-percent credit for the year in which the equity interest is purchased from the CDE and for the first two anniversary dates after the purchase from the CDE, and (2) a six percent on each anniversary date thereafter for the following four years. The credit is recaptured if the entity fails to continue to be a CDE or the interest is redeemed within seven years.

A CDE is any domestic corporation or partnership (1) whose primary mission is serving or providing investment capital for low-income communities or low-income persons, (2) that maintains accountability to residents of low-income communities through representation on governing or advisory boards, and (3) is certified by the Treasury Department as an eligible CDE. A qualified equity investment means stock or a similar equity interest acquired directly from a CDE for cash. Substantially all of the cash must be used by the CDE to make investments in, or loans to, qualified active businesses located in low-income communities, or certain financial services to businesses and residents in low-income communities. A ''low-income community'' generally is defined as census tracts with either (1) poverty rates of at least 20 percent, or (2) median family income which does not exceed 80 percent of the greater of metropolitan area income or statewide median family income.

Improvements in the low-income housing tax credit

The bill increases the low-income housing credit cap to $1.75 per resident between 2001 and 2006 as follows:

Calendar year	Applicable credit amount
2001	$1.35
2002	1.45
2003	1.55
2004	1.65
2005	1.70
2006	1.75

In addition, beginning in 2001, the per capita cap is modified so that less populous States are given a minimum of $2 million of annual credit cap. The $1.75 per capita credit cap and the $2 million amount is indexed for inflation beginning in 2007. The bill also makes several programmatic changes to the credit.

Acceleration of phase-in of increase in private activity bond volume cap

The bill accelerates the scheduled phased-in increases in the present-law annual State private activity bond volume limits to $75 per resident of each State or $225 million (if greater). The increase is phased in as follows, beginning in calendar year 2001:

Calendar year	Volume limit
2001	$55 per resident ($165 million if greater)
2002	$60 per resident ($180 million if greater)
2003	$65 per resident ($195 million if greater)
2004, 2005, 2006	$70 per resident ($210 million if greater)
2007 and thereafter	$75 per resident ($225 million if greater)

III. Explanation of the Tax Provisions in H.R. 4923

A. Renewal Community Provisions (Secs. 101–103 of the Bill)

PRESENT LAW

In recent years, provisions have been added to the Internal Revenue Code that target specific geographic areas for special Federal income tax treatment. As described in greater detail below, empowerment zones and enterprise communities generally provide tax incentives for businesses that locate within certain geographic areas designated by the Secretaries of Housing and Urban Development (''HUD'') and Agriculture.

EXPLANATION OF PROVISION

The bill authorizes the designation of 40 ''renewal communities'' within which special tax incentives will be available.

Designation process

Designation of 40 renewal communities.—Secretary of HUD is authorized to designate up to 40 ''renewal communities'' from areas nominated by States and local governments. At least eight of the designated communities must be in rural areas. The Secretary of HUD is required to publish (within four months after enactment) regulations describing the nomination and selection process. Designations of renewal communities are to be made within 24 months after such regulations are published. The designation of an areas as a renewal community generally will be effective on July 1, 2001, and will terminate after December 31, 2009.

Eligiblity criteria.—To be designated as a renewal community, a nominated areas must meet the following criteria: (1) each census tract must have a poverty rate of at least 20 percent; (2) in the case of urban area, at least 70 percent of the households have incomes below 80 percent of the median income of households within the local government jurisdiction; (3) the unemployment rate is at least 1.5 times the national unemployment rate; and (4) the area is one of pervasive poverty, unemployment, and general distress. Those areas with the highest average ranking of eligibility factors (1), (2), and (3) above would be designated as renewal communities. A nominated area within the District of Columbia becomes a renewal community (without regard to its ranking of eligibility factors) provided that it satisfies the area and eligibility requirements and the required State and local commitments described below. The Secretary of HUD shall take into account in selecting areas for designation the extent to which such areas have a high incidence of crime, as well as whether the area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas.

There are no geographic size limitations placed on renewal communities. Instead, the boundary of a renewal community must be continuous. In addition, the renewal community must have a minimum population of 4,000 if the community is located within a metropolitan statistical area (at least 1,000 in all other cases) and a maximum population of not more than 200,000. The population limitations do not apply to any renewal community that is entirely within an Indian reservation.

Required State and local communities.—In order for an area to be designated as a renewal community, State and local governments are required to submit (1) a written course of action in which the State and local governments promise to take at least four governmental actions within the nominated area from a specified list of actions, and (2) a list of at least four economic measures the State and local governments promise to take (from a specified list of measures) if the area is designated as a renewal community.

Empowerment zones and enterprise a communities seeking designation as renewal communities.—An empowerment zone or enterprise community can apply for designation as a renewal community. If a renewal community designation is granted, then an area's designation as an empowerment zone or enterprise community ceases as of the date the area's designation as a renewal community takes effect.

Tax incentives for renewal communities

The following tax incentives generally would be available during the period beginning July 1, 2001, and ending December 31, 2009.

100-percent capital gain exclusion.—The bill provides a 100-percent capital gains exclusion for gain from the sale of a qualified community asset acquired after June 30, 2001 and before January 1, 2010, and held for more than five years. A ''qualified community asset'' includes: (1) qualified community stock (meaning original-issue stock purchased for cash in a renewal community business); (2) a qualified community partnership interest (meaning a partnership interest acquired for cash in a renewal community business); and (3) qualified community business property (meaning tangible property originally used in a renewal community business by the taxpayer) that is purchased or substantially improved after June 30, 2001.

A ''renewal community business'' is similar to the present-law definition of an enterprise zone business. Property will continue to be a qualified community asset if sold (or otherwise transferred) to a subsequent purchaser, provided that the property continues to represent an interest in (or tangible property used in) a renewal community business.

The termination of an area's status as a renewal community will not affect whether property is a qualified community asset, but any gain attributable to the period before July 1, 2001, or after December 31, 2014, will not be eligible for the exclusion.

Renewal community employment credit.—A 15-percent wage credit is available to employers for the first $10,000 of qualified wages paid to each employee who (1) is a resident of the renewal community, and (2) performs substantially all employment services within the renewal community in a trade or business of the employer. The wage credit rate applies to qualifying wages paid after June 30, 2001, and before January 1, 2010.

Wages that qualify for the credit are wages that are considered ''qualified zone wages'' for purposes of the empowerment zone wage credit (including coordination with the Work Opportunity Tax Credit). In general, any taxable business carrying out activities in the renewal community may claim the wage credit.

Commercial revitalization deduction.—The bill allows each State to allocate up to $12 million of ''commercial revitalization expenditures'' to each renewal community located within the State for each calendar year after 2001 and before 2010 ($6 million for the period of July 1, 2001 through December 31, 2001). The appropriate State agency will make the allocations pursuant to a qualified allocation plan.

A ''commercial revitalization expenditure'' means the cost of a new building or the cost of substantially rehabilitating an existing building. The building must be used for commercial purposes and be located in a renewal community. In the case of the rehabilitation of an existing building, the cost of acquiring the building will be treated as qualifying expenditures only to the extent that such costs do not exceed 30 percent of the other rehabilitation expenditures. The qualifying expenditures for any building cannot exceed $10 million.

A taxpayer can elect either to (a) deduct one-half of the commercial revitalization expenditures for the taxable year the building is placed in service or (b) amortize all the expenditures ratably over the 120-month period beginning with the month the building is placed in service. No depreciation is allowed for amounts deducted under this provision. The adjusted basis is reduced by the amount of the commercial revitalization deduction, and the deduction is treated as a depreciation deduction in applying the depreciation recapture rules (e.g., sec. 1250).

The commercial revitalization deduction is treated in the same manner as the low income housing credit in applying the passive loss rules (sec. 469). Thus, up to $25,000 of deductions (together with the other deductions and credits not subject to the passive loss limitation by reason of section 469(i)) are allowed to an individual taxpayer regardless of the taxpayer's adjusted gross income. The commercial revitalization deduction is allowed in computing a taxpayer's alternative minimum taxable income.

Additional section 179 expensing.—A renewal community business is allowed an additional $35,000 of section 179 expensing for qualified renewal property placed in service after June 30, 2001, and before January 1, 2010. The section 179 expensing allowed to a taxpayer is phased out by the amount by which 50 percent of the cost of qualified renewal property placed in service during the year by the taxpayer exceeds $200,000. The term ''qualified renewal property'' is similar to the definition of ''qualified zone property'' under section 1397C.

Expensing of environmental remediation costs (''brownfields'').—A renewal community is treated as a ''targeted area'' under section 198 (which permits the expensing of environmental remediation costs). Thus, taxpayers can elect to treat certain environmental remediation expenditures that otherwise would be capitalized as deductible in the year paid or incurred. This provision applies to expenditures incurred after June 30, 2001, and before January 1, 2010.

Extension of work opportunity tax credit (''WOTC'').—The bill expands the high-risk youth and qualified summer youth categories in the WOTC to include qualified individuals who live in a renewal community.

EFFECTIVE DATE

Renewal communities must be designated within 24 months after publication of regulations by HUD. The tax benefits available in renewal communities are effective for the period beginning July 1, 2001, and ending December 31, 2009.

B. Extension and Expansion of Empowerment Zone Incentives (secs. 201–205 of the bill)

PRESENT LAW

Round I empowerment zones

The Omnibus Budget Reconciliation Act of 1993 (''OBRA 1993'') authorized the designation of nine empowerment zones (''Round I empowerment zones'') and 95 enterprise communities to provide tax incentives for businesses to locate within targeted areas designated by the Secretaries of HUD and Agriculture. The targeted areas must have a condition of pervasive poverty, high unemployment, and general economic distress, and satisfy certain eligibility criteria, including specified poverty rates and population and geographic size limitations. Six of the empowerment zones are located in urban areas and three are located in rural areas. The Taxpayer Relief Act of 1997 (''1997 Act'') authorized the designation of two additional Round I urban empowerment zones.

Businesses in the 11 Round I empowerment zones qualify for the following tax incentives: (1) a 20-percent wage credit for the first $15,000 of wages paid to a zone resident who works in the empowerment zone, (2) an additional $20,000 of section 179 expensing for qualifying zone property, and (3) expanded tax-exempt financing for certain qualifying zone facilities. Businesses in the enterprise communities are eligible for the expanded tax-exempt financing benefits, but not the other tax incentives available to empowerment zones. The tax incentives with respect to the empowerment zones designated by OBRA 1993 generally are available during the 10-year period of 1995 through 2004. The tax incentives with respect to the two additional Round I empowerment zones generally are available during the 10-year period of 2000 through 2009 (except for the wage credit, which expires after 2007).

Round II empowerment zones

The 1997 Act also authorized the designation of 20 additional empowerment zones (''Round II empowerment zones''), of which 15 are located in urban areas and five are located in rural areas. Businesses in the Round II empowerment zones are not eligible for the wage credit, but are eligible to receive up to $20,000 of additional section 179 expensing. Businesses in the Round II empowerment zones also are eligible for more generous tax-exempt financing benefits than those available in the Round I empowerment zones. Specifically, the tax-exempt financing benefits for the Round II empowerment zones are not subject to the State private activity bond volume caps (but are subject to separate per-zone volume limitations), and the per-business size limitations that apply to the Round I empowerment zones and enterprise communities (i.e., $3 million for each qualified enterprise zone business with a maximum of $20 million for each principal user for all zones and communities) do not apply to qualifying bonds issued for Round II empowerment zones. The tax incentives with respect to the Round II empowerment zones generally are available during the 10-year period of 1999 through 2008.

EXPLANATION OF PROVISION

Extension of tax incentives for Round I and Round II empowerment zones

The designation of empowerment zone status for Round I and Round II empowerment zones (other than the District of Columbia Enterprise Zone) is extended through December 31, 2009. In addition, the 20-percent wage credit is made available in all Round I and II empowerment zones for qualifying wages paid or incurred after December 31, 2001. The credit rate remains at 20 percent (rather than being phased down) through December 31, 2009, in Round I and Round II empowerment zones.

In addition, $35,000 (rather than $20,000) of additional section 179 expensing is available for qualified zone property placed in service in taxable years beginning after December 31, 2001, by a qualified business in any of the empowerment zones. Businesses in the D.C. Enterprise Zone are entitled to the additional section 179 expensing until the termination of the D.C. zone designation. The bill also extends an empowerment zone's status as a ''targeted area'' under section 198 (thus permitting expensing of environmental remediation costs). The bill applies to expenses incurred after December 31, 2001, and before January 1, 2010.

Businesses located in Round I empowerment zones (other than the D.C. Enterprise Zone) also are eligible for the more generous tax-exempt bond rules that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)). The bill applies to tax-exempt bonds issued after December 31, 2001. Bonds that have been issued by businesses in Round I zones before January 1, 2002, are not taken into account in applying the limitations on the amount of new empowerment zone facility bonds that can be issued under the bill.

Nine new empowerment zones

The Secretaries of HUD and Agriculture are authorized to designate nine additional empowerment zones (''Round III empowerment zones''). Seven of the Round III empowerment zones would be located in urban areas, and two would be located in rural areas.

The eligibility and selection criteria for the Round III empowerment zones are the same as the criteria that applied to the Round II empowerment zones. The Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones generally are available during the period beginning on January 1, 2002, and ending on December 31, 2009.

Businesses in the Round III empowerment zones are eligible for the same tax incentives that, under the bill, are available to Round I and Round II empowerment zones (i.e., a 20-percent wage credit, an additional $35,000 of section 179 expensing, and the enhanced tax-exempt financing benefits presently available to Round II empowerment zones). The Round III empowerment zones also are considered ''targeted areas'' for purposes of permitting expensing of certain environmental remediation costs under section 198.

EFFECTIVE DATE

The extension of the existing empowerment zone designations is effective after the date of enactment.

The extension of the tax benefits to existing empowerment zones (i.e., the expanded

wage credit, the additional section 179 expensing, the brownfields designation, and the more generous tax-exempt bond rules generally is effective after December 31, 2001.

The new Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones generally are available during the period beginning on January 1, 2002, and ending on December 31, 2009.

C. Rollover of gain from the sale of a qualified empowerment zone investment (sec. 206 of the bill)

PRESENT LAW

In general, gain or loss is recognized on any sale, exchange, or other disposition of property. A taxpayer (other than a corporation) may elect to roll over without payment of tax any capital gain realized upon the sale of qualified small business stock held for more than six months where the taxpayer uses the proceeds to purchase other qualified small business stock within 60 days of the sale of the original stock.

EXPLANATION OF PROVISION

Under the bill, a taxpayer can elect to roll over capital gain from the sale or exchange of any qualified empowerment zone asset purchased after the date of enactment and held for more than one year (''original zone asset'') where the taxpayer uses the proceeds to purchase other qualifying empowerment zone assets in the same zone (''replacement zone asset'') within 60 days of the sale of the original zone asset. The holding period of the replacement zone asset includes the holding period of the original zone asset, except that the replacement zone asset must actually be held for more than one year to qualify for another tax-free rollover. The basis of the replacement zone asset is reduced by the gain not recognized on the rollover. However, if the replacement zone asset is qualified small business stock (as defined in sec. 1202), the exclusion under section 1202 would not apply to gain accrued on the the original zone assets. A ''qualified empowerment zone asset'' means an asset that would be a qualified community asset if the empowerment zone were a renewal community (and the asset is acquired after the date of enactment of the bill). Assets in the D.C. Enterprise Zone are not eligible for the tax-free rollover treatment.

EFFECTIVE DATE

The provision is effective for qualifying assets purchased after the date of enactment.

D. Increased exclusion of gain from the sale of qualifying empowerment zone stock (sec. 207 of the bill)

PRESENT LAW

Under present law, an individual, subject to limitations, may exclude 50 percent of the gain from the sale of qualifying small business stock held more than five years (sec. 1202).

EXPLANATION OF PROVISION

The exclusion for small business stock is increased to 60 percent for stock purchased after the date of enactment in a corporation that is a qualified business entity and that is held for more then five years. A ''qualified business entity'' means a corporation that satisfies the requirements of a qualifying business under the empowerment zone rules (sec. 1379B(b)) during substantially all the taxpayer's holding period.

EFFECTIVE DATE

The provision is effective for qualified stock purchased after the date of enactment.

E. New markets tax credit (sec. 301 of the bill)

PRESENT LAW

Some tax incentives are available to taxpayers making investments and loans in low-income communities. For example, tax incentives are available to taxpayers that invest in specialized small business investment companies licensed by the Small Business Administration to make loans to, or equity investments in, small businesses owned by persons who are socially or economically disadvantaged.

EXPLANATION OF PROVISION

The bill creates a new tax credit for qualified equity investments made to acquire stock in a selected community development entity (''CDE''). The maximum annual amount of qualifying equity investments is capped as follows:

Calendar year	Maximum qualifying equity investment
2001	$1.0 billion
2002–2003	$1.5 billion per year
2004–2005	$2.0 billion per year
2006–2007	$3.5 billion per year

The amount of the new tax credit to the investor (either the original purchaser or a subsequent holder) is (1) a five-percent credit for the year in which the equity interest is purchased from the CDE and the first two anniversary dates after the interest is purchased from the CDE, and (2) a six percent credit on each anniversary date thereafter for the following four years. The taxpayer's basis in the investment is reduced by the amount of the credit (other than for purposes of calculating the capital gain exclusion under sections 1202, 1400B, and 1400F). The credit is subject to the general business credit rules.

A CDE is any domestic corporation or partnership (1) whose primary mission is serving or providing investment capital for low-income communities or low-income persons, (2) that maintains accountability to residents of low-income communities through representation on governing or advisory boards, or otherwise and (3) is certified by the Treasury Department as an eligible CDE. No later than 60 days after enactment, the Treasury Department shall issue regulations that specify objective criteria to be used by the Treasury to allocate the credits among eligible CDEs. In allocating the credits, the Treasury Department will give priority to entities with records of having successfully provided capital or technical assistance to disadvantaged businesses or communities.

If a CDE fails to sell equity interests to investors up to the amount authorized within five years of the authorization, then the remaining authorization is canceled. The Treasury Department can authorize another CDE to issue equity interests for the unused portion. No authorization can be made after 2014.

A ''qualified equity investment'' is defined as stock or a similar equity interest acquired directly from a CDE in exchange for cash. Substantially all of the investment proceeds must be used by the CDE to make ''qualified low-income community investments,'' meaning equity investments in, or loans to, qualified active businesses located in low-income communities, certain financial counseling and other services specified in regulations to businesses and residents in low-income communities.

The stock or equity interest cannot be redeemed (or otherwise cashed out) by the CDE for at least seven years. If an entity fails to be a CDE during the seven-year period following the taxpayer's investment, or if the equity interest is redeemed by the issuing CDE during that seven-year period, then any credits claimed with respect to the equity interest are recaptured (with interest) and no further credits are allowed.

A ''low-income community'' is defined as census tracts with either (1) poverty rates of at least 20 percent (based on the most recent census data), or (2) median family income which does not exceed 80 percent of the greater of metropolitan area income or statewide median family income (for a non-metropolitan census tract, 80 percent of non-metropolitan statewide median family income).

A ''qualified active business'' is defined as a business which satisfies the following requirements: (1) at least 50 percent of the total gross income of the business is derived from the active conduct of trade or business activities in low-income communities; (2) a substantial portion of the use of the tangible property of such business is used within low-income communities; (3) a substantial portion of the services performed for such business by its employees is performed in low-income communities; and (4) less than 5 percent of the average aggregate of unadjusted bases of the property of such business is attributable to certain financial property or to collectibles held for sale to customers). There is no requirement that employees of the business be residents of the low income community.

Rental of improved commercial real estate located in a low-income community is a qualified active business, regardless of the characteristics of the commercial tenants of the property. The purchase and holding of unimproved real estate is not a qualified active business. In addition, a qualified active business does not include (a) any business consisting predominantly of the development or holding of intangibles for sale or license; (b) operation of any facility described in sec. 144(c)(6)(B); or (c) any business if a significant equity interest in such business is held by a person who also holds a significant equity interest in the CDE. A qualified active business can include an organization that is organized on a non-profit basis.

EFFECTIVE DATE

The provision is effective for qualified investment made after December 31, 2000.

F. INCREASE LOW-INCOME HOUSING TAX CREDIT CAP AND RELATED PROGRAM MODIFICATIONS (SECS. 401–407 OF THE BILL)

PRESENT LAW

The low-income housing tax credit may be claimed annually over a 10-year period for the cost of rental housing occupied by tenants having incomes below specified levels. The credit percentage of newly constructed or substantially rehabilitated housing that is not Federally subsidized is adjusted monthly by the IRS so that the 10 annual installments have a present value of 70 percent of the total qualified expenditures. The credit percentage for new substantially rehabilitated housing also receiving most other Federal subsidies and for existing housing is calculated to have a present value of 30 percent of the total qualified expenditures. The new credit authority provided annually is $1.25 per resident of each State. Projects that also receive financing with proceeds of tax-exempt bonds issued subject to the private bond volume limit and receive the low income housing credit outside the State's credit cap.

EXPLANATION OF PROVISION

The bill increases the annual State credit caps from $1.25 to $1.75 per resident during the period between years 2001 and 2006 as follows:

Calendar year	*Applicable credit amount*
2001	$1.35
2002	1.45
2003	1.55
2004	1.65
2005	1.70
2006	1.75

In addition, beginning in 2001, the per capita cap is modified so that small population states are given a minimum of $2 million of annual credit cap. The $1.75 per capita credit cap and the $2 million amount are indexed for inflation beginning in 2007. The bill also makes several programmatic changes to the credit.

EFFECTIVE DATE

The provisions generally are effective for calendar years after December 31, 2000, and buildings placed in service after such date in the case of projects that also receive financing with proceeds of tax-exempt bonds subject to the private activity bond volume limit which are issued after such date.

G. INCREASE IN PRIVATE ACTIVITY BOND STATE VOLUME LIMITS (SEC. 501 OF THE BILL)

PRESENT LAW

Interest on bonds issued by States and local governments is excluded from income if the proceeds of the bonds are used to finance activities conducted or paid for by the governmental units. Interest on bonds issued by these governmental units to finance activities carried out and paid for by private persons (''private activity bonds'') is taxable unless the activities are specified in the Code. Private activity bonds on which interest may be tax exempt include bonds for privately-operated transportation facilities (airports, docks and wharves, mass transit, and high speed rail facilities), privately-owned or privately-provided municipal services (water, sewer, solid waste disposal, and certain electric and heating facilities), economic development (small manufacturing facilities and redevelopment in economically depressed areas), certain social programs (low-income rental housing, qualified mortgage bonds, student loan bonds, and exempt activities of charitable organizations described in Code sec. 501(c)(3)).

The volume of tax-exempt private activity bonds that States and local governments may issue in each calendar year is limited by State-wide volume limits. The volume limits do not apply to private activity bonds to finance airports, docks and wharves, certain governmentally owned, but privately operated, solid waste disposal facilities, certain high speed rail facilities, and certain types of private activity tax-exempt bonds that are subject to other limits on their volume (qualified veterans' mortgage bonds and certain empowerment zone and enterprise community bonds). The current annual volume limits are $50 per resident of the State or $150 million (if greater). An increase in these volume limits to $75 per resident or $225 million (if greater) is scheduled to be phased-in during calendar years 2003–2007.

EXPLANATION OF PROVISION

The bill accelerates the currently scheduled phased increase in the present-law annual State private activity bond volume limits to $75 per resident of each State or $225 million (if greater). The increase is phased-in as follows, beginning in calendar year 2001:

Calendar year	Volume limit
2001	$55 per resident ($165 million if greater)
2002	$60 per resident ($180 million if greater)
2003	$65 per resident ($195 million if greater)
2004, 2005, 2006	$70 per resident ($210 million if greater)
2007 and thereafter	$75 per resident ($225 million if greater)

EFFECTIVE DATE

The volume limit increases are effective beginning in calendar year 2001.

ESTIMATED REVENUE EFFECTS ON H.R. 4923, THE ''COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000''—FISCAL YEARS 2001–2005

[Millions of Dollars]

Provision	Effective	2001	2002	2003	2004	2005	2001–05
1. Designate 40 renewal communities, 8 of which are in rural areas, to receive the following tax benefits: 0% capital gains tax rate on qualifying assets held more than 5 years; deduction for qualified revitalization expenditures, capped at $6 million per community in 2001 and $12 million thereafter; an additional $35,000 of section 179 expensing; expensing of qualifying environmental remediation costs; a wage credit of 15% on first $10,000 of qualified wages	DOE [1]	−75	−545	−576	−578	−606	−2,380
2. Provide new markets tax credit with allocation authority of $1.0 billion in 2001, $1.5 billion in 2002 and 2003, $2.0 billion in 2004 and 2005, and $3.5 billion in 2006 and 2007	ima 12/31/00	−2	−18	−115	−246	−365	−747
3. Designate 9 new empowerment zones, extend present-law empowerment zone designations through 12/31/09, expand the 20% wage credit to all empowerment zones, increase the additional section 179 expensing to $35,000 for all empowerment zones including D.C. in 2002, and extend the more favorable round II tax exempt financing rules to all existing and new empowerment zones excluding D.C.	DOE [2]	.....	−246	−476	−474	−541	−1,737
4. Capital gain rollover of empowerment zone assets and increased exclusion of gain on sale of certain empowerment zone investments	ima DOE	([3])	−3	−15	−32	−52	−102
5. Improvements in the Low-Income Housing Credit—increase per capita credit to $1.35 in 2001, $1.45 in 2002, $1.55 in 2003, $1.65 in 2004, $1.70 in 2005, $1.75 in 2006, and indexed for inflation thereafter; $2 million small State minimum beginning in 2001 and indexed for inflation beginning in 2007; modify stacking rules and credit allocation rules; certain Native American housing assistance disregarded in determining whether building is Federally subsidized for purposes of the low-income housing credit	tyba 12/31/00	−4	−24	−68	−140	−239	−475
6. Accelerate 5-year phasein of private activity bond volume cap	cyba 12/31/00	−10	−39	−80	−122	−155	−406
Net total	.....	−91	−875	−1,330	−1,592	−1,958	−5,847

[1] The Secretary of Housing and Urban Development must prescribe regulations for the nomination process no later than 4 months after the date of enactment.
[2] Area may be designated as an empowerment zone any time after the date of enactment and before 1/1/02. The tax benefits generally become effective after 12/31/01 and terminate on 12/31/09.
[3] Loss of less than $500,000.

Note: Details may not add to totals due to rounding.

Legend for ''Effective'' column: cyba = calendar years beginning after; DOE = date of enactment; ima = investments made after; tyba = taxable years beginning after.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, this is an awkward process because the bill was just printed up late last night, and we have not gotten a final version of it. I assume it is the same version that we saw a couple of days ago.

This bill contains some provisions that are truly troublesome; and we are in the process right now, because we are under suspension of the rules, where there is no opportunity to amend the bill to eliminate the problem created by the charitable choice provisions of the bill. Now, usually, even if we have a closed rule and cannot offer amendments, at least we have a rule and we can argue about whether or not we should have had the opportunity to offer an amendment. But we do not even have that. We have to vote this thing up or down.

We have heard comments about the good in the bill. The charitable choice provision is a provision that will allow direct funding of churches, and that creates a number of problems constitutionally as well as how it is implemented.

For example, Mr. Speaker, the Supreme Court, in various cases, has ruled that we cannot constitutionally fund pervasively sectarian organizations. And they use several standards: one, whether or not the program is located near a house of worship; an abundance of religious symbols on the premises; religious discrimination in the institution's hiring practices; the presence of religious activities; the purposeful articulation of a religious mission.

Well, if we look at those problems and then we look at charitable choice, where this bill will allow the direct funding of churches located near a house of worship, this is in a house of worship. An abundance of religious symbols. The bill specifically says we cannot require the removal of religious symbols. Religious discrimination in an institution's hiring practices. That is in the bill. They can discriminate. Presence of religious activities. It is in the church. So on and so forth.

This is so clearly pervasively sectarian, and, Mr. Speaker, that is why many organizations have written us. In one letter, that came today, a group wrote, ''This charitable choice provision threatens the beneficiaries' religious liberties by failing to protect them from discrimination based on their refusal to participate in religious activities by a tax-funded religious provider.'' The provision further threatens to excessively entangle the institutions of church and State, and they oppose the charitable choice provisions.

The list includes the American Association of University Women, the American Baptist Churches, the American Civil Liberties Union, the American Jewish Congress, the Americans United for Separation of Church and State, the Baptist Joint Committee for Public Affairs, and that is just through the B's in the list. That is why this provision should be deleted.

Mr. Speaker, there is another problem with the bill, and that is the way it deals with drug treatment programs. By specifically funding the church-run drug programs, we fund in the bill findings by Congress, and let me read them so my colleagues will know what is in the bill: ''Congress finds that establishing unduly rigid or uniform educational qualifications for counselors and other personnel in drug treatment

programs may undermine the effectiveness of such programs, and such educational requirements for counselors and other personnel may hinder or prevent the provision of needed drug treatment services.''

□ 1200

It further says that ''the Government shall not discriminate against education and training provided to such personnel by religious organizations so long as education and training includes basic content substantially equivalent to the content provided by nonreligious organizations that the state or local government would credit for purposes of determining whether the relevant requirements have been satisfied.''

That is a provision that has provoked a number of drug counseling organizations to write to oppose the bill, including the American Counseling Association, the American Mental Health Counselors Association, the American Public Health Association, the American Psychological Association, the American Society for Addiction Medicine, and the Anxiety Disorder Association of America. That just gets us down through the A's.

There is another provision in here that adds insult to injury; and that is, if a person does not want to participate in the church-run program, that they are entitled to be referred to a separate but equal program somewhere else.

I think it is an insult to suggest that Brown v. Board of Education is not alive and well in America.

But there is a final provision in the bill that I think is particularly egregious, and this is a provision that allows the sponsors of Federal programs to discriminate in their hiring based on religion.

There is a provision in section 582(e) of the bill that says specifically that the title VII prohibition against discrimination in hiring based on religion will not apply to these programs.

Civil rights laws should apply to federally funded programs, Mr. Speaker. The idea that religious bigotry might take place with Federal funds in this bill is not speculative. The bill specifically provides that religious sponsors are not covered by title VII of the Civil Rights Act.

During the prior debates we have had on charitable choice, we have heard how this would work. Cited on page H 4687 of the CONGRESSIONAL RECORD on June 22 of last year, the gentleman from Texas (Mr. EDWARDS) asked a major sponsor of charitable choice if a religious organization using Federal funds could fire or refuse to hire a perfectly qualified employee because of that person's religion; and the response from the supporter of charitable choice, which was never disputed during that debate or subsequent debates was, ''a Jewish organization can fire a Protestant if they choose.''

Last month, the supporter of charitable choice was quoted in Congressional Quarterly saying that ''organizations should not be barred from Federal funds because they are a Christian organization and they like to hire Christians.''

Mr. Speaker, there was a time when some Americans because of their religion were not considered qualified for certain jobs. In fact, before 1960 it was thought a Catholic could not be elected president. And before the civil rights laws of the 1960s, people of certain religions suffered invidious discrimination in employment routinely.

Fortunately, the civil rights laws of the 1960's put an end to that practice and we no longer see signs suggesting that those of certain religions need not apply for certain jobs.

Now, when those civil rights laws were passed, there was a common sense exception that allowed religious organizations to discriminate based on religion. When, for example, a Catholic church hires a priest, they can, of course, require that the prospective priest be Catholic. Or when a Jewish synagogue hires a rabbi, they can, of course, require that the rabbi be Jewish. But those exemptions apply to private funds, not Federal funds.

Many religious organizations already sponsor Federal funds. Catholic charities will sponsor federally funded programs. But one does not have to be Catholic to get a job because the civil rights laws apply to Federal funds.

Lutheran Family Services sponsors Federally funded programs, but one does not have to be Lutheran to get a job. Yet, section 582(e) specifically provides that programs' sponsors can look a job applicant in the eye and say that, although this is being run with Federal taxpayers' money, they do not qualify for a job because they do not hire their kind because of their religion.

That is wrong. This bill should not pass with this. We do not have an opportunity to amend the bill because of the procedural situation we are in.

This bill, therefore, ought to be opposed because it is unconstitutional, because it funds pervasively sectarian organizations. It ought to be opposed because it insults professional drug counselors by denigrating their professional credentials. And the bill ought to be opposed because it brings back separate but equal in drug programs and specifically provides for religious bigotry in hiring with taxpayers' money.

Mr. Speaker, I frankly do not care how much money might come to my community. I am not going to turn the clock back on fundamental civil and constitutional rights.

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

Mr. ENGLISH. Mr. Speaker, it is a great privilege for me to yield 4 minutes to the gentleman from Missouri (Mr. TALENT) one of the most active advocates of community renewal legislation over the last few Congresses.

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding me the time. I appreciate his advocacy on the Committee on Ways and Means and generally for these kinds of communities. I know he represents a number of distressed communities. I just want to thank him for his role in getting this bill out here.

Before I make my statement, I want to take a few minutes or a brief moment to respond to the comments made by my friend, the gentleman from Virginia (Mr. SCOTT). It is a sign of his typical principle stand and his eloquence that he made such a powerful statement.

But let me just say that the part of the bill that he is referring to is a provision that simply allows faith-based drug and alcohol counseling groups to participate in Federal programs in this sense, that a voucher would be given to people who have substance abuse or alcohol problems, and they could, if they wished, use that voucher at a faith-based program if they think that would be more effective and if that fits with their life.

This is similar to what we already do with regard to day-care programs, with regard to community service block grants. It is similar to what we did in the welfare reform bill. It simply gives individuals a choice. And the reason is, quite frankly, that these groups are highly effective in stopping drug abuse. They have a 60 to 80 percent cure rate.

It is kind of foolish to operate a Federal drug and alcohol substance abuse program and exclude from participation those groups which have the greatest success in stopping drug or alcohol abuse. We simply want them to be in in the same basis in which we have allowed similar groups to participate in similar programs.

There is no constitutional problem because the choice vests in the individual. There is no more problem here than there is when a student uses a Pell Grant to go to Notre Dame or Yeshiva. It is the same principle.

I understand the concern of the gentleman, and I too regret that we brought this up under a summary procedure. And yet I would say it has been so long since we have passed a comprehensive program designed to help poor people in this country that I will take it any way I can get it. If this is the only way I can get it here, I will say to the gentleman I will take it this way.

I am sorry that he did not have more chance to study it and to comment upon it, and I appreciate his position.

Let me just say that this is the most significant anti-poverty program to come out of Washington in decades. It is significant not only in its size and its scope but also in the fact that it represents a true bipartisan consensus.

This bill is strongly supported by the President of the United States, without whose advocacy it would not be here. It is strongly supported by my friend, the gentlewoman from New York (Ms. VELAZQUEZ); by my friend, the gentleman from Chicago (Mr. DAVIS); by the gentleman from Oklahoma (Mr.

WATTS), who will speak later; by the gentleman from Pennsylvania (Mr. ENGLISH); by me; by, of course, the gentleman from New York (Mr. RANGEL), the distinguished ranking member on the Committee on Ways and Means, who graciously allowed his friend, the gentleman from Virginia (Mr. SCOTT), to have the time to speak in opposition; and because it represents principles we all agree on now.

We know the Federal Government cannot get people out of poverty by itself. We also know that individuals cannot just pull themselves up by the bootstraps when they are raised in communities where families are in distress, where the institutions of private society that the rest of us relied upon to help us grow and to be nurtured no longer exist. But they can do it with help. They can do it with help from their neighbors. And that is the key.

This bill is designed to increase the tools, the prestige, the visibility of redevelopment groups, of neighborhood intermediaries who are rebuilding the infrastructure of life in poor urban and rural communities around America.

I have traveled, as have many of the other advocates for this bill, around this country. I talked to people in San Antonio and Washington and Missouri and Indianapolis about what they are doing to help their neighbors. This are rebuilding these communities.

They are going to do it I think, Mr. Speaker, whether we do anything about it or not. But we have the privilege and the opportunity to help them with this bill.

I am pleased and proud to be part of a body that has come together without regard to party; that has set aside ideological baggage; that has worked with the President of the United States, who has taken the lead with the Speaker of the House.

Let us get this bill passed, move it over to the Senate, and show the people we can get this done for the most vulnerable among our fellow citizens.

Mr. SCOTT. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. RANGEL) the ranking member of the Committee on Ways and Means.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, I rise in support of this piece of legislation. It might be the most historic bipartisan piece of legislation that we have been able to agree on passed and signed into law in this session.

It is very unusual when the President of the United States can get together with the Speaker and say that something has to be done when we find this country enjoying such a robust economy and yet, know, that in many of the rural and inner-city areas, they have not the slightest idea as to what Chairman Greenspan is talking about and to see how the Speaker was able to work with the gentleman from Missouri (Mr. TALENT), the gentleman from Oklahoma (Mr. WATTS), the gentleman from Louisiana (Mr. JEFFERSON), the gentleman from Illinois (Mr. DAVIS) and to see what we have that has worked with empowerment zones; what we can do to improve upon these things and to see what concepts really worked in order to get access to capital, which is so necessary if we are going to talk about economic growth.

The jobs from our communities, most of the jobs in the United States, they do not come from the big firms. They come from small business people that hire people from the community. And it is these people that cannot get people to really invest so that they can expand and really hire more people from the community.

But we have all types of programs to encourage investment overseas. We have the Overseas Protection Insurance Corporation that allows for people to feel more secure. And so, what we have done is to snatch some of those included in the bill and let people be able to feel just as secure as investing in their own community as they would overseas.

We hear a lot of talk when trade bills come to the House floor about how important it is going to be for us to expand our markets, how important exports are going to be, how important it is to get people to increase demand.

Well, if it can work for overseas markets, why can it not work for Americans? We have got 2 million people locked up in jail in these United States, more than all of the people in China, higher per capita than any nation in the world. And we know that, with the proper education and economic opportunity, it did not have to be this way.

We spend billions of dollars just keeping them in jail; where that, if we could create an education and economic growth situation where they know that they would be a part of it, they would opt not for jail but opt to be a part of the prosperity that we are enjoying.

So if we are concerned about creating markets, why can we not go to the poorer communities that we have to start talking about the same full employment that we have on the national average to make certain that every block, every road, every village, every community knows what the concept of full employment can be.

And when people have money that, after they pay their expenses for shelter and food and education and health care and start saving, it means that there is more money available for more people to be able to expand their businesses. But the most important thing is that they will have what? Disposable income, so that they would again get more bang for the buck, as we find that people that now have such limited incomes will have more incomes to buy the things so America can continue manufacturing.

The gentleman from Virginia (Mr. SCOTT) raises some legitimate constitutional questions, and these things have to be studied. But also we know when we are talking about treating people in drugs that we know that there are institutions that spiritually do better than other people that have been trained but still do not have the people that have the type of faith which is necessary in order to do it.

When we start walking down this road, we take some gambles because Minister Farakan has been very, very good in making certain that people who are drug addicts, people who violate the law, people who go back to jail time and time again that he has been able to cause these people to join the Muslim religion, not drink alcohol, not be promiscuous, and not to do drugs.

□ 1215

And so when you are saying that you want it for one faith-based organization, you open the door for others. I hope these type of things can be corrected. But I want to commend the members of the committees for working together in a bipartisan way and giving us a chance to vote for something.

Mr. ENGLISH. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON), a distinguished member of the Committee on Ways and Means who has been fighting for low-income housing.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding time, and I rise in strong support of this bipartisan legislation which will help revitalize our most disadvantaged communities. It simply gives communities the tools they need to revitalize their neighborhoods. It includes pro-growth tax incentives, brownfields cleanup, regulatory relief, all things that will help create jobs in our distressed cities.

I want to talk about one provision that not only deals with the regeneration of the economic base of our cities but will enable people to live close to their jobs by expanding the number of affordable housing units in our distressed neighborhoods. This bill includes an increase in the low-income housing tax credit cap and important reforms to that program. Increasing the cap has the overwhelming support of the Members of this House and will result in an expansion of the Federal-State program that has produced more affordable rental housing across America than any other program; but due to inflation, its value and its power in our lives has been eroded 50 percent.

I ask strong support of the bill of my colleagues.

Mr. SCOTT. Mr. Speaker, I yield myself 30 seconds, and that is to comment from a letter that I have received from several national organizations which says that the National Institute of Drug Addiction said that it is not the position to support these claims of 60 to 80 percent cure rates. One commonly cited study which is nearly 30 years old has never been repeated and was not

published in a peer review journal. This letter was signed by, as I indicated, about 20 or 30 national drug abuse organizations.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I ask unanimous consent because of the request for additional time on both sides that the Chair allow 10 minutes additional debate on both sides of the aisle.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Pennsylvania?

Without objection, each side is recognized for an additional 10 minutes.

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAFALCE), the ranking member of the Committee on Banking and Financial Services.

(Mr. LAFALCE asked and was given permission to revise and extend his remarks.)

Mr. LAFALCE. I thank the gentleman for yielding me this time.

Mr. Speaker, an important component of today's bill is title VI, America's private investment companies, also known as APIC. This title incorporates the text of H.R. 2764 as passed by the House Committee on Banking and Financial Services earlier this spring. H.R. 2764 was introduced by myself, the gentleman from Pennsylvania (Mr. KANJORSKI), the gentlewoman from New York (Ms. VELAZQUEZ), and a number of other Democrats last year.

APIC is a component of the administration's new markets initiative and was in fact the first component of the new markets initiative to receive congressional approval through a bipartisan vote of the House Committee on Banking and Financial Services earlier this spring.

Approval of APIC represents a bold effort to bring economic opportunities and quality jobs to individuals and communities being left behind our strong economic expansion. APIC is structured to ensure that Federal resources are targeted to create opportunities for lower-income families and individuals. This is accomplished by providing $1 billion a year in Federal loan guarantees to a number of different APICs, private investment companies, which will be established specifically to invest in businesses operating in low-income communities.

Under the legislation, substantially all investments made with APIC-guaranteed loans or equity used to support such loans must be made in low-income communities, defined as census tracts with poverty rates in excess of 20 percent or median family income levels below 80 percent of the local or State median. And successful APIC licensees must pursue public-purpose goals, which include creating good-paying jobs, making investments in low-income communities, and working with community-based organizations and residents.

APIC is structured to make maximum use of scarce Federal resources. Without going into the details, the bottom line is that a Federal credit subsidy of only $36 million a year as determined by OMB will create at least $7.5 billion in targeted investments over the next 5 years.

I would also like to note that this bill includes a number of other critical Democratic and presidential initiatives, including the new markets tax credit, the new markets venture capital program, the creation of nine additional empowerment zones, and a 40 percent increase in the volume cap for the low-income housing tax credit.

I would urge passage of this bill and immediate Senate action, also.

Mr. ENGLISH. Mr. Speaker, it gives me a great deal of pleasure to yield 2 minutes to the distinguished gentleman from Illinois (Mr. WELLER), one of the leaders on the Committee on Ways and Means on the issue of brownfields remediation.

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise in strong support of this bipartisan effort to help blighted communities across America. I stand in strong support particularly of the expansion of the low-income housing tax credit provisions, something that benefits every community in America.

I thought I would take my time just to draw attention to an issue I feel that we could do more for in this legislation as it moves through the legislative process, and that is the issue of brownfields. People often wonder, what is a brownfield? As you drive through your rural or your suburban or middle-class community or inner-city community, you see that old abandoned gas station that no one ever buys and fixes up or you see that old industrial park on the side of town that no one ever buys and recycles or reuses or revitalizes, and you find out the chief reason is because it needs some environmental cleanup; and because of that financial liability, investors are hesitant to buy it.

In 1997 as part of the Balanced Budget Act, a group of us worked successfully to provide a tax incentive, a tax incentive which attracted private investors to buy these old brownfields, to clean them up; and because of fiscal concerns at the time, we left it targeted to low-income areas. Since then, as that provision has been working to clean up and revitalize low-income areas, the folks that live in the rural and suburban and middle-class communities have often said, Hey, wait a second here. There are 425,000 brownfields across America. Only about one-fifth of those qualify for the current tax incentive. Why not help those blighted areas in those communities as well.

A group of us, in fact 22 of us on the Committee on Ways and Means, cosponsored legislation to eliminate that targeting so every community, rural and suburban and middle class could benefit from it as well. Almost every member of the Committee on Ways and Means signed the letter asking that it be included as part of this bipartisan package.

Mr. Speaker, my hope is that as we move through this process that we can work together, the chairman, the ranking member, the Speaker as well as the White House, to include expanded efforts to clean up so-called brownfields. It is all about jobs. The average cleanup of a brownfield is only about $500,000; but if you think of those communities, and every community has one, has those blighted areas in communities that we can recycle, reuse and revitalize, it will help every American community. I ask that it be included as we move through the process.

Thank you for this opportunity to speak regarding H.R. 4923, the Community Renewal and New Markets Act. While I stand in support of this bill, I would like to offer my concerns regarding a provision which was not included in this bill.

For the past several months, I have been working with several of my colleagues on the Ways and Means Committee to expand the eligible sites allowed to deduct the cost of environmental remediation expenditures under Section 198 of the Code to include all brownfield sites. This provision has broad bipartisan support with 22 cosponsors from the Ways and Means Committee. A similar provision was included in the Taxpayer Refund and Relief Act of 1999 and the Senate's version of last year's extenders bill S. 1792. We had hoped to have this provision included in H.R. 4923, but were not afforded the opportunity because the bill was never brought before the Ways and Means Committee.

Brownfields sites exist throughout all of our districts—abandoned eyesores that blight our urban, rural and suburban communities drag down local economies. Many brownfields properties are located in prime business locations near critical infrastructure, including transportation, and close to a productive workforce. As Members of Congress, we should be striving to enact policies that put as many of these sites as possible back into productive use, contributing to the economic and producing good paying jobs where they are needed most.

The first step towards doing this is to remediate these sites environmentally. The U.S. Conference of Mayors estimates that there are over 400,000 brownfields sites across the country. We clearly cannot limit the treatment of Section 198 to merely targeted areas. Development of these sites will help restore many blighted areas, create jobs where unemployment is high and ease pressure to develop beyond the fringes of communities. Small, urban centered businesses often benefit most directly by this redevelopment.

Some estimates suggest that there may be as many as 150,000 brownfield sites in urban areas and up to as many as 425,000 nationwide. In a recent survey, the U.S. Conference of Mayors study estimates that approximately. 21,000 brownfield sites exist in 210 cities surveyed (large and small). This represents almost 81,000 acres of land. Two-thirds of the 210 cities surveyed estimated that if their local brownfields sites were redeveloped, it would

bring in additional tax revenues between $878 million and $2.4 billion annually. More than 550,000 jobs could be created on former brownfields sites. It is estimated that the average cost of brownfields cleanup is $500,000.

In Chicago, Illinois, there are an estimated 2,000 brownfield sites. According to the Conference of Mayors study, if these sites in Chicago were cleaned up it would mean a $78 million increase in tax revenue and an increase in 34,000 jobs. This would be very important to the local economy.

Mr. Speaker, I ask that you and Chairman ARCHER continue to work with myself and other members of the Ways and Means Committee who are interested in removing the targeting requirement on the existing brownfields expensing provision to allow brownfield sites to be cleaned up in all of our districts. I ask that this provision be included in the Conference Report on H.R. 4923.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 9, 2000.

Hon. BILL ARCHER,
Chairman, House Ways and Means Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN ARCHER: This letter is to urge you to include in your chairman's mark for the pending Community Revitalization tax package a provision included in H.R. 4003, which expands the eligible sites allowed to deduct the cost of environmental remediation expenditures under Section 198 of the Code to include all brownfield sites.

As you know, this provision has broad bipartisan support with 22 cosponsors from the Ways and Means Committee. A similar provision was included in the Taxpayer Refund and Relief Act of 1999 and the Senate's version of last year's extenders bill, S. 1792.

The community revitalization tax package agreed to by President Clinton and Speaker Hastert, acknowledges the importance of cleaning up so called ''brownfields'' by allowing the expensing of clean up costs for such sites located within the newly added empowerment zones and renewal communities. This validates the appropriateness of the expensing policy enacted in 1997 when Section 198 was added to the Code.

However, brownfields are not limited to empowerment zones and renewal communities. Brownfields sites exist throughout our districts—abandoned eyesores that blight our urban, rural and suburban communities and drag down local economies. Many brownfields properties are located in prime business locations near critical infrastructure, including transportation, and close to a productive workforce. As Members of Congress, we should be striving to enact policies that put as many of these sites as possible back into productive use, contributing to the economy and producing good paying jobs where they are needed most.

The first step towards doing this is to remediate these sties environmentally. The U.S. Conference of Mayors estimates that there are over 400,000 brownfields sites across the country. We clearly cannot limit the treatment of Section 198 to merely targeted areas. Development of these sites will help restore many blighted areas, create jobs where unemployment is high and ease pressure to develop beyond the fringes of communities. Small, urban centered businesses often benefit most directly by this redevelopment.

Again, we urge you to include in your mark for the community revitalization package the provision in H.R. 4003 which expands the eligible sites allowed to deduct the cost of environmental remediation expenditures under Section 198 of the Code to include all brownfield sites. Simply lifting this targeting requirement would lower the cost of the measure to only $43 million.

Thank you for your consideration of this important issue.

Sincerely,

Phil Crane, Clay Shaw, Nancy Johnson, Amo Houghton, Wally Herger, Jim McCrery, Dave Camp, Jim Ramstad, Jim Nussle, Jennifer Dunn, Mac Collins, Rob Portman, Phil English, Wes Watkins, JD Hayworth, Jerry Weller, Kenny Hulshof, Scott McInnis, Ron Lewis, Mark Foley.

Charlie Rangel, Pete Stark, Bob Matsui, Bill Coyne, Sandy Levin, Ben Cardin, Jim McDermott, Gerald Kleczka, John Lewis, Richard Neal, Michael McNulty, William Jefferson, John Tanner, Xavier Becerra, Karen Thurman, Lloyd Doggett.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. VELAZQUEZ), who is the ranking member of the Committee on Small Business.

(Ms. VELAZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELAZQUEZ. Mr. Speaker, I rise in strong support of H.R. 4923. One of America's most resolute first ladies, Eleanor Roosevelt, once said, ''The future belongs to those who believe in the beauty of their dreams.''

We have heard throughout the last 10 years how America is in the greatest economic expansion in our history. Jobs have been created at an exponential rate and prosperity is everywhere. Well, almost everywhere. You see, even in these times of great prosperity, many Americans are being left behind. Too many areas across our Nation have not seen the economic boom that has benefited so many of their fellow citizens.

Indeed, the statistics show that our communities have unemployment rates that are in some cases double the national average. What they have seen is more of the same: poverty, joblessness and hopelessness.

Today, we have taken a large step toward breaking that cycle, and breaking it permanently. H.R. 4923, the Community Renewal and New Markets Act of 2000, is an unequaled effort providing a real chance for business owners and entrepreneurs in rural and urban cities and towns throughout America. This legislation will help attract investors to places with high unemployment and too little hope for determining their own future.

One of the sections of this bill, the New Markets Venture Capital Program, provides venture capital, the principal financial tool that has created a multitude of Internet and high-tech companies that currently dot.coms the American business landscape.

In short, NMVCs are public-private partnerships that bring equity investment and technical assistance to those areas that need it the most.

Mr. Speaker, by creating these long-term partnerships between the private sector and government, we are opening up a whole new marketplace for American companies, and this is what our new enterprise will do. It will harness the entrepreneurial power that exists in these cities and towns. This initiative will rebuild these communities by providing the necessary anchors, and not just a quick fix, that will lead to real growth and opportunity.

Today, we are sending a message to every American, from the family in rural Appalachia who does not even have safe drinking water, to the Latina living in ''el barrio'' trying to make ends meet and the African American youth looking for an alternative to running with the local gang. This economic boom must benefit everyone and to ensure that they too will be able to live the beauty of their dreams.

I urge passage of this legislation.

Mr. ENGLISH. Mr. Speaker, it gives me great pleasure to yield 4 minutes to the distinguished gentleman from Oklahoma (Mr. WATTS), one of the most distinguished advocates of community renewal in the House.

Mr. WATTS of Oklahoma. Mr. Speaker, today I rise in support of H.R. 4923, the Community Renewal and New Markets Act, which I was proud to sponsor along with my good friends and colleagues, the gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. DAVIS).

America is truly blessed as we continue in the longest economic boom in our history. But with all this extraordinary prosperity in every region of the country, there is still an unseen hunger that we ignore at great moral peril. It is a hunger that comes from struggling neighborhoods where vacant properties become home to crack users who destroy the sense of safety and security a community needs to grow and prosper. These are the neighborhoods where potential business sites are neglected because of the cost of environmental cleanup. These are the neighborhoods where venture capital does not venture.

Despite the strongest economic growth in this Nation's history, too many people living in America's poorest neighborhoods are still being left behind. Today, we can do something about that by voting for H.R. 4923.

This legislation establishes a model that merges new ideas about venture capital, regulatory reform, drug and alcohol rehabilitation, housing and homeownership, environmental cleanup, commercial revitalization and tax incentives.

I want to commend the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) and the gentleman from Pennsylvania (Mr. ENGLISH) for working so hard to make important tax aspects of this bill work. I also want to commend the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) and the gentleman from New York (Mr. LAZIO) for their hard work on the housing and community development provisions. I also commend the

gentlewoman from New York (Ms. VELAZQUEZ), who worked tirelessly with the gentleman from Missouri (Mr. TALENT) on the small business provisions.

I want to especially thank my original cosponsors, the gentleman from Missouri (Mr. TALENT) and the gentleman from Illinois (Mr. DAVIS), who shared this vision and worked tirelessly over the years to keep this legislation moving.

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Mr. Speaker, I also want to thank Reverend Floyd Flake, who made a tremendous contribution to this legislation when he served with us here in Congress.

Most importantly, I want to thank the gentleman from Illinois (Mr. HASTERT), Speaker of the House, for not simply endorsing this bill, but for embracing this bill, and devoting himself to hours of negotiations with the White House and the President to come to the product we are voting on today.

Friends, today we can deliver hope and opportunity to America's most distressed communities. Make a difference. Vote ''yes'' for the Community Renewal and New Markets Act and create homeownership and opportunity in savings and get rid of these blighted spots in these communities with the brownfields effort.

Let me say before I close, I would like to thank the gentleman from New York (Mr. RANGEL), who has fought tirelessly to raise the cap on the private activities bonds. This is the only way that many of these communities will get assistance, going in and taking rundown housing complexes or complexes that financial institutions will not invest in; but by raising the cap on these private activity bonds, we can get private investment to purchase these bonds that will give the capital needed to rehab these different housing efforts within these communities. I appreciate that effort as well.

I want to thank the gentleman from Pennsylvania (Mr. ENGLISH), again, for his efforts on the Committee on Ways and Means.

Mr. SCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania, (Mr. KANJORSKI), the ranking member of the Subcommittee on Capital Markets, Securities and Government Sponsored Enterprises of the Committee on Banking and Financial Services.

Mr. KANJORSKI. Mr. Speaker, I thank my friend from Virginia (Mr. SCOTT) for the opportunity to rise in favor of passage of this bill today, but not in total satisfaction, because H.R. 4923 represents a compromise.

Unfortunately, when we have a compromise, we often do not have everything that one would think is needed. But not to make the perfect the enemy of the good, I think it is important that my colleagues in the House support this bill to move the process along.

This compromise occurs because of a lot of good people in this body, in the Senate, and, particularly, the President of the United States, have the dream of extending American opportunity to those distressed communities and pockets of America that have not participated in the economic boom of the last 8 years.

Last year, I had the occasion to travel with the President of the United States the length and width of this country. We stopped in more than a dozen communities and saw their needs. Each night at dinner or some other gathering, we discussed what we saw that day. We concluded that there was not a uniform problem in America, and not any one single community was the same as another community, in terms of its base problem. In other words, Mr. Speaker, there is no silver bullet to bring economic opportunity and improved quality of life to many of those citizens that do not share it today.

I think this legislation does go a great distance in starting to develop tools that will help economically lagging communities. Whether it be the Indian tribes of South Dakota or the inner city of Hartford, Connecticut, or the Delta of Mississippi, all of these communities will find something within this bill that can lead them along the road to more economic development and increased economic opportunity for their citizens.

I would hope, as this bill proceeds from the House to conference with the Senate, that my friends in the House will recognize that there are other good demonstration projects that are being attached as part of this bill, particularly in the Senate. Our colleague in Pennsylvania, Senator SANTORUM, for example, has added a demonstration project to renew areas by attacking regional problems comprehensively.

Included in the Senate version of the bill by Senator SANTORUM will be the Anthracite Region Redevelopment Act. The gentleman from Pennsylvania (Mr. SHERWOOD) on the Republican side and I support this plan. The gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Pennsylvania (Mr. HOLDEN) also support this proposal from the standpoint that it represents an approach and a methodology to attack land destroyed as a result of prior mining practices with a renewal and a reclamation project that is self-funded and operated by the local community. It costs this government the least amount of money to accomplish this greatest end.

It is intended that we take that demonstration project and one day move it across the coal mines of America, from Pennsylvania to Alabama and from Alabama to Montana. We can use the project to examine those areas that have suffered horrendous environmental destruction over the last 100 years. To a large extent we cannot bring back the economies of those areas without bringing back the environment of those areas. We need a Federal vehicle to accomplish that end.

This amendment that was supposed to be part of this bill in the House, and I think was agreed to by the Speaker in Chicago with the President last November, does not appear in the context of this bill. I think we all have to be good sports. Sometimes we are not happy with what happens, but I hope that the Senate will attach that amendment to the bill as it proceeds.

Mr. Speaker, I urge my colleagues on both sides of the aisle in conference to support that plan. In the meantime trying to be a sport and a player on the team for progress, I compliment both sides of the aisle and the leadership in proceeding through with this bill today.

Mr. Speaker, I urge all of my colleagues in the House to support H.R. 4923. It is the right thing to do at the right time. In the midst of American prosperity we should give those distressed communities across America an opportunity to share in the benefits that most of Americans have shared in for the last 8 years.

Mr. ENGLISH. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Pennsylvania (Mr. ENGLISH) has 27 minutes remaining, and the gentleman from Virginia (Mr. SCOTT) has 15½ minutes remaining.

Mr. ENGLISH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. LAZIO), the chairman of the Subcommittee on Housing and Community Opportunity.

Mr. LAZIO. Mr. Speaker, let me say how wonderful it feels for me to be in this Chamber and to hear a broad base of support for this incredibly important piece of legislation. On the right, on the left, there are things that we love about this bill.

Mr. Chairman, I want to thank the gentleman from Texas (Chairman ARCHER) and the gentleman from Iowa (Chairman LEACH) for their leadership in helping to refine this bill. I also want to thank the ranking members, the gentleman from New York (Mr. RANGEL), the gentleman from New York (Mr. LAFALCE), for all of their work. I want to thank the people who created the original dream of this bill, the gentleman from Oklahoma (Mr. WATTS), the gentleman from Missouri (Mr. TALENT), and the gentleman from Illinois (Mr. DAVIS), for their persistence in moving this bill forward.

There are so many people to thank, including the gentleman from Pennsylvania (Mr. ENGLISH) for his remarkable help, and I am very proud to have played a role in the development of this legislation.

I am proud to speak here in support of this bill that will help revitalize and renew some of our most underserved and most challenged communities. As you know, Mr. Speaker, this Congress has a substantial record of legislative

achievement in the area of housing and community development. Earlier this year, the House passed H.R. 1776, the American Homeownership Act.

Before that, Congress passed H.R. 202, a bill to protect America's seniors. And with this bill today, we bring tax incentives. We bring regulatory relief, and we bring economic investment to our struggling inner cities and rural areas.

This legislation does many things, including the expansion of the low-income housing tax credit, and I am happy to see this. If we would have developed a program from scratch, we would develop this program, a program that puts private sector capital at risk, that forces the private sector to do the due diligence and do the research to make sure that the program works, to make sure that we get to a mixed-income development so that there are role models for our children, people going to work during the day.

It is a wonderful program, and it deserves our continued support; and we are doing it here today. I am proud of the fact that we took APIC and extended it so that our Native Americans will have a chance at that dream as well, because this dream is not just for some, it is for everybody.

I am proud of the fact that people like Taylor Pennington and her husband and their newborn baby who were living in a cramped, dirty, dilapidated studio apartment will now have the ability to move into a new housing tax credit property that will give them a sense of self, where they can organize their lives and dream those dreams we want for all of our children, because of the work here.

I am proud of the fact that this bill establishes renewable communities throughout our Nations and that places like Harlem and the South Bronx and Troy, New York, will be eligible for employment wage credits. These credits will help encourage employment of our young men and women, offer an alternative to the illegal drug economy that dominates too many of our inner cities.

By encouraging employment, young people will learn the principles of accountability, responsibility, and punctuality that are necessary for successful careers.

I am particularly proud that because of our efforts, Native Americans will not be excluded from this program as they most likely would have been without our intervention. We insisted on measures devoted to investing in Native American lands—a Native American Private Investment Corporation. In 1996, we passed the Native American Housing and Self-Determination Act to increase the creation of much needed housing on American Indian reservations. In the same manner with this bill we continue to respond to the needs of our Native American citizens.

Mr. Speaker, for decades, we have witnessed a devastating impact that failed public policies have had on too many of our American cities. This bill brings new ideas to America's neighborhoods, and I urge its strong support and adoption.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Chicago, Illinois (Mr. DAVIS).

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, first of all, I rise in serious and enthusiastic support of this legislation. I want to commend the gentleman from Missouri (Mr. TALENT) and the gentleman from Oklahoma (Mr. WATTS) for the longstanding pursuit that they have had of this legislation.

I also want to take the opportunity to thank all of those committees that have been a part of processing it up to this point.

I also want to thank President Clinton and Speaker HASTERT for following through, following up on the commitments that they made to people as they traveled all around America, looking at communities where people had lost hope, where people had given up, where people felt that there was nothing really for them.

Now we come with legislation that not only provides hope, but provides money, resources, venture capital, provides an opportunity to attract and bring new businesses to communities where there have not been any for years and years. Wage incentives, so that you can hire people who have been unemployed, opportunities for people to know that they, too, are part of America.

Mr. Speaker, I know that some of my colleagues are concerned about the charitable-choice provisions of this legislation; but I tell my colleagues, all of my research indicates that this legislation breaks no new ground in that arena. There are already charitable choices in the welfare bill that we currently operate under. There are already charitable choices in some of the community development activities that we all need and make use of.

So while I am concerned seriously about the Constitution and upholding the law, this legislation is in compliance with both. And I would urge a yes vote, a vote for the renewal, not only of people's minds, but the renewal of their communities.

I remember a passage of scripture in the Bible that says, And they rebuilt the walls because the people had a mind to work. This legislation would not only work for renewal communities, but it would work for all of America; and I urge that we vote its passage.

Mr. ENGLISH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. PITTS), chairman of the Subcommittee on Empowerment of the Committee on Small Business.

(Mr. PITTS asked and was given permission to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the American people are the greatest resource of this land. Every community, no matter how poor, has people in it that care deeply for their neighbors. Every community, no matter how high the crime rate, has neighbors who look out for each other.

The American people are the greatest untapped resource of community renewal in this country. By allowing faith-based organizations to do what they do best, care for people and help them grow, we will see a revolution of prosperity, even in our most distressed neighborhoods.

Statistics have shown conclusively that faith-based, community-based organizations are vastly more successful at turning lives and neighborhoods around than any government program.

Teen Challenge, a program in Pennsylvania that has operated for over 40 years, it is a faith-based drug treatment program that keeps the individuals in their program for a year. They track their graduates for 7 years after they graduate. I have seen two studies, one 70 percent, one 86 percent success rate.

The Government programs do not track their people that go through their programs, and many of them recycle. The genius of this legislation is that it replaces faceless bureaucracies with the power of neighborly compassion. Through tax incentives and the creation of 40 new renewal communities, this bill says to leaders in distressed communities, ''You go on and do what you do best. We know you'll do a better job than we can.''

□ 1245

Mr. Speaker, this legislation is telling the American people that they hold the power of change, that they hold the key to the future.

Finally, Mr. Speaker, I am hopeful that the conference committee will insert the Individual Development Account legislation language in the bill, as the Senate version of the bill contains that language. As cochairman of the Renewal Alliance, along with my cochair in the Senate, Senator SANTORUM, we have been promoting this legislation for 3 years.

I want to commend the gentleman from Missouri (Mr. TALENT), the gentleman from Oklahoma (Mr. WATTS), and the President and the Speaker for their commitment to this legislation.

Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I am pleased that H.R. 4106, the Savings for Working Families Act, was included in the Senate's version of the Community Renewal and New Markets Act.

H.R. 4106, which I introduced with Congressman STENHOLM, creates the first nationwide Individual Development Account program.

These matched savings accounts are restricted to three uses: (1) buying a first home, (2) receiving post-secondary education or training, or (3) starting a small business.

Mr. Speaker, America is in a period of unprecedented growth. It is impossible for many to take advantage of this economic boom

when one-fifth of American households do not have a bank account.

H.R. 4106 will help American families attain the American dream. While I am a strong supporter of the bill before us today, I urge my colleagues to consider including IDAs when this legislation goes to conference.

H.R. 4106 provides a tax credit to financial institutions and businesses that match the savings of the working poor through IDAs. IDAs are matched savings accounts restricted to three uses: (1) buying a first home, (2) receiving post-secondary education or training, or (3) starting a small business. All matched dollars are paid directly to the qualified financial institution and payments from the IDA are made directly to the asset provider. IDAs would be available to low-income citizens or legal residents of the U.S.

Mr. Speaker, there is an old joke that says the scariest thing an American citizen can hear is the phrase: ''Hello, I'm from the federal government and I'm here to help you.''

And, although it's a joke, I think there is some real wisdom there.

Many of us in this chamber can remember Lyndon Johnson's first 100 days, when he set about trying to solve every problem faced by the American people.

He planned a War on Poverty, which was designed to eradicate poverty—forever.

Well, almost 40 years later we still have poverty, and we have families who have been stuck in poverty for generations now.

Why is that?

Well, I would submit to my colleagues that government—as a rule—is unfit to solve the greatest problems of society.

Can government create a work ethic?

No.

Can government make people moral?

No.

Can government force families to stay together or communities to prosper?

No and no.

That was the problem with the Great Society.

It denied the fact that our society—and yes, it is a great one—is not only of the people, but also by the people.

Mr. SCOTT. Mr. Speaker, I yield myself 30 seconds at this point to comment on some previous speakers, one of whom said there is no new ground. Research has found that under the Welfare Reform and Community Development Block Grant, the recipients of those programs have not taken advantage of the opportunity to discriminate that is specifically provided in those bills. They have not taken advantage of it, but that would be new ground if we expand it, and organizations do take advantage of it.

Furthermore, Mr. Speaker, a 1998 GAO report found the following: Other treatment approaches such as faith-based strategies have not yet to be rigorously examined by the research community.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

(Mr. FATTAH asked and was given permission to revise and extend his remarks.)

REQUEST TO BE ADDED AS COSPONSOR OF H.R. 4923

Mr. FATTAH. Mr. Speaker, I ask unanimous consent that my name be added as a cosponsor of this legislation.

The SPEAKER pro tempore (Mr. SIMPSON). The Chair is unable to entertain that request. The sponsor of the bill may add a cosponsor.

Mr. FATTAH. Mr. Speaker, I rise in support of this legislation. It provides a host of rules focused at the needs of communities in which this economic expansion has not yet reached, and many of which have been referenced earlier today. I think that is appropriate that this Congress move in this direction.

I want to compliment the gentleman from Pennsylvania (Mr. ENGLISH) and also others who have been involved in moving this legislation forward, the gentleman from Missouri (Mr. TALENT) and the gentleman from Oklahoma (Mr. WATTS); but on my side of the aisle the gentleman from Illinois (Mr. DAVIS) and the gentleman from New York (Mr. RANGEL) have done an extraordinary job.

I just want to say that the President's support for the New Markets initiatives indicates once again that we can, working together, perhaps provide hope in places where hope is necessary.

I just want to say that in this Congress, to the degree that we focus in on substantive relief for people who face present problems, I think that we can all be proud of our work, and this legislation is another example of it.

Mr. ENGLISH. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Oregon (Ms. HOOLEY), a distinguished supporter of this legislation who has given this legislation a strong bipartisan tilt.

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, first of all, I want to commend the President, Speaker HASTERT, and the other Members who worked so hard in a variety of committees. This bill is about hope and opportunity, to make sure that all people can share in our economic good times.

As an original cosponsor of the American Private Investment Companies Act, I have supported the President's New Markets proposals because it will bring investments to areas left behind.

In my home state of Oregon, the Portland area has been booming from an infusion of high-tech jobs, but many rural areas have actually experienced reduced employment.

Last year, our largest newspaper, the Oregonian, published an article called ''A Growing Gap'' which stated, ''Oregon's rural counties aren't keeping pace with Portland. Despite a decade of prosperity, inequalities not only exist, but they appear to be growing.''

One machinist was quoted as saying that in his hometown, people are standing in line for minimum wage jobs. What a contrast to the new economy boom towns like Seattle and Portland. APIC and other programs in this bill will work, because they bring private sector solutions that have worked so well in other areas to our distressed rural and urban areas that have been left behind.

I urge my colleagues to support this bipartisan legislation.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise to raise some questions about the bill, and I would like to take this opportunity to explain that this is the kind of legislation that really tests what you stand for.

Of course, this is good legislation that includes in it a lot of the answers to questions about what are we going to do about inner cities, how are we going to get some investment. This will do a lot of that. We all support empowerment zones, we all support venture capital, we all support more housing opportunities, and the President put a lot of time into it.

This is oiled, this is greased. Both sides of the aisle have agreed that this legislation should pass. So for those of us who raise questions, we raise them knowing that, nine times out of ten, this legislation is going to pass.

However, this should not have been on the suspension calendar. It is on the suspension calendar, which eliminates the opportunity for us to make amendments. Why would we want to make amendments? For several reasons. I am raising questions on three grounds.

I object, first of all, to the placement of H.R. 4923, the Community Renewal and New Market Act, on the suspension calendar.

Second, I have serious concerns regarding the use of Federal dollars for the funding of religious-based institutions which may use the funds in a discriminatory manner. I want to tell you, the Founding Fathers did a good job of separating state and religion, and they did this for a lot of reasons. People should be free to worship their God as they see fit, but also the government must never have such a strong hand that they can determine what happens in any religion.

Now, we have advanced in this country to the point where we protect the rights of people to work and to participate where tax dollars are involved. When we talk about giving these tax dollars to religious institutions, we are now talking in this legislation about allowing them to discriminate based on religion. This is discrimination creep.

What we are doing is opening up the door so that we say it is all right, 501(c)(3), if you are a religious institution to discriminate, but when the other 501(c)(3)s come in and say, well, we want to discriminate based on the fact that we have the kind of work that we are doing that is so special, that is so important, that we should be allowed to determine who can get a job

and who cannot get a job. So we are opening up the door, and certainly we should have a debate about that on the floor of this Congress. We should not change our discrimination laws in this manner without a debate. So I have real concerns about that.

Third, I am concerned about what seems to be a blanket approval of religious-based drug treatment programs at the expense of State-funded programs. We do not know who is the best, there is not enough information for it, but we should give everybody an equal opportunity without allowing discrimination.

Mr. ENGLISH. Mr. Speaker, I yield 1 minute to the distinguished gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I might recall for the gentlewoman the remarks of the gentleman from Missouri (Mr. TALENT), that this does not in any way impose faith-based treatment on anyone. It simply gives the opportunity for very successful efforts to be available to a wide cross-section of individuals.

Mr. Speaker, I rise today in full and enthusiastic support of this bill. I want to commend my colleagues who have worked so hard to bring this legislation to the floor, the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Missouri (Mr. TALENT).

Mr. Speaker, while this bill is meant to address faltering local economies around the Nation, I want to address the situation in our rural areas in North Carolina's eighth district. Washington is finally waking up to the fact that success on Wall Street does not automatically translate into success on Main Street. In fact, while many in our Nation reap the benefits of a record economy, in the rural communities they continue to suffer with few local jobs and opportunities.

Mr. Speaker, the first bill I introduced after coming to Congress was the Rural Economic Development and Opportunities Act. This bill was meant to spur employment in rural areas by extending a modest tax credit for job creation in these areas. The Community Renewal and New Market Act captures and implements the spirit of that bill, and I am proud to support this legislation today.

Mr. ENGLISH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, one thing we need to clarify right off the bat is what the intent of the Founding Fathers was, in fact, in religion; and this bill does not go near that far. In fact, the Founding Fathers printed twice copies of Bibles to be distributed in American schools because there was a shortage of Bibles, and they printed them with taxpayer dollars. This bill does not do that.

Furthermore, anybody in this House gallery can see of all the lawgivers, one is looking down at us. It is Moses, and he is looking down at ''In God We Trust.'' But this bill does not go that far. It does not mandate that everybody be in a Chamber that says ''In God We Trust.''

It gives some flexibility as we try to address the problems of the cities of this country and the low-income areas of this country. Problems which are heavily rooted in economics, and this bill has wonderful things in economics but are also matters of how to reach the soul, how to reach the families, how to help people who are hurting, who are broken, who are hungry, who are struggling with drug and alcohol abuse, and this bill does open that.

The question was raised, have we debated it in this House? We have debated it in this House five times. We passed it in welfare reform, we passed it in social services reform, both signed by the President. We passed it in juvenile justice; we passed it in housing. Every time this House has passed this bill. Every time we debated it. We have debated it here, we have debated it in the Senate, we debated it in conference. Some people do not like the bill, and they do not like it that there should even be a choice that people should have religious options.

Furthermore, the President of the United States has signed off on this compromise, Governor Bush of Texas has been very innovative in using faith-based organizations as alternatives in prison reform and actually in alcohol and drug assistance. Vice President GORE has on his home page that in the specific instance of alcohol and drug abuse, that faith-based organizations ought to be allowed to be used.

The Drug Czar of the United States, General Barry McCaffrey says,

> ONDCP applauds your work with President Clinton on this historic initiative. We welcome broad involvement by private volunteer and religious groups in support of the national drug control strategy. Throughout the country, faith-based organizations are making significant contributions to educating our youngsters about the dangers of substance abuse and helping many thousands of addicted Americans to achieve and maintain recovery through the added motivation faith can provide.

There is no question that at the minimum, faith-based organizations are as effective as other programs in alcohol and drug abuse. The fact is the American Journal of Drug and Alcohol Abuse found that faith-based addiction programs are much more likely, up to 45 percent, to report success. Any study that has been done, non-biased, shows in fact they are cheaper to administer, because you have so many volunteers and other people willing to produce it, so it helps the taxpayers and the individual.

Now, one of the great ironies of this as I work with this in the City of Fort Wayne that I represent is many of these programs that people are so afraid of that are effective are in fact run by the communities themselves, by the minority leaders in their communities.

In my hometown, Reverend Jesse White has a computer program, as does Otha Aden, a pastor in Fort Wayne; so does Reverend Jesse Beasley is working with a program, Reverend Mike Nicholson has put together a community housing program through the Associated Black Churches. I have worked with George Middleton, who has taken his savings to help build a community center because his faith has motivated him to do so, and Andre Patterson. I have worked with Reverend Marshall White, who has a program for music, that in San Antonio, Texas, is one of the most remarkable programs in the United States. Freddie Garcia, a former cocaine addict, has run a program that has brought thousands to change their lives, many of whom are currently ministers and who are back on the streets. I personally have met over 200 former addicts in San Antonio in two different visits who have had their lives changed and are now reaching young people in the neighborhoods going door-to-door working in the different housing units in the city.

□ 1300

Bishop Raul Gonzalez in Hartford, Connecticut, has had a tremendous program to reach out through Youth Challenge to young people who are struggling with drug and alcohol addiction. He has reached into their hearts and tried to change their lives.

It is not enough just to give somebody a job who has messed up. One has to change both the soul and the ability to have a job. It is not enough sometimes just to change somebody internally either and help them get off drug and alcohol abuse. If they are going to live in a place that is unsafe, is intolerable living conditions and they do not have anything to do, they will fall back into drug and alcohol abuse. That is what is so great about this bill is it mixes the two.

Reverend Eugene Rivers, and I have a number of things I am going to insert in the RECORD, but this Newsweek story shows the debate of faith-based organizations and what he has done working with gangs in Massachusetts. When one talks to the people in the street there who have been working with these kids they say, Why, if we are faith-based, can we not get any money if we have all of these groups that have nothing to do with religion who are ineffective, who had no impact in our community, yet the people who live here, who are active in the community, have not been able to get access to the funds?

This bill will rectify that; and I congratulate my friends, the gentleman from Missouri (Mr. TALENT) and the gentleman from Oklahoma (Mr. WATTS), on their efforts.

BISHOP RAUL GONZALEZ, EXECUTIVE DIRECTOR, YOUTH CHALLENGE

> ''Youth Challenge has now expanded to 25 centers in 10 states and foreign countries. It

has grown because it is based on a model of discipleship, where ''sons'' of Youth Challenge, who have a common heart and vision, go into the world to serve others. In Guatemala, we have a drug program for males. We have food programs, which we call ''love kitchens.'' We begin by going into the streets, offering drug addicts and alcoholics food and clothing. From there, we share the gospel them food, we witness to them, and we convince them to enter the drug program.

We also have strong prison ministries. Many of our chaplains are, themselves, doing time—some for as many as 40 or 60 years. they are some of our best and most committed pastors, because they ain't going nowhere. Members of our prison churches actually tithe of soap and toothpaste and things like that. We provide our services gratis. We only ask the families to donate at ten dollars a week, if they can.

Our Youth Challenge ministers are committed and impassioned because they understand that we are in a virtual war and that this revolution is forever.

Not long ago, an AP story noted the findings of a 13-member group of experts on a panel set up by the UN. They announced that drug use is growing among youth in the United States. Now, the UN didn't have to spend all that money conducting that study. They could have just asked us who are working on the streets, and we would have told them that drug abuse was growing! All the ministers of Youth Challenge stay in touch with what's happening on the streets. From the beginning, I made that our policy and I think that is one reason that our program has lasted so long.

I've been involved in outreach to addicts for 30 years. Thousands of people have come through our doors. We have tracked what happens to them, and we have documented a success rate that ranges from 60 to 80 percent.

Our program has made unique progress as a faith-based organization, because we have been able to break ground in working cooperatively with the state. We are licensed, and no demands have been placed on us to cease preaching the gospel of Jesus Christ. We are ''professional'' without being ''professionalized.'' I'm governed by a board. We have a men's home, a women's home, and a training center in Connecticut.

Our relationship with the State did not come overnight. For five years, I fought the regulators on the issue of licensure. I lost in the first count, where the decision was made by one judge. Then we took our case to a court with three judges. Eventually, our case was heard by five judges. Our position was that we were a religious organization, not a ''drug treatment service'' and that, as such, we shouldn't need a license. We said, ''Okay, before you guys demand that we apply for a license, we want you to look at our materials.'' And we brought in a pile of Bibles and stack of scriptural readings. Our lawyer is retired, but was at the top of his field, and he proved that Youth Challenge taught more scripture than any seminary in new England.

What I learned from this experience was that when the state wants to do something, they just do it. Forget about this separation of church and state deal. They see what they want to see. You know what they did to us? They actually licensed our Bible training center. That's how my license reads—''Youth Challenge Bible Training Center.'' So the state thinks it has the power even to license the Bible! I could have fought them and refused to be licensed and gone to jail, but they would have closed us down. So I was forced to accept the license. In spite of their regulations and guidelines, I believe if they leave programs like ours alone, we would do a better job. But it was not an option for them to leave us alone.

I believe that if you know the Lord you can have the power to deliver a person from addiction. If you don't, but have all the education in the world, you are not going to deliver anybody. Yale University is only a half an hour from us, and they haven't been able to deliver nobody. The most they have done is to give out needles. Not far away, in Massachusetts, there is Harvard University. They haven't been able to do anything about the drug crisis expect document it. Yet, if somebody believes in Jesus Christ and has the power working through him, he's able to deliver people. I know because that is what happened to me 29 years ago, when a group of people laid hands on me. I met someone who knew God and I was set free.''

C. YOUTH CHALLENGE CASE STUDY

(By Collette Caprara)

Bishop Raul Gonzalez, stately and commanding, yet embracing in his love, is the founder and director of Youth Challenge of Hartford, CT, and the founder of Youth Challenge programs in Puerto Rico, Florida, and the Bronx, New York. Raul is a devoted husband of his wife ''Willie'' and father of four children. He was also the son of an abusive alcoholic father whose own life was nearly annihilated by a heroine addiction. But then he emerged into a new life with an unshakeable commitment to free men, women, and youths from the chains of drug and alcohol abuse.

The philosophy of the program is the development of self-respect, confidence, and a capacity to enjoy life through discipline, proper counsel, and attitude. The basis of the Youth Challenge approach is a total living environment of personal and group interaction, with structured activity. The overall objective is to engender a total change in values and lifestyles among the young men and women who are served through the program. A trained and capable staff provide an atmosphere of warmth, trust, support, and love that many of the residents never before experienced. Residents participate in a variety of individual and group activities, and also engage in supervised housework duties according to a daily schedule. The primary goal of all the activities in which the residents are involved is to instill a sense of self-discipline and self-worth, which equips them to live as responsible, productive citizens when they graduate from the program. Instilled in Youth Challenges' students is the conviction that, not only can they be drug free, but they can be positive assets to their community.

Youth Challenge has expanded throughout the nation, establishing centers in 25 locations, within the United States, Central America, and the Caribbean, with a remarkably high success rate. Studies of program participants indicate that 70 percent of Youth Challenge's graduates never return to drugs. Youth Challenge centers have accepted more than 2,500 drug- and alcohol-dependent in their programs. Its staff is comprised of individuals from a spectrum of ethnic backgrounds who have successfully overcome drug and alcohol dependency, and its doors are open to individuals of all races, creeds, and ethnic backgrounds. The Youth Challenge Men's Induction center offers a bilingual program of counseling and classes.

PROGRAM ACTIVITIES

Youth Challenge is actively involved in both the treatment and prevention aspects of drug and alcohol problems. Along with its primary mission of being a residential rehabilitation program for troubled individuals, Youth Challenge has established several active satellite programs that augment its basic mission. These auxiliary programs have had a substantial impact on deterring youth crime and self-destructive behavior among young people as they have made opportunities available for productive activities and engendered a substantial change in the lives and lifestyles of the individuals it serves.

Youth Challenge's auxiliary activities include the following:

Family Support: Youth Challenge works very closely with the family of the substance user in a family counseling setting to support them in accepting and dealing with their loved one's addiction.

Prison Outreach: Youth Challenge is currently providing services to six prisons, two of which have extremely high Spanish-speaking populations and are visited weekly by Youth Challenge.

School Presentations: At the request of local school district authorities, Youth Challenge staff members offer presentations in both the primary and secondary schools within the greater Hartford area.

Street Outreach: Youth Challenge staff volunteer as street workers where they make initial contact with troubled individuals and provide access to treatment in a familiar non-threatening environment.

Youth Activities: Youth Challenge works with local neighborhood groups in the inner-city to provide services for at-risk children, including classes and group activities to promote positive values, an uplifting self image, constructive relationships, and character development.

Referred Services: A number of government agencies and private organizations refer their clients to Youth Challenge to assist them in addressing substance abuse. Among these agencies and programs are: the State of Connecticut Department of Corrections, the State of Connecticut Department of Education, the Probation Department of the State of Connecticut, Connecticut Valley Hospital, the State of Connecticut Department of Parole, the Department of Mental Health and Addiction Services, and the Salvation Army. In addition, Dr. Raul Gonzalez has been a consultant to the military and its Drug Education Program.

CENTRAL FACILITIES

Youth Challenge's main offices and male induction services are located at the community residence at 15–19 May Street in Hartford. This facility provides initial phases of treatment for 15 residents. Here, the incentive to forsake the drug habit is engendered and the desire to pursue a new life is instilled. This induction phase includes counseling, classes, and group activities, and lasts approximately four months or until the individual is ready to move to the second phase.

The goal of this program is the development of self respect, confidence, and a capacity to enjoy life through discipline, counseling, and positive attitude. A total living environment of personal and group interaction, with structured activity, provides the basis of this approach.

The Youth Challenge Mission for Women, which opened in 1981, follows the same program format as the male services program. It is licensed to accommodate 8 residents and is located at 32 Atwood Street in Hartford.

Long-range training for men is also provided at the Youth Challenge Training Center, a 21-acre farm located in Moosup, CT. The facilities can presently house 9 students. The training that began at the induction center continues at the training center, as individuals are challenged to develop, at progressive levels, the personal, social, academic, and vocational aspects of their lives. Here, a vocational training program helps its residents to develop job skills and a strong work ethic. Opportunities for academic advancement, including GED classes are also available.

The third phase of training is internship. Participants in the program complete six months of supervised, on-the-job training. This service solidifies gains that they have made in the induction center and in the training center throughout the twelve preceding months and provides an opportunity to continue to develop their personal skills and ability to relate and work with other people. After their internship, graduates of the program move into staff trainee positions in one of the Youth Challenge centers or they can become active in the re-entry program where they obtain gainful employment while continuing to reside in the supportive environment of the Youth Challenge facility. Program graduates may also choose to move out of the center to pursue their long-term goals, often reuniting with their family, entering long-term careers, and furthering their education.

The Corinthian School of Urban Ministry, operated by Youth Challenge, provides college-level scriptural education and training in faith-based, non-clinical counseling techniques. After completing the school's training curriculum, graduates continue on-the-job training as junior and senior counselors. This hands-on residential experience, which includes eighteen months of the National Teen Challenge curriculum, equips Youth Challenge ministers to become disciples and empathetic counselors whose firsthand experience gives them the power to engender transformations in others who suffer the bondage of addiction.

A GOAL OF COMPLETE AND LASTING FREEDOM FROM ADDICTION

Most conventional drug treatment programs refer to former addicts as ''recovering,'' implying that the process is never fully complete and that progress is always in a state of jeopardy, as recidivism looms in the background. In contrast, Youth Challenge is built on the premise that complete and total freedom from addiction is possible through Christ. In the words of Raul Gonzalez, ''We don't say that you will live in the shadow of a relapse.'' The high success rates and low recidivism rates of Youth Challenge and other faith-based programs give credence to their methodology of dramatic transformation when contrasted with conventional ''recovery'' in which relapse is common.

As Bishop Raul Gonzalez explains, the notion of ''sonship'' is central to its effective intervention. Residents at Youth Challenge centers are not considered as clients, but are welcomed into a ''family'' that provides a sense of love and belonging that replaces the false sense of identity and family structure which attracts many young people to gangs. The father-son, father-daughter relationships expand through discipleship to embrace ''grandchildren''—a third level of individuals who are reached by its healing powers. As a new generation of sons are embraced by grassroots disciples, the mantle of leadership is passed and the family structure expands.

In Youth Challenge, Bishop Gonzalez and his family exhibit a standard of parental love that lasts a lifetime, not just for eighteen months of treatment. ''We all need three fathers,'' he explains, ''Our Heavenly Father, our physical father, and a spiritual father.''

The powerful paradigm of sonship and parental love is markedly different from conventional drug treatment programs that are based on a professional-client model. Youth Challenge residents and staff resemble a family, or a ''living body,'' as opposed to therapeutic programs that often ''warehouse'' clients in an institutional setting. The Youth Challenge program is truly ''spirit filled,'' and is based on a heartfelt commitment to serve those who are within the ministry and the entire realm of individuals whose lives are dominated by addictions.

[From the Houston Chronicle, Mar. 6, 1995]

WELFARE FROM THE STREETS

(By Thaddeus Herrick)

SAN ANTONIO—On a vacant lot deep in the barrio, amid neglected bungalows and gang graffiti, reformed junkie and born-again preacher Freddie Garcia is waging war on the welfare state.

He grasps a homeless ex-con named Christopher by the collar, beseeching him to accept Jesus in voice that recalls both his Mexican-American heritage and his streetwise past.

''Lord Jesus, I'm a sinner,'' Garcia cries, urging his convert to repeat after him. ''I ask forgiveness. Forgive all my sins. Jesus, come into my heart.''

No tax dollars. No bureaucracy. No Washington.

Just this vacant lot and a barracks of sorts for drug addicts, prostitutes and other urban flotsam—and plenty of Bibles.

Sound like House Speaker Newt Gingrich's answer to welfare reform? It pretty much is.

Garcia's successful venture is called Victory Fellowship. It claims to have cured 13,000 people of drug addiction and alcoholism over the past 25 years throughout the Southwest and overseas and has made Garcia a Gingrich poster boy.

At a news conference earlier this month, the Republican speaker urged policy makers to take note of the 56-year-old preacher and his organization.

Indeed, Gingrich and his allies believe Garcia represents the solution to the war on poverty: personal experience, faith and local know-how.

''People like Freddie share the same zip code with the ones they're helping,'' says Robert Wodson, president of the National Center for Neighborhood Enterprise, a Washington-based group favoring Gingrich's free-market ideas. ''I can't imagine that would be the case with a psychiatrist.''

Experts, even those from opposing political camps, agree that Garcia's success should be studied. They warn, however, against completely localizing anti-poverty efforts.

''What concerns me,'' says Margaret Weir of the Brookings Institute, a Washington think-tank often allied with Democratic causes, ''is that this could become a excuse for state and federal governments to wash their hands of the inner cities.''

An unassuming man when he's not saving souls, Garcia was raised on San Antonio's poor East Side where he says he fell into a miserable, angry, heroin-addicted life.

''He and his girl, Ninfa, lived on the streets,'' reads the back cover of Garcia's self-published autobiography. ''They abandoned their first child, aborted their second and brought their third infant along while they burglarized and scored drugs.''

In 1966, strung out on the streets of Los angeles, Garcia accepted a friend's invitation to seek help at a Christian home called Teen Challenge.

Several months later, Garcia says, he stumbled to the altar during a revival and, tears filling his eyes, asked Jesus to ''pasame quebrada,'' or ''give me a break.''

He then set out to convert others. After graduating from the Latin American Bible Institute in La Puente, Calif., Garcia returned to San Antonio and opened a home for barrio drug addicts. Today, there are five San Antonio homes under the Victory Fellowship umbrella.

''We teach Jesus in the morning, Jesus at noon, Jesus at night,'' says Garcia. ''You leave Jesus out, man, you're like every other treatment program in the United States.''

In Garcia's world, there is no room for social and economic analysis, psychiatry and psychology. Man sins, or he repents. He is lost, or he is saved.

Such a view of drug abuse makes state officials uneasy. Rehabilitation, they say, is not an exercise in black and white.

''I'm not one to say God's not in the miracle business,'' says John Cook, a spokesman for the Texas Commission on Alcohol and Drug Abuse. ''But addiction is not a moral issue. It's a disease,'' he claims.

Garcia, however, insists he gets results: Nearly two out of three of the people who study the Bible at Victory Fellowship for three to six months overcome their addiction to drugs or alcohol, he says.

At the very least, the scene at Victory Fellowship on San Antonio's West 39th Street looks convincing. A group of addicts, arms in the air, stages a heated mini-revival inside the center. Outside, 100 down-and-out men and women gather in clusters for Bible study.

One group stands, waving arms frantically. ''Lord, you are more beautiful than diamonds,'' they sing, ''and nothing I desire compares with you.''

In the men's bunkroom, a heroin addict named Paul and an alcoholic called Sam, both new arrivals, work their way through the Old Testament with a counselor, a former drug abuser himself.

''I been in the state hospital in Austin,'' says Sam. ''I don't want no other program but this one.''

While Garcia cannot document his success rate, his anti-drug efforts were praised by President Bush in 1990. Then in early February, Gingrich held Garcia up as a model in the war against the welfare state.

''But rather than study him,'' said Gingrich at a Washington press conference, ''the bureaucracy has tried to put folks like Freddie out of business because they don't have Ph.D.s or can't fill out the paperwork.''

Experts agree that Garcia's role as a recovered drug addict is central to his program. In fact, all the Victory Fellowship Bible instructors are recoveredd addicts, most of them felons.

''People like this play an important leadership role,'' says Weir. ''They've done a terrific job when not a lot of other organizations have.''

Still, Weir warns there is a danger in suggesting that those who fall on hard times—and the struggling communities where they live—must right themselves.

''There's a bit of false populism here,'' she says. ''The problems of the inner city are largely economic problems that neighborhoods have no control over.''

Nevertheless, Gingrich has assembled a National Leadership Task Force on Grassroots Alternatives for Public Policy, a group representing Victory Fellowship and several dozen other mostly faith-based programs, to offer ideas on legislation that would, in the House speaker's words, ''end the welfare state.''

Woodson of the National Center for Neighborhood Enterprise says its March 15 task force report to Gingrich will tout the achievements and cost-efficiency of organizations such as Victory Fellowship.

The task force will also urge federal and state leaders to fund faith-based groups (though Garcia says he wants no money) and relax the regulations that groups such as Victory Fellowship face.

''Too often,'' says Garcia, sounding a distinctly Gingrich theme, ''the government rewards failure and punishes success.''

For example, Garcia would prefer to advertise Victory Fellowship as a ''rehabilitation center.'' When he tried that, however, the Texas Commission on Alcohol and Drug

Abuse gave him an ultimatum: Apply for a drug-rehab license or advertise as a church.

But getting a license to treat drug addiction would mean meeting state health and safety codes. Even Garcia admits that would be tough, since his shelters seldom turn away the desperate no matter how full.

It would also mean having licensed counselors, which would mean hiring staff with college degrees. Garcia says he does fine with dropouts from the barrio.

''My people have educations you can't get at Yale University,'' he says.

[From the San Antonio Express-News, Feb. 6, 1997]

STATE OF THE UNION RECOGNITION COSTS SAN ANTONIO IN LIMELIGHT

(By Brenda Rodriguez)

For the first time during a State of the Union address, two of the Alamo City's native sons who rose from humble beginnings to prominence were recognized for their public service.

President Clinton took a few minutes from his hourlong speech to Congress Tuesday night to pay tribute to U.S. Rep. Frank Tejeda, who died last week after a battle with brain cancer.

He also recognized Henry Cisneros, the former San Antonio mayor who spent four years as Clinton's secretary of Housing and Urban Development.

Republican Rep. J.C. Watts—during remarks in response to the president's address—also praised Freddy Garcia for helping people kick their drug addictions.

''We are the incubator for great Hispanic leadership,'' political scientist Richard Gambitta said about Tuesday night's local honors. ''Clearly San Antonio is a city on the rise.''

Tejeda's mother, Lillie, and sister Mary Alice Lara sat behind first lady Hillary Rodham Clinton and Tipper Gore as the president commended the late congressman for his military bravery and public service.

The president had extended a special invitation for the family to attend the address. The Tejeda family would not comment Wednesday about the trip to Washington.

With help from her daughter, Lillie Tejeda stood proudly before Congress as they applauded her son's accomplishments.

Tejeda, a decorated Vietnam veteran, was buried with full military honors Monday at Fort Sam Houston National Cemetery.

The president also saluted Cisneros, who left the Cabinet in January and now will head the Spanish-language television network Univision in Los Angeles.

But Cisneros will not stray far from the political limelight. He will join Gen. Colin Powell and Vice President Al Gore in leading the president's Summit of Service in Philadelphia in April.

''Henry Cisneros remains the most viable political candidate in the state of Texas,'' Gamibtta said. ''Henry Cisneros without question is a superstar.''

In Watts' Republican Party response to the State of the Union address, he said Garcia is ''the state of the union.''

Garcia, a recovering drug addict, is the founder and director of Victory Fellowship, a Christian ministry that helps people overcome drug and alcohol dependencies.

Garcia said he was surprised Watts mentioned his efforts in his speech. The Oklahoma representative visited the ministry last spring during a trip to the Alamo City.

''You don't hear about anybody from our barrios being mentioned,'' Garcia said. ''I know (Watts) knows our program is for real.''

Gambitta added that such grassroots efforts by San Antonians will continue to garner recognition.

''We have tremendous potential in the city,'' he said.

[From the San Antonio Express-News, Feb. 21, 1996]

GOP TEAM PRAISES DRUG REHABILITATION PROGRAM

(By Maria F. Durand)

A San Antonio faith-based drug rehabilitation program that has been heralded nationwide as a model of grass-roots community intervention won kudos Tuesday from members of a Republican congressional team charged with restructuring welfare.

''It's the most impressive of its kind I've seen,'' U.S. Rep. J.C. Watts, R–Okla., said during a visit to Victory Fellowship, a Christian-based program that receives no federal or state funds.

Watts is co-chair of the Task Force on Empowerment and Race Relations.

''We need to put these kinds of community values back into the programs,'' said U.S. Rep. Jim Talent, R–Missouri, another co-chair of the Republican team. ''We need to encourage what the system has been discouraging.''

During an hour-long noon service, a long list of recovering drug addicts told similar stories of recovery and clean lifestyles.

People like David Cortez, George Juarez and Ernest Guerrero, who now work in many of the center's outreach programs, lauded Jesus as their savior.

Part of the Republican proposals for welfare reform include dropping many of the guidelines prohibiting federal funds from going to faith-based organizations. The GOP also wants to turn more administrative power over to local organizations.

Republicans plan to announce welfare reform legislation next week in Washington.

Most groups working with community-based organizations agree that more power should go to local agencies and many regulations should be eliminated.

''Solutions should be local. Federal intervention is not good,'' said Beverly Watts Davis, executive director for San Antonio Fighting Back of United Way.

Victory Fellowship was founded by former drug addict Freddie Garcia in 1972.

''The only way that we would get federal funds is if there were no strings attached,'' said Garcia, who receives much of his funding from private donations. ''I am not against the funds. I am against the regulations that make no sense.''

However, while programs like Victory Fellowship serve some, they cannot help everyone.

''For some clients who can identify with a higher power, the program works, but it doesn't work with all the clients,'' said Cindy Ford, executive director of the San Antonio Council on Alcohol and Drug Abuse.

While praising the success of faith-based programs, local agencies insist federal dollars must continue.

''It's really sad with everything else going and what the state is doing to drug rehabilitation, for the federal funds to be drying up too,'' Watts Davis said.

A state-funded drug detoxication center here was closed late last year. Now Bexar County has no detoxication center.

Still, Robert Woodson, president of the National Center for Neighborhood Enterprise, who brought the congressional team to San Antonio, said the success rates for faith-based centers is unparalleled and the methods must be examined.

''We should undertake a major national study to compare the cost per day and the outcomes of faith-based programs with conventional programs,'' Woodson said. ''We are interested in looking for a more effective option to fighting drug abuse.''

[From the San Antonio Express-News, Apr. 7, 1996]

EASTER SPECIAL TO EX-ADDICTS

(By J. Michael Parker)

Every day is Easter at Victory Fellowship.

The holiest feast on the Christian calendar, Easter celebrates what Christianity calls the central event of salvation history—Jesus' Resurrection from the dead and the triumph of salvation over sin.

But at Victory Fellowship, the Resurrection isn't merely an event to be commemorated.

It's a miracle that happens whenever a drug addict turns from his destructive lifestyle and dedicates his life to Jesus Christ.

Throughout San Antonio, many churches are filled this day with symbols of new life such as lilies, water and light.

But here, reality speaks for itself.

Once on fire with chemicals that consigned them to a form of living death, these people, most in their early 20s, now are on fire with faith.

When they sing, ''I once was lost but now am found, was blind but now I see,'' they mean it literally.

They're on a high they say they'll never regret.

Their worship crackles with emotion. They sing, praise God and applaud his name with a fervor rarely seen in conventional churches.

''Nothing is greater than the love of Jesus!'' shouted minister Juan Rivera, one of Pastor Freddie Garcia's first converts in 1973, as he led a recent worship service in the old church at Buena Vista and South Cibolo streets.

Rivera had been on heroin for six years, burglarizing homes to support his habit. He described a life of misery, pain, confusion, causing suffering to people he loved, being chased by police and sitting in jail wondering where he'd gone wrong. He wanted to be saved.

''I remember thinking once, 'If only I could be born again, I wouldn't choose this life. I'd warn others to stay away from it,' '' he said.

But he didn't want Jesus.

''I'd been told since I was a kid that God would punish me. I'd seen friends killed in my neighborhood and I thought it was punishment from God,'' Rivera said.

''I thought he was going to get me sooner or later,'' he said.

In his first worship service at what until recently was called Victory Outreach, he recalled Garcia announced that ''Jesus is here.''

''I was so naive, I turned around to look at him. I didn't see him.

''I figured I was so sinful that he wasn't confirming my relationship with him,'' Rivera recalled.

But Garcia told him Jesus would forgive him and make him a new person if he would accept Jesus.

When he did, and saw other ex-addicts welcome him as a new brother in faith, ''it was totally mind-blowing,'' he recalled.

Rivera said he learned—and has spent his entire life since then telling other addicts—that no sin is beyond God's power to forgive.

Rivera said only Jesus saved him from his sinful past.

''I had no will to change on my own, and all the drug treatment programs I'd tried had failed.

''Drugs were like a water current pulling me under, and I was drowning, but Jesus reached down and pulled me out,'' he said.

Easter, Rivera said, has a special meaning for one who's come out of a life of drugs and crime.

''I really am a new man, I've been clean for 23 years, and my faith goes beyond a couple

of hours on Sunday morning. It permeates every aspect of my life.

''Every day is Easter here. When I see young guys coming off the street and turning to Jesus, it's an opportunity for me to thank God for what he's done for all of us,'' Rivera said.

James Valdez, 25; Ernest Guerrero, 22; and Johnny Samudio, 22, have been among the beneficiaries of Rivera's and Garcia's ministry.

They're taking leadership classes so they, too, can help change young addicts into productive servants of Jesus Christ.

They've also performed with other ex-addicts in a skit, ''The Junkie,'' depicting the destructiveness and despair of gang life and the joy of feeling loved and cared for.

''My mother used to cry a lot for me. Now she cries for joy,'' Valdez said.

''Everyone of us here has been brought back to life. It shows that nothing is greater than the love of God,'' he said.

Valdez said he had turned to crack cocaine out of boredom. he spent several years on crack, losing jobs and stealing to support his habit.

''All the guys I'd never wanted to hang around with before became my best friends,'' he recalled.

But when his mother took him to Garcia's Victory Home—the fellowship's residence for recovering addicts at 1030 S.W. 39th St.—his life changed.

''It's easy to do things that are wrong, but it takes a real man to do what's right. It's a great feeling to know you can be right with God by confessing your sins and giving your life to him,'' Valdez said.

Samudio said many youngsters deny God because violence, crime and family neglect are all around them.

''I want to be an example of the change Jesus can bring in their lives. I want to be a man of God.

''We tell them about Jesus and show them a different lifestyle. We show that we care about them,'' he said.

Guerrero said his older brother, who is serving a 10-year prison sentence for murder, wrote him from prison and told him to get out of gangs and drugs.

''Gang life was fun for a while, but I lost everything. My mind was only on cocaine.

''I found drug-dealing everywhere I went. I became depressed and wanted to kill myself,'' Guerrero recalled, adding:

''Once, I put a 12-gauge shotgun to my head, but I realized that if I killed myself, I'd go to hell.''

He said he cried out to God for help, and God saved his life by taking away his desire for drugs. Now he wants to help youths and gang members reject drugs as well.

''I was dead in the world,'' Guerrero said, ''but now I'm alive here.''

[From the Washington Times, Mar. 26, 1997]

ABUSE PROGRAM BELIEVES IN ABILITY WITHOUT STATE AID: FAITH-BASED EFFORT SERVES AS EXAMPLE

(By Cheryl Wetzstein)

One by one, a parade of healthy, well-groomed men take the microphone at the church stage at Victory Temple.

''My name is Troy,'' says one man dressed in a white T-shirt and camouflage pants. ''I was a heroin addict for 23 years. Now I have been clean for eight months, and I give all the honor and glory to Jesus Christ.'' The 600 men and women in the audience cheer, clap and stamp their feet.

Similar stories come from Martin, Juan, Noel, Roman and dozens of other men, whose only visible signs of decades of drug abuse and gang life are the tattoos on their muscular arms.

Victory Fellowship is the personal ministry of ex-addicts Freddie and Ninfa Garcia, who, as he puts it, ''used to run in the streets and rob people, Bonnie and Clyde style.''

Their 1966 conversion came through ex-addicts with the famed Teen Challenge program, founded by David Wilkerson, author of ''The Cross and the Switchblade.''

Today, the Garcias say the Victory Fellowship program has reclaimed no fewer than 13,000 hard-core addicts from the streets.

Program leaders say they have a 70 percent cure rate with people who stick with it for nine months, and they do it all with a $60,000-a-year budget, funded entirely by private donations.

Other substance-abuse treatment centers with multimillion-dollar budgets have cure rates around 10 percent.

Members of Congress such as Sen. John Ashcroft, Missouri Republican, who pushed for ''charitable choice'' in the welfare law often refer to successes such as Victory Fellowship and Teen Challenge as examples of programs government should be supporting.

But Mr. Garcia and other religious leaders aren't convinced that the government can help them.

''I don't want no grants,'' Mr. Garcia said at a recent seminar on charitable choice sponsored in San Antonio by the National Center for Neighborhood Enterprise (NCNE).

''I'm a church. All I want is for you to leave me alone,'' he said.

Under charitable choice, welfare recipients receiving vouchers for a variety of services—job training, food pantries, homes for unwed mothers, drug and alcohol treatment, day care—should be able to redeem them with a faith-based group.

Charities are prohibited from using the government money for sectarian worship, instruction or proselytism.

Texas Gov. George W. Bush has made charitable choice a priority and asked state agencies to report to him on their progress by May 1.

''I envision a new welfare system—an energized, competitive program where a person who needs help would get a debit card, redeemable not just at a government-sponsored agency, but at the Salvation Army or a church or a day care facility or a private-sector job-training program,'' the Republican has said.

One bill would ''exempt'' some faith-based substance-abuse centers from state regulations. Such programs would have to register with the state, say in their literature that they are exempt, and refrain from offering medical care or detoxification.

Another bill would allow ''alternative accreditation'' systems in lieu of state licensing for some programs.

Getting government funding flowing to programs that ''transform'' troubled people into responsible citizens has been NCNE founder Robert L. Woodson Sr.'s message for 20 years.

The recent NCNE seminar explored peer accreditation plans and alternative licensing plans as ways to make charitable choice work.

But the fear of government heavy-handedness—now and later—is pervasive.

''Shekels come with shackles,'' one program director warned.

''Yeah, and when the state comes after you, they go after your jugular,'' said Raul Gonzalez, executive director of Youth Challenge of Greater Hartford in Connecticut.

ADDICTS GET TOUGH LOVE AT VICTORY

(By Cheryl Wetzstein)

The people come to the modest Victory homes day and night. Some shake from early drug withdrawal. Others are fresh from prison or fleeing a gang contract.

They are welcomed with food, a clean bunk and security: San Antonio's gangs know that Freddie Garcia's Victory Fellowship centers are havens, and anyone inside is off limits to attack.

If the newcomers decide to stay and kick their drug habits, they are surrounded by former addicts, prostitutes and criminals who pray with them, hold them close and clean up their messes.

The withdrawal is unmedicated and the violent suffering lasts for hours. So do the prayers, rubdowns and ministering by people who believe their own addictions were cured by the power of Jesus Christ.

''We see a lot of miracles here,'' said Alma Herrera, who with her husband, Roman, is among Victory home's house parents.

''The saying 'Once a junkie, always a junkie' is not true,'' said Victory Fellowship co-pastor and ex-addict Juan Rivera.

Once the purging is over, the newcomer is adopted into a family of believers whose daily lives are filled with prayer, chores, Bible study, singling and fellowship. Witnessing is conducted in housing projects, gang-infested streets and prisons.

Each Victory home is headed by a married couple who act as parents setting the standard for love, discipline and structure. Men work with men, and women work with women. They focus on building a person's character, self-discipline and understanding of life as taught in the new Testament.

The privately funded two-year program is offered at no cost to the ex-addicts. After graduation, the men and women often end up in school or in jobs. Some married couples volunteer to start Victory homes in other towns, where they will recruit addicts to a ''new drug-free life in the Lord.''

[From the Wall Street Journal, Dec. 14, 1993]

THE WRONG FIX

(By Robert L. Woodson Sr.)

Surgeon General Joycelyn Elders's recent comments that America's crime rate could drop ''markedly'' if illicit drugs were legalized epitomizes the tragic failure of accommodationists to take a moral stand against an immoral activity.

Tragically, the person who should be at the helm of a massive effort to dissuade a new generation from involvement with drugs cannot seem to bring herself to declare that actions detrimental to one's personal health and to the well-being of society are wrong and deserve no tolerance. Dr. Elders assumes drug use to be an unavoidable ''given'' for which the best goal is simple damage control.

In addition, Dr. Elders's argument in favor of drug legalization is riddled with factual errors. For example, experiments with legalization abroad have not been the successes she assumes them to be. The majority have now been reversed as was the failed ''Needle Park'' experiment in Zurich—a free-drugs zone designed to control drug use and stem the spread of AIDS. Predictably, this park quickly became a nest of chaos and licentiousness that spilled into the surrounding community. Needles were passed around, despite the availability of a clean-needle program, and the used, bloody needles were cast on curbsides and surrounding sidewalks, jeopardizing innocent pedestrians.

Dr. Elders says that legalizing drugs abroad has not increased drug use, but Hubert Williams, president of the Washington-based Police Foundation, says that a more relevant example is our nation's own past and trajectory: Since the repeal of Prohibition, ''the amount of people using alcohol has increased significantly, and there's no reason to think the number of people using drugs will not increase significantly if drugs are legalized.''

In a twist of logic, Dr. Elders reasons that because ''many times they're robbing, stealing and all of these things to get money to buy drugs,'' legalization would help by making drugs a little less expensive. But even if drugs were legalized, regulations regarding their use would be enough to engender a black market and related criminal activity.

Rather than conduct a study on the possible effects of legalizing drugs. Dr. Elders should direct her resources to another type of research. In the same afflicted neighborhoods where men, women and children huddle on street corners and in dilapidated buildings to deal and use drugs, there are others who have not succumbed to their lure. These models of success should be the focus of Dr. Elders's scrutiny—and their behavior, vision and values the cornerstone for drug-prevention programs.

In numerous cases throughout the nation, low-income people who have opened their homes as safe havens for neighborhood children have proved that personal investment and the consistent example set by just one adult can change the futures of inner-city children—even those with unstable home lives. The community activists with first-hand knowledge of what succeeds in reaching young people should be at the forefront in designing drug-prevention policies. The problem, at its root, is a matter of values and morals, and those who have claimed success are those who have addressed the issue on this level.

The surgeon general should also take her notepad to San Antonio to study the activities of rehabilitated addict Freddie Garcia, whose outreach program has changed the lives of more than 13,000 addicts in its 25 years of operation. She should then travel to Hartford, Conn., to learn from Raul Gonzales, also a recovered addict, who has reached out to thousands of substance abusers through a men's residential center, a women's mission and a center that includes academic, vocational and social development training.

Dr. Elders should take the time to speak with a few of Mr. Garcia's former hardcore addicts who are now leading productive lives, and to some of the hundreds of families reunified and healed through Mr. Gonzales's efforts. She should ask them if their lives and the lives of their children would have been any better had someone legalized the drugs that had once controlled their destinies.

[From Newsweek, June 1, 1998]

SAVIOR OF THE STREETS

An ex-gang member who went to Harvard, Gene Rivers is an impolitic preacher on the cutting edge of a hot idea: can religion fight crime and save kids?

(By John Leland)

Patriot's Day is a city holiday in Boston, but the Rev. Eugene Rivers, a compact, graying black man in a blue dress shirt frayed at the elbows, is working hard. ''Yo, wazzup, G money?'' he greats a teenager, slapping him five. He wheels on another. ''Take your hat off, son. Yes, what? No, yes, sir, we don't speak no Ebonics here.'' It is just noon on a spring day, and already the Ella J. Baker House—a grand, bowfront Victorian in Dorchester, one of the poorest neighborhoods in Boston—is full of fires: a man's teenage son has brought home a dangerous pit-bull terrier; a pregnant 16-year-old's parents have kicked her out of the house; the Negros Latinos, the house baseball team, need uniforms and a gang-neutral field. Rivers, 48, darts from one to the next, a fixer, embattled but engaged.

When he first moved into this neighborhood, as a refugee from Harvard, Rivers sought out a local drug dealer and gangbanger named Selvin Brown—''a sassy, smartass, tough-talking, gunslinging mother shut your mouth,'' he says, not without some appreciation. Brown took the reverend into crackhouses, introduced him to the neighborhood. And he gave Rivers, a Pentecostal, a lesson in why God was losing to gangs in the battle for the souls of inner-city kids. ''Selvin explained to us, 'I'm there when Johnny goes out for a loaf of bread for Mama. I'm there, you're not. I win, you lose, It's all about being there'.''

Ten years later, as the Baker House kids file out into the sunshine, Rivers turns from his full-contact pastoring—a mix of street slang and stern lessons—to tell a group of police officers from Tulsa, Okla., about Selvin Brown. Baker House is Rivers' answer to Selvin: it's run by a dozen people, some of whom have given up professorships, military careers and positions in finance to be there. The Tulsa cops are only the latest in a recent stream of law-enforcement emissaries who have come to Rivers' domain, a rec center and parish house that Rivers says serves more than 1,300 kids a year, to watch, listen and talk about the hottest new topic in crime fighting: the power of religion. For decades, liberals and conservatives have argued past each other about the crisis in the inner city. The right was obsessed with crime, out-of-wedlock births and the ''responsibility'' of the underclass; the left only wanted to talk about poverty, the need for government intervention and the ''rights'' of the poor. Now both sides are beginning to form an unlikely alliance founded on the idea that the only way to rescue kids from the seductions of the drug and gang cultures is with another, more powerful set of values: a substitute family for young people who almost never have two parents, and may not even have one, at home. And the only institution with the spiritual message and the physical presence to offer those traditional values, these strange bedfellows have concluded, is the church.

As the Tulsa cops sit around the Baker House oak table, Rivers tells them about a grievous stabbing inside the nearby Morning Star Baptist Church in 1992. During a funeral service for a young murder victim, a gang chased another kid into the church, beating and stabbing his in front of a crowd of mourners. For the clergy, says Rivers, ''this was a wake-up call. We had to be out on the streets,'' just like Selvin Brown was. While the mainline Boston churches issued a denunciation of the violence, a group of ministers from smaller churches, mostly shoestring Pentecostal or Baptist, met in Rivers' house to discuss a more radical response: walking the hoods, engaging the gangs, pulling kids out. Instead of bickering with police, the ministers vowed to work with them, identifying the hardest cases. ''The deal we cut was, 'Take this one off the streets, we can deal with him in a prison ministry','' the Rev. Jeffrey Brown, a Rivers ally, tells the Tulsa delegation. The cops, in turn, would rely on the clergy to work with the more winnable kids.

Since the 1992 alliance, and a reorganization of the Boston police and probation departments, juvenile crime here has fallen dramatically. Rivers is now trying to forge a similar coalition of churches nationwide. It won't be easy: his brand of street-smart charisma is not easily transferable, and the work is house by house, block by block. But ''at the end of the day,'' he says, ''the black church is the last institution left standing.'' The noted conservative criminologist John DiIulio Jr., best known for predicting a coming wave of inner-city ''superpredators,'' has become an improbable friend and ally. In apocalyptic tones, Rivers—a forceful speaker who is sometimes accused of grandstanding—warns that as the teenage population swells in the next decade, ''there will be virtual apartheid in these cities if the black church doesn't step into the breach.''

Washington is starting to take notice, too. The 1996 welfare bill gives states the option to fund church groups in place of welfare agencies. Research on the effectiveness of faith-based programs is so far largely anecdotal. ''But there is a lot of interest in this area now, because secular institutions have failed,'' says Bernardine Watson, a vice president of the nonprofit Public/Private Ventures. ''Anybody who wants to fund faith-based programs is looking at the Baker House model. Conservatives like it because of the crime angle; liberals like it because of the youth angle.''

When Rivers first came to Dorchester, the cops say, he believed there was no such thing as a bad kid. That has changed. Now, ''ministers will come to us about a kid, say he's menacing the community,'' says Lt. Gary French, who works with Rivers. The Boston police estimate that 150 to 250 kids are responsible for most of the violent crime in the city. ''We can disrupt a gang by incarcerating the most aggressive player,'' says French. ''But we can also disrupt it by getting the fringe players into alternative programs,'' like those provided by Baker House. The exchange works both ways. ''Right now,'' says Rivers, ''any cop in Dorchester can dump a kid off in Baker House, and say, 'Look, I'm gonna crack this kid's skull, take him.' So we have taken the pressure off the police to play heavies.''

At 2 a.m. in his cramped row house, Gene Rivers is still keyed up. ''The great thing about serving the poor,'' he says, ''is that there is no competition. These young males, ain't no black preacher want to be around these boys. You see [he names several kids at Baker House] coming, you go the other way.'' He is on the short side, maybe five feet six—by his own description, a ''pushy, aggressive, interloper-would-be-usurper, with this kind of guerrilla campaign.'' In battle mode, he is scandalously impolitic. He refers to the mainline black churches as ''the major crime families'' and is a critic of Henry Louis Gates Jr., chair of Afro-American studies at Harvard, whom he has called ''the emcee at the Cotton Club on the Charles.'' His own critics—''[it's a] long list,'' he says—dismiss him as a ''black Rasputin'' who has duped white people into thinking he has power in the black community. He holds no degrees from college or divinity school; his service on a recent Sunday drew just 19 congregants.

Yet Rivers is becoming a national figure. He has met with the president, been courted by the Christian Coalition and served on the religion panel at Colin Powell's 1997 Volunteerism Summit. Though Rivers comes from what he calls a ''radical reform'' line, his arguments for black self-help, and his unwillingness to make liberal excuses for urban pathologies, have endeared him to the right. ''There's been more litmus-test stuff from the left than from the right,'' he says. (Rivers' ministry condemns homosexuality and abortion.) ''One of the good things about the right is that they're sufficiently indifferent toward the concerns of blacks that they don't bother you.'' His alliance with DiIulio has given Rivers a boost in policy circles. ''Gene and John are very odd soulmates,'' says Rivers' wife, Jacqueline, who trains inner-city teachers in the Boston Algebra Project. ''One is so far left he's right, the other is so far right he's left. They really think alike.''

The walls of Rivers' house still bear the bullet holes from two shootings, one a random spray, the second by a drug dealer Rivers had tried to move from a neighborhood

park. He roots around for a 1992 essay he wrote for the Boston Review, entitled ''On the Responsibility of Intellectuals in the Age of Crack.'' It, like his other writings, argues that after the victories of the civil-rights movement, the black middle class, particularly middle-class churches, abandoned the black poor. The signature phrases of these articles—''virtual apartheid,'' a ''crisis of moral and cultural authority''—swim throughout his conversation, crusty set pieces amid his staccato improvisations. ''When he talks slang, I don't understand him,'' says Police Lieutenant French. ''And when he talks the Harvard level, I don't understand him, either.''

Rivers was born in 1950 in Boston, the eldest of three children. His mother was a nurse, a Pentecostal; his father, who moved out when Gene was 3, was a painter, a Muslim, who later became art director for the Nation of Islam's paper, Muhammad Speaks. Both parents were black nationalists and intellectuals. ''What my mother instilled was that life is duty,'' he says. ''Life itself is a holy war.'' Rivers grew up in rugged northwest Philadelphia, where he was forcefully inducted into the Somersville street gang at the age of 12. ''There was a side of my life nobody understood. At age 13, 14 and 15, I remember studying Andrew Wyeth, the Brandywine tradition. [And I'm] in a street gang with a lot of hoodlums. You learn to lead a double life. I've always had that tension.''

Whenever Rivers describes the violent potential of the Dorchester kids, his voice livens with a certain rogue romance. ''This ain't Yuppie kids, this ain't Cosby kids,'' he trumpets at one point. In part this is because he's playing to a public that finds lurid gang violence a sexier topic than, say, urban poverty. But it's also because he savors that street edge. Mark Scott, who runs the day-to-day affairs of Baker House, thinks Rivers would be bored in a straighter life. ''He's pastor of the church, but he's also pastored by the people around him, especially Jackie.'' Scott believes that Baker House has saved Rivers, keeping him on the street but out of trouble, giving him a channel for his anger.

As he describes his own past, Rivers' tone becomes more sober. He's riding in Jackie's Volvo—Rivers doesn't have a license—listening to NPR and heading to pick up their two kids, Malcolm and Sojourner, 10 and 8, near their private school in tony Beacon Hill. It does not strike him as a contradiction to send his kids to private school. ''I said, 'Jackie, I'm not a liberal. I'm not going to have my kid go to school where the kids are so completely antisocial that Malcolm will end up resenting black kids. No no no no no'.'' As Jackie drives, Rivers continues his own story. When he was 13, his life was forever changed by the Rev. Billy Graham's radio program. Rivers was being menaced by an older, bigger kid from a rival gang called the Lane, and Graham's words struck him. ''He asked, was I ready to meet my creator? At that point, that was not a farfetched possibility. I had a fear of death, which my conversion experience transformed. My response to fear is faith.''

Eventually the Rev. Benjamin Smith, a legendary Philadelphia inner-city evangelical, pulled Rivers out of the gang and into the Pentecostal community. But he was at odds here, too, a bookish intellectual in a working-class church. He dropped in and out of two art schools; he read Herbert Marcuse and Noam Chomsky, getting deeper into radical political thought. The 1969 deaths of Black Panthers Fred Hampton and Mark Clark—men his own age, killed in a police raid—shook his moral center, as Graham had years before. The nonviolent movement of the '60s had crashed around him. Rivers was angry and confused, ''buck wild,'' scorched with a case of ''survivor's guilt'' that has been his motivating force ever since. ''I promised the Lord that if he would let me survive, I would never turn my back on these kids,'' Rivers says. He got a woman pregnant and drifted to New Haven, Conn., where he met Kwame Toure, then known as Stokely Carmichael of the Black Panthers. Taking occasional courses at Yale, he carved three identities for himself, collecting welfare checks in Philadelphia, New York and New Haven. Finally, another mentor—Martin Kilson, an iconoclastic black professor at Harvard—discovered Rivers and lured him to Cambridge. Rivers raged against the privileged black students of Harvard—including, at first, a Jamaican woman named Jacqueline Cooke—and left, angry, in 1983. He and Cooke married three years later.

On a school holiday at Baker House, Rivers is showing two boys the documentary ''Eyes on the Prize,'' the installment about Fred Hampton and the black Panther Party. The boys are 12 and 13; Rivers takes satisfaction in calling the younger boy, who appeared pseudonymously in a 1997 New Yorker article, ''America's worst nightmare.'' The kids are to write reports on the video for which Rivers gives them a few bucks. He hugs the boy, pays him, and the kids are off. ''Kareem,'' as The New Yorker called the boy, was Baker House's most critical case a year ago, and he is still. His day with Rivers began when he showed up at the Rev.'s house for breakfast; it will end around 11 at night, when he asks Rivers for a lift to the city bus, bound for wherever, Rivers doesn't worry that Kareem will get home safely. ''I'm worried about whether other people will.'' For Rivers, Kareem is a test. ''[Kareem]'s father got murdered,'' says Rivers. ''His mother lives in the street more than he does. If you can get [Kareem], you've got the whole neighborhood.''

In the early days, Rivers pushed religion harder on the kids, but found that it intimidated—and turned off—many of them. So now he keeps preaching to a minimum. But the men and women who are giving their lives to Baker House still see faith at the heart of their mission. ''Bob Moses and SNCC, Fred Hampton in Chicago, these folk laid their lives down,'' says Rivers. ''My understanding is that those acts of heroism were very Christian acts, in the tradition of the martyrs. I live in Dorchester and have weathered what we've weathered because that's my understanding of radical discipleship. There is no crown without the cross. Most folk aren't ready to hear that.''

At the end of a long day, a half dozen Baker House members gather for a prayer meeting: Ivy League refugees, MIT doctorates. Their testimony is an ecstatic, Pentecostal affair, full of hand-clapping and spontaneous witness. After half an hour, Rivers ducks out momentarily, passing the receptionist, a single mother he'd counseled years before. ''Hallelujah, praise Jesus,'' he says—then, without pause, ''Did you page [a city official]?'' This is the refracted life of the Rev. Eugene Rivers, drawing upon Harvard and the Philadelphia street gangs, the church and the state. Rivers checks his pager. The Urban Institute is in for a visit; his wife is on the other line. He ducks back into the prayer meeting and gives thanks once more, and once more again.

COPS, CRIME AND CLERGY

BOSTON'S COMMISH ON HOW THE NEW ALLIANCE BETWEEN POLICE AND PREACHERS WORKS

(By Paul F. Evans)

I was a beat cop in Gene Rivers' Dorchester neighborhood in the early '70s, but back then our paths wouldn't have crossed. At the time, the police force didn't look beyond itself to solve the problem of violence, and we had very little interaction with the clergy. By the early '90s, however, it became clear that our ''get tough'' policies just weren't working. The 1992 stabbing incident at Morning Star Baptist Church—there was a melee during a funeral—only underscored how bad things had gotten. We finally saw that we couldn't simply arrest our way out of the escalating bloodshed.

It was time for real collaboration. We realized that preachers have tremendous credibility as leaders in the community and that having them working with us out in the streets would have a powerful impact. For their part, the clergy saw cops doing their best to get inner-city kids into summer camps and to get them mentors. We both knew that what children need is an alternative to crime.

The alliance that resulted works because the police and the ministers really do have a common goal: keeping kids from getting killed. And it's not as if we don't know who is at risk: of the 155 young people who died from violence between 1990 and 1994, two thirds had prior arrests—an average of 9.4 arrests for every victim. For the first time, we can really concentrate on these specific kids and make honest assessments of what has to be done with them. We can put our heads together and say this kid has gotten into trouble, but he's a good kid—let's try extra hard to get him the services he needs. This one, we can't save—and if we don't get him off the streets and into prison, he's not going to make it.

With a clear, structured communication network now in place, we didn't have to wait for three or four homicides before realizing we had a problem with the Bloods and Crips gangs. We've got cops and clergy out there, visiting 36 schools and countless homes trying to identify gang wannabes. When there is gang warfare we call members in for an open session with representatives from the D.A.'s office, the probation officers, social-service workers and neighborhood ministers and say, ''Look, the community is telling you to stop. If it doesn't, the whole system you see here is going to indict you, sentence you and send you to prison.''

THE NEW HOLY WAR

(By Kenneth L. Woodward)

Check out any dying neighborhood in inner-city America and this is what you'll find: the church and the liquor store are the last establishments to leave. Many of the churches are Roman Catholic, built big and solid to serve Irish, Italian, Polish and other European immigrants. Today, most of the parishioners are Hispanic, Asian or African-American. And the parish schools where diligent nuns once tutored white ethnic children through English, math and first holy communion now cater mostly to kids who are neither white nor Catholic. Other Christian congregations moved up and out when the inner city went poor and black. The Catholic Church is the church that stayed. Around the corner are other, newer churches, some with Spanish names. Many are little more than basement ''blessing stations'' and storefront congregations: Pentecostal, Holiness, Jesus-Saves Baptist, Apostolic This or Prophesy That—the kind of churches that spring up wherever the promise of this life is so bleak that the promise of the next is all there is to count on.

These churches can't keep kids out of gangs, fight crime and rescue the nation's inner cities by themselves. But none of this is likely to happen without them. After spending 30 years and billions in fighting poverty, and decades trying to arrest our way out of the problem of crime, Washington

has belatedly discovered the wisdom of empowering local churches to do what government alone has so far failed to accomplish—provide the kinds of direct services and inspired commitment needed to restore the nation's deteriorating urban core. In Congress, a bipartisan coalition has swung behind a series of policy changes—broadly called ''charitable choice''—which allow federal, state and local funds to flow to faith-based antipoverty groups. Among the latest initiatives is a $500 tax credit for those who contribute to poverty-fighting programs, including churches. ''Those from the left are disillusioned with government efforts,'' says Indiana's Sen. Dan Coats, a conservative Republican, ''and those coming from the right are not comfortable with the let-the-market-sort-it-out thinking.'' There are limitations—money is always scarce, and the appeal of a preacher's personality in the 'hood is hard to replicate. But for people of faith, the redemption of the nation's inner cities is a calling, not a caseload. The God they bring into crime-infested streets is both the Old Testament Jehovah of law and order and the New Testament's merciful Jesus. A powerful combination—particularly if you add federal funding to the mix.

When it comes to rousing a congregation, or working one-on-one, there's nothing like the coiled power of a charismatic preacher. But when it's jobs and housing and a vision for the long haul, only Catholic leaders with a grasp of the wider common weal need apply. That's why in urban areas like Boston, Newark and Philadelphia, clergy are learning to reach across denominational lines and tap each other's strengths. When the Rev. Eugene Rivers, a black Pentecostal, needs access to Boston's power brokers, he dials the phone that rings beside the bed of Cardinal Bernard Law. ''He's my patrone,'' says Rivers. ''I don't need an archdiocese because the cardinal already has one.'' And it's come in handy: in a city with a traditionally Irish Catholic police force and a history of racial tension between cops and community, Law has been a key ally of the black clergy to deracialize law enforcement.

It's a win-win proposition. Rivers reaches an at-risk, non-Catholic population with what the cardinal calls ''a pro-poor, pro-family, pro-life platform that I can enthusiastically support.'' That support includes the moral authority and institutional experience of a church that counts nearly half the Boston area's population as members. In turn, says Rivers, ''we've got the local talent—the forgotten 40 percent of the inner-city blacks who are working, support families and go to church. We've got the clergy pool, the energy—we can make the conversions and put the Spirit into the letter of the law.''

But there is much more to inner-city ecumenism than institutional cooperation. Movements need vision, and in the social teachings of the Catholic Church, black Protestant clergy like Rivers have discovered a body of thought that fits the problems of the inner city into a coherent Christian perspective. Unlike the individualisms of the secular left and right, Catholic doctrine conceives society as an interdependent organism rather than a social contract between isolated individuals. Rights and duties flow from the sacredness of every human person, justice seeks the common good, the state ensures public order. In this view, persons are inherently social and proper human development requires civic space for a range of institutions: family, neighborhood, religious and other voluntary associations like labor unions and political parties. Catholic lingo such as ''social solidarity'' in matters of public policy speaks directly to the needs of inner-city populations. In short, the moral community is one that balances individual goods with those of civil society and the state. Charity, yes, but also social justice. In all these ways we become our brother's keeper.

For people of faith, there's more than one way to give this vision flesh. In 1967, riots left Newark's Central Ward for dead. That's when Msgr. William Linder began to put together the New Community Corporation with government funds and corporate subsidies. Operating out of St. Rose of Lima parish, Linder has built 3,100 nonprofit housing units for inner-city residents. The corporation runs its own shopping center anchored by Pathmark, the first supermarket to open in the neighborhood in 25 years. Over the years Linder has gotten more than 3,000 people off welfare, employing more than half of them in the corporation's own nursing home, day-care centers and health services—including one for children who have HIV-positive. There's an automotive institute that trains mechanics, a credit union for small loans and another corporation to provide credit for local businesses. ''Developing a community is a comprehensive task,'' says Linder, an application of Christian values. ''The whole issue is—how do you respect the dignity of a person?''

If the New Community Corporation shows what one priest can accomplish, Cleveland's ''Church in the City'' program demonstrates how much more has to be done. Five years ago, Bishop Anthony Pilla looked at the migration of Cleveland's Catholics and concluded that his was ''quickly becoming a suburban diocese.'' Over the previous four decades, the city's 2:1 population ratio over the suburbs had been reversed. There's nothing in the Bible that says ''Thou shalt not move to the 'burbs.'' But Pilla, who grew up in Cleveland's Little Italy, thinks the church is obligated not to desert the poor who have no choice but to make the inner city home. As bishop, there are some economies Pilla can command. Cleveland's Catholic Charities Corporation, which uses both government funds and contributions from the pews, offers grants for inner-city projects. Like other Catholic bishops, Pilla has also twinned city parishes with more prosperous ones in the suburbs. The goal is partly financial—to allow the better-off to help keep up those parishes in need—and partly social—to establish Catholic solidarity across the boundaries separating safe from dangerous neighborhoods.

What Pilla does best is exhort others to find answers to the inner city's needs. Next month, for example, Third Federal Savings will begin construction of its new headquarters in the old Polish neighborhood just outside the city's high-rise downtown core. The bank's budget has grown from $6 million to $18 million, and instead of a functional corporate center, chairman Marc Stefanski—inspired by Pilla—is creating a capacious building that will anchor the neighborhood with space for retail shops and a small plaza.

Because they represent the institutional commitment of the church that stayed, Catholic bishops like Pilla can attract the kind of government and corporate funds that produce housing, jobs and educational opportunities for the inner-city poor. (Not for nothing does Andrew Cuomo, head of the Department of Housing and Urban Development, keep a Jesuit priest, Father Joseph Hacala, on his staff.) But inner-city America is honeycombed with fledgling operations by black evangelicals like Rivers whose faith-based approach to at-risk youths produces hard-won individual conversions. They wrestle black males from drug dealers and mentor kids who never knew their fathers. Cumulatively, their victories are impressive. ''But corporate America balks at giving money directly to these Pentecostals because they don't come well packaged,'' says John DiIulio, a Princeton professor who labors at providing the statistical proof that such efforts are paying off. ''Corporate grant makers are afraid of real God-talk. They prefer secular rehabilitation to spiritual transformation.''

That may soon change—and must, both in the capital and in corporate America, if religion is to really work in the inner city. However appealing it sounds, ''the churches can't do it alone,'' says Mark Scott, an associate of Rivers' in Boston. ''We're the glue of civic life, addressing values and spiritual issues that the government can't address. But just saying 'let the churches do it,' without the government, won't work.

He's right. But as Scott and Rivers well know, the Devil may be in the details. In offering tax credits to those who support faith-based programs, for example, Coats wants to make sure the money doesn't go for ''a new satellite dish for the church.'' Rivers is one of many black ministers who think the senator's caution is justified. He is repulsed by black denominations like the National Baptist Convention, whose president, the Rev. Henry Lyons, has been charged with diverting church funds for his personal use. The NBC board supports Lyons, who denies the charges. Some church bureaucracies, Rivers says, are like Caribbean governments—they ignore their own poor and reward politically connected stars of the pulpit. ''The way it is now, the black church structure undermines any system of moral or financial accountability,'' Rivers argues. ''It simply perpetuates a circulation of crooks in which younger clergy are encouraged to imitate the old dirty bulls.''

Rivers and like-minded clergy everywhere think they can do things differently. Indeed, one of the emerging battlegrounds in the inner city's holy war lies between the churches themselves. In this post-civil-rights era, those congregations that prove their faith with honest deeds will attract this latest—and perhaps last—infusion of outside funds. The poor have always looked to their churches—for hope as well as for healing. Will they be disappointed?

THE GOSPEL OF ST. JOHN

(By Howard Fineman)

John Ashcroft's Washington seems worlds away from Eugene Rivers' Boston. A first-term Republican senator, Ashcroft is an antitax, pro-death-penalty conservative from the Missouri Ozarks, at home with rural accouterments: his bass boat, his dirt bike, his farm. But though they've never met, Rivers and Ashcroft are soul brothers of sorts, moved by the same Pentecostal roots and sociological rationale to pursue a similar mission: expanding the use of religious institutions to reclaim the lives—and lethal streets—of the cities.

While Rivers works Dorchester, Ashcroft ministers to Capitol Hill—and is eyeing a run for the presidency in 2000. The devout son and grandson of Assembly of God clergymen, he's leading a crusader to open the federal treasury to churches (and other religious institutions) who do the kind of social-welfare work now handled mostly by government. ''Government bureaucracy looks at people by criteria, by type,'' he told Newsweek. ''Religious people are concerned with the whole individual, with his whole life—even his eternal life. That's how you build self-esteem.''

It's long been political and constitutional heresy to suggest that federal money be used in this way. But violent gangs and government failures—and the election-year demand for welfare reform—gave Ashcroft an opening. The 1996 welfare law contains his ''charitable choice'' provision, which allows states

to contract with ''faith-based'' organizations to provide welfare services. The groups can't proselytize, but they can keep the ''religious character'' of their facilities and, subject to financial audits, remain exempt from most federal workplace regulation. The measure is being challenged in court, but Ashcroft is marching ahead with a new one, which would extend charitable choice to include drug treatment, juvenile-crime prevention and even low-income housing. He got bipartisan support in 1996 and hopes for more this year.

Ashcroft, 55, comes by his faith in the faith-based honestly. His late father was president of a sectarian college and a leading figure in Springfield, the Ozarks city Ashcroft jokingly calls ''the Rome, the Jerusalem'' of the Assembly of God. The denomination's tenets: no drinking, no smoking, no gambling, no dancing, no sex before marriage—but plenty of missionary work and gospel singing in celebration of the Holy Spirit. On the eve of his Senate swearing in, Ashcroft was blessed by a laying on of hands, and his head was ''anointed with oil'' in Old Testament fashion. He hosts a voluntary devotion in his office every morning.

Too churchy and remote to be a major player? Look closer. For college Ashcroft chose Yale (he played rugby but wrote home every day), followed by law school at the University of Chicago. His wife, whom he met at Chicago, teaches law in Washington at Howard University.

Having never heard the ''call'' to the ministry, Ashcroft instead is listening to what the Lord may tell him about the White House. Only He knows whether the Monica Lewinsky affair will lead the public—or even Republican primary voters—to yearn for an abstemious, high-collar figure.

Meanwhile, Ashcroft is as systematic about politics as his father was about preaching. He's won five statewide races in a classic ''swing'' state (two for attorney general, two for governor, one for the Senate). He sings barbershop with Trent Lott and is close to Dr. James Dobson and Pat Robertson. Aided by Christian Coalition members, he won a presidential straw poll in South Carolina last week and hosted a smart-money fund-raiser at a bistro in Washington. This week he campaigns in California. And who knows? He might even find support on the streets of Boston.

Mr. ENGLISH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. LOBIONDO).

(Mr. LOBIONDO asked and was given permission to revise and extend his remarks.)

Mr. LOBIONDO. Mr. Speaker, I rise in very strong support of H.R. 4923, the Community Renewal and New Markets Act. I want to thank all those who played such a crucial role in bringing this bill to the floor. I especially want to thank our speaker, the gentleman from Illinois (Mr. HASTERT), for his work, his tireless efforts, to make sure this initiative moves forward.

Three years ago, Congress authorized and the administration designated 20 Round II empowerment zones. My home county of Cumberland County, New Jersey, in the Second Congressional District, is one of those Round II empowerment zones. We have tremendous potential for our community to create new jobs, to retain existing jobs, to help both socially and economically in our community.

However, Mr. Speaker, the Round II zones have not received full multiyear funding like the first round counterparts. Instead, they have received two installments in appropriation bills that were far below the Federal commitment.

Now, although this particular bill does not specifically mention the funding for Round II zones directly, I am very pleased that the President of the United States and the Speaker of the House have reached an agreement that was announced at a press conference at the White House a short time ago, where $200 million for Round IIs were agreed to, and also I would like to say that I am very pleased that the Speaker has personally assured me that discretionary funding to keep our existing zones operational will be included in the final appropriations process.

This is extremely important for all of our Round II zones and the hopes that our citizens have for the potential that this brings.

The employer wage tax credit, already extended to Round I designations, is included in this bill and is an extremely important component of our ability to empower these communities.

Those of us representing these distressed communities in Congress understand the vital need to have full funding in Round II. This bill helps us move toward that initiative, helps us bring to our communities renewed hope and empowerment to be able to create those jobs and do those things that so many of us want to see.

Mr. Speaker, once again I want to congratulate and thank all of those who have been involved in this process. I look forward to this enactment. I urge strong support of this initiative.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time.

Mr. Speaker, this morning I was here to express my deep frustration at our inability, while on the one hand bringing up this suspension bill for the Community Renewal and New Markets Act, at the same time when we were unable to get full funding for Round II empowerment zones. After I just heard my colleague make mention that there has been an agreement that there will be $200 million for Round II, I am obviously pleased, as El Paso is one of the areas that was designated under Round II as an empowerment zone.

It is important to note, Mr. Speaker, that over the 10-year life of the program, urban empowerment zones were supposed to receive $100 million. However, in fiscal years 1999 and 2000, amounts less than $4 million each year were appropriated for each urban empowerment zone. Moreover, in this fiscal year, up until a few moments ago, we had been led to believe that there were zero dollars for empowerment zones. This is good news for El Paso. It is good news for all the communities that have been counting on and have been planning on a 10-year basis for money for their empowerment zones.

Full funding for empowerment zones unleashes tremendous potential for growth and economic development in places like El Paso under Round II. Each of these communities have laid out long-term plans and proposals which will deal with high unemployment, in some cases like El Paso with unemployment running consistently twice the level of the national unemployment rate. These communities have already been slated for assistance, and we are pleased this morning that that assistance will be forthcoming.

Mr. Speaker, I intend to vote for and support this bipartisan legislation.

Mr. SCOTT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of H.R. 4923, the Community Renewal and New Markets Act. However, I do want to say I share the concerns of my colleague, the gentleman from Virginia (Mr. SCOTT), with regard to the issues of religious freedom and the application of religion to someone's requirement or ability to be served or have a part in a particular program.

I am a freshman Member of Congress. I serve on the Committee on Banking and Financial Services and the Committee on Small Business. I chose those committees because in Cleveland, Ohio, the 11th Congressional District, from 1986 through 1997 the average income dropped 10 percent. Within the State of Ohio, it rose an average of 5 percent. That is, in part, because the city has lost high-paying blue collar jobs and has gained jobs in the service sector where the salaries on average are lower by 13 percent.

I believe that this legislation will allow communities like the City of Cleveland to be revived. We have had great housing starts in Cleveland, new housing coming up in areas where we had riots a few years ago. What is not there is what makes a full community, and that is businesses and opportunities for employment right in one's own neighborhood, and opportunities for young people to see that the people in their communities own businesses and can employ persons right in their own neighborhood.

I rise in strong support of this act because I believe it will provide that opportunity and will clean up some of the neighborhoods through brownfields support. I support everyone who stood in support of this legislation.

Mr. ENGLISH. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. TALENT), one of the authors of this legislation.

Mr. TALENT. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH) for yielding me this time.

Mr. Speaker, I will say to the Members of this House this is deja vu all over again. It is the second time I have stood up in support of this bill. I think it is worth it.

I want to compliment the gentlewoman from Ohio (Mrs. JONES) on her remarks. Let me pick up on what she said because she mentioned she is a freshman. She is a very aggressive lady who advocates for her community. She is on the Committee on Small Business and the Committee on Banking and Financial Services because she recognizes that in the new world of economic empowerment and community renewal the key is drawing in private sector investment into these distressed neighborhoods and private sector investments that make sense in terms of private sector standards. That is the key to the future. She sees it, and this is a lady with ties and bonds to her community. She is hearing it from the organizations that are making a difference in these communities, as I have heard it, and as the other sponsors of this bill have heard it as well.

Let me go through some of the provisions in this bill so the House can see how comprehensive it is in proving out this principle I just mentioned and not just private sector investment, drug and alcohol counseling, which we have talked about, homeownership, all of these provisions that are necessary to rebuilding of neighborhoods, because these are not neighborhoods with housing problems or drug problems or police problems or educational problems. These are people who have all of the needs and the range of needs that people have, and we need to address them all at once; and we can do it through these community organizations.

The bill provides, as others have talked about, for the establishment of renewal communities within which there will be very significant tax and regulatory relief designed to draw in private venture capital, a zero capital gains rate, zero percent capital gains for investments made and held for 5 years in these communities; commercial revitalization deduction which the gentleman from Pennsylvania has fought so hard for, who encouraged investors and companies to rehab buildings in these neighborhoods; increased expenses for small business, up to $35,000 in deductions for equipment more than they can currently take, and employment wage credit for businesses to hire people from these neighborhoods; brownfields credit.

This, coupled with regulatory relief and municipalities that wish to be a renewal community, must include agreements with these neighborhood organizations about things like infrastructure investment, or taxes in those communities, or community policing; again, raising the visibility and the prestige of these neighborhood organizations.

Homeownership provisions, requires HUD to sell to neighborhood development organizations substandard housing so that HUD can no longer not do anything itself with housing, nor refuse to give the housing to people who will do something with it. This is a constant complaint I have and others have had from community redevelopment organizations.

The new market tax credit, new market venture capital companies which my friend, the gentlewoman from New York (Ms. VELAZQUEZ), worked so hard on and which has been part of the President's vision for over a year, these are similar to small business investment corporations which we already have. What they do is they will be private equity investment corporations.

They will raise private capital. The Federal Government will, through the sale of the ventures, allow them to draw down additional capital, and they must invest it in these distressed neighborhoods. This idea is pulsating with the vision that this is correct, that these neighborhoods are places where the economy can prosper.

There are thousands of budding entrepreneurs in these neighborhoods, and all they need is some investment capital and some advice. We should not look on these neighborhoods as liabilities. They are assets, and the new market venture capital companies are premised on that assumption.

There are parts of this bill I like more than other parts, obviously, because I have been sponsoring them for a long time. There is not a part of this bill I disagree with. This is not a case where anybody in this coalition has had to accept something they really do not like in order to get something that they do. That is one of the things that is exciting about it.

I do not think I need my whole 5 minutes. I will say I appreciated so much the comments on the part of the sponsors in support of this bill and also the principled and eloquent statement of concern by my friend, the gentleman from Virginia (Mr. SCOTT). Let us go ahead and pass this bill. We still have Senate passage. We still have conference, but let us not stop this now.

We do not have a lot of time left in this session. It is almost a miracle we are able to do this on a bipartisan basis in an election year. Let us continue the miracle and do something for these neighborhoods which are doing so much for themselves.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I have been in this body 8 years almost now, and I think I have never seen a bill come to the floor that I thought was a perfect bill. Sometimes we have 99 percent terrible things in a bill and one good thing that tempts one to vote for it. Sometimes there is 99 percent good in a bill and one very bad provision that tempts one to vote against it. That is the situation we are in in this case, because the overwhelming balance of the argument about this bill is favorable. It is a magnificent bill that will help to stimulate inner city communities, rural communities in need of employment and revitalization. It will bring private funds back into our communities and extend the empowerment zones and provide bonding capacity.

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And so this is certainly one of those bills where 99 percent of the bill is just a magnificent bill. There is 1 percent of the bill that causes some serious problems. And, unfortunately, they are constitutional problems that the gentleman from Virginia (Mr. SCOTT) has described eloquently in his comments.

They involve the ability of religious institutions to discriminate against applicants for employment who may not agree with their religious tenets. And what I am trusting is that as I vote for this bill and support the 99 percent favorable, that the Court will see fit to right the legal and constitutional wrong with this bill. I appreciate the gentleman from Virginia yielding me this time for me to voice my support of the bill.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, as many of my colleagues have pointed out, there is a lot of good in the bill. But there clearly are constitutional problems with funding pervasively sectarian organizations. There are problems with the drug counseling provisions.

In a letter of July 12 of this year to Members of Congress, the National Association of State Alcohol and Drug Abuse Directors wrote the following: ''There is a strong national consensus around the core competencies that a substance abuse practitioner must demonstrate in order for them to be effective,'' and they go on to talk about the importance of State regulations, which is essentially overturned in this bill.

Mr. Speaker, there is in the bill a provision that specifically allows religious discrimination in employment. So we are faced with a situation that reminds me of the question, ''Other than that, Mrs. Lincoln, how did you like the play?'' Other than the provisions that are constitutionally problematic, other than the drug counseling certification problems, other than the separate-but-equal drug programs, other than the discrimination in employment, how do we like the bill?

Mr. Speaker, I think we ought to vote against the bill, allow the bill to be amended so that we can enjoy the good and favorable things in the bill.

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

Mr. ENGLISH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this legislation is truly landmark legislation. I have listened to some of the criticisms from the other side of the legislation and I have been pleased to see the bipartisan character of its support. Every one of the objections that have been raised to this legislation have been before this House in the past and have been set aside. They should not deter us from moving forward and doing the right thing, because this legislation, Mr. Speaker,

will place a new emphasis in this House on distressed communities. It will give those distressed communities and their inhabitants the opportunity to participate in our national growth and in our national opportunity.

We have an opportunity to move opportunities to where the needs are. That is something that at a time of rising growth and rising tides, we need to make a priority if our society is going to create opportunity for Americans and focus not only on liberty, but also on equal opportunity.

Mr. Speaker, in passing this legislation, we will give thousands of low-income Americans a stake in the American dream. And as we do so, we have an opportunity to greenline many of our distressed communities. All too often in the past, our distressed rural and urban communities have experienced redlining, a loss of opportunity for investment. Today, we are creating incentives which would effectively greenline those communities and attract new investment, new jobs, and new opportunity and create new tools to allow local people to design local institutions to their needs.

In western Pennsylvania, we have communities in my district like Farrell, Pennsylvania, and some of the neighborhoods even of my hometown of Erie, who could benefit enormously from these new, nonbureaucratic tools.

Mr. Speaker, we have passed many tax bills in this House. We have passed a marriage penalty credit, we have passed pension reform, we have passed a taxpayer Bill of Rights, too. We have passed small business incentives and we voted to eliminate the death tax. We have gotten rid of an antiquated phone tax in action in the House and we will be moving soon to repeal a tax on Social Security benefits.

We have passed many tax bills in this House. Why do we not today pass a tax bill to provide relief for those communities who all too often have been left behind? In passing this legislation, we are committing ourselves to a vision of a growing prosperous America and creating a land of opportunity where opportunity truly exists for every American.

Mr. Speaker, I urge all of my colleagues to join me in passing this legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, today we are voting on H.R. 4923, the Community Renewal and New Markets Act, which includes a provision to create several very large investment companies targeted toward the inner cities and rural communities.

The American Private Investment Companies' (APIC) proposed goal of bringing large-scale businesses to economically distressed communities is a laudable and important goal. However, the APIC proposed under the Community Renewal and New Markets Act accepts the various impediments to investing in the inner city and rural communities and simply offers businesses a subsidy for risky investment. Further, the legislation duplicates several existing programs, including Small Business Investment Companies (SBICs) which are also expanded under this bill. The proposal has not been adequately scored to take government loan guarantee risk into consideration, and is to be administered by the Department of Housing and Urban Development (HUD), which is inadequately prepared for the responsibility.

A lack of capital is not keeping businesses from investing in these areas, especially not the large-scale, established businesses that the APIC program would target—the problem is the high cost of doing business. Instead of attacking the fundamental problems of these areas, a program such as APIC reduces urban and rural areas' incentives to change what makes investment in these communities difficult in the first place—penalizing tax rates, burdensome regulatory policies, a lack of pubic infrastructure, and high crime rates.

Further, a lack of venture capital is not an issue. The companies the APIC proposal targets are not entrepreneurial start-ups, nor are they small businesses. They are companies like Safeway or Wal-Mart. Location of venture capital is also not an issue. In today's information economy where technology facilitates long-distance interpersonal communication, venture capital flows to where it can earn a high rate of return, whether the investment is in Chicago or the Appalachian Mountains.

At least eight federal programs already exist that have similar goals as the APIC program. We understand each program is structured slightly differently and awards loans and grants differently than APICs, but the outcome remains the same. These include Community Development Block Grants (CDBG) Section 108 Loan Guarantees, Community Development Financial Institutions (CDFIs), Small Business Investment Companies (SBICs), and the Business and Industry Loan program administered by the USDA.

The APIC proposed creates quasi-GSEs, by relying on government subsidies to back ''private'' loans. This is not a private market initiative. HUD is granted authority to create a secondary market in APIC debt, similar to how Ginnie Mae guarantees mortgage debt. Creation of this secondary market further lowers the cost of capital, but increases taxpayer risk.

In fact, under H.R. 4923, APICs are expected to lose $6 million for every $1 billion invested. CBO believes that this loss could be greater if the true value of risk is calculated. In addition, CBO wrote that although the APIC legislation ''authorizes the appropriation of $36 million annually for the subsidy cost of loan guarantees and $1 million annually for administrative expenses . . . based on the experience of similar loan guarantee programs administered by the SBA. CBO estimates that the subsidy cost to guarantee $1 billion in loans under the APIC program would cost about $50 million annually.'' Based on SBA programs, ''CBO expects that APIC borrowers would default on between 25 and 30 percent of the guaranteed loans.''

To put this in perspective, CRS contrasts the expected 3.6 percent subsidy rate with both CDFIs and SBICs. CDFIs have a FY1999 subsidy rate of over 39 percent and SBICs have a subsidy rate of 25 percent (as of 1996). Accordingly, CRS, as well as CBO, the proposed 3.6 percent subsidy rate far too low.

Finally, HUD is a highly political department and has demonstrated a lack of success in handling new programs, such as the community builders program. Unlike the Treasury Department or the Small Business Administration (SBA), HUD has no expertise in managing a large-scale business investment program.

For the reasons outlined above, we believe that the APIC program is not the preferred means of addressing poverty and unemployment in economically distressed urban and rural areas. Its band-aid approach as a government subsidized investment program does not reduce the cost of business in these areas, aside from reducing the cost of capital for large companies who can easily find funds in the private market. The best way to promote economic growth is to reduce federal, state and local tax and regulatory burdens, which would encourage local entrepreneurs—with their own capital at risk—to determine what works best in their community.

Mr. GARY MILLER of California. Mr. Speaker, I rise today to speak about the American Community Renewal Act and one of the provisions relating to a very worthwhile and successful program called the low income housing tax credit. This program provides low and very low income families with affordable rental housing and represents the best of the federal/state public/private partnerships in housing. The low income housing tax credit encourages investors to fund the required risk equity for construction and rehabilitation of rental housing. Currently, the tax credit is the primary federal support for expanding the nation's stock of affordable housing. Roughly, 35,000 new and 35,000 rehabilitated rental units are created each year with this state-administered program.

What concerns me is the portion of the American Community Renewal Act which would reform the way in which the program works today. This reform would have the effect of requiring states to give a preference in their credit allocation to housing rehabilitation in qualified census tracts where more than 50 percent of the households have incomes at less than 60 percent of the area median income.

I have no quarrel with states allocating the tax credit to areas in need of community revitalization for rehabilitation of existing units. However, the beauty of this program is the balance struck between federal tax incentives and state administration. I do not want us at the federal level dictating to the states that the credits should go to any particular area. States already have the discretion to give preference in allocating the credit to projects going into areas in need of revitalization or rehabilitation of existing units in under served areas. I just do not believe the federal government should be in the business of forcing this upon the states. While I have no doubt that this provision included in the package is well intentioned I believe it would have a negative impact on the programs and the states which administer it. I hope that this bill can move forward and that at the appropriate time we can revisit this issue and clarify this provision.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 4923, the Community Renewal and New Markets Act. H.R. 4923 provides tax credits, regulatory assistance and access to capital aimed primarily at economically disadvantaged communities.

Since joining the Small Business Committee, I have been committed to seeing the President's New Markets Initiative enacted into law. As we consider H.R. 4923 today, I would like to call my colleague's attention to a pair

of provisions in this bill offered by the Small Business Committee. I am proud to have worked on these bi-partisan, commonsense Small Business Committee provisions, the New Markets Venture Capital Program and BusinessLINC.

The New Markets Venture Capital Program (NMVC) creates a public private partnership to fund businesses located principally in low-income areas. The New Markets Initiative's primary objective is the establishment of a venture capital program with the specific mission of identifying and providing for the investment needs of small entrepreneurs in low-to-moderate income communities, including inner-city and rural areas. This program represents the heart and soul of the New Markets Initiative. NMVC takes the concept of venture capital, in a public-private partnership, and applies it directly to areas untouched by economic prosperity. The SBA is planning to name 10 NMVC's throughout the country. The NMVC's will receive a $15 million appropriation for loan guarantees that translates into $150 million in loans.

BusinessLINC encourages large businesses to team with small businesses and entrepreneurs located in low income areas. This grant program helps promote business-to-business networking through local third-party entities such as Chambers of Commerce. In addition, the program provides funds to these local business organizations for technical assistance programs, such as marketing and business plans.

Across this country, more than 34.5 million people live below the poverty line. In this time of unparalleled economic growth and prosperity, the Community Renewal and New Markets Act is truly needed to harness the entrepreneurial power that exists in these cities and towns, and to insure that our nation's economic growth touches all.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am in strong support of H.R. 4923, the Community Renewal and New Markets Act. This legislation enables distressed communities with the tools needed for community development.

As you know, the Empowerment Zone and Enterprise Community (EZ/EC) Initiative is a key element to President Clinton's job creation strategy for America. It create jobs and business opportunities in the most economically distressed areas of inner cities and the rural heartland. The EZ/EC effort provides tax incentives and performance grants and loans to create jobs and expand business opportunities. It also focuses on activities to support people looking for work: job training, childcare, and transportation.

H.R. 4923, will establish 40 new renewable communities across our nation and in areas where pervasive poverty and high unemployment exist. Furthermore, this bill will authorize various tax incentives for individuals and businesses located within these renewable communities. Some of these incentives include tax credits for private investors in poor neighborhoods, and loans and technical assistance to help small businesses in low income areas.

Most importantly, the bill will authorize the creation of nine additional EZs in low income neighborhoods. In my district, the 18th Congressional District of Houston, Texas, there is an urgent need for community redevelopment. In fact, I was glad to invite both Alvin Brown, Director of the White House Office of Empowerment Zones and Secretary Andrew Cuomo to my district to view firsthand the critical need for community development in my district.

Across our nation, I have seen and heard firsthand the benefits of EZs in distressed communities. This initiative continues to be one of our nation's leading programs in the fight against poverty. Although, there are clearly some provisions in this bill that cause me concern, I am positive this measure will equip small businesses, and communities with the tools needed to combat poverty.

In closing, I urge my colleagues to support H.R. 4923 and make economic revitalization a reality for many of our communities.

Mr. CRANE. Mr. Speaker, I want to commend you, Chairman ARCHER and Representatives WATTS and TALENT for the hard work and excellent result represented by the legislation before us here today. This bill applies Republican principles of economic growth and opportunity to those communities that have not fully participated in the strong economic growth experienced by much of our nation in the last several years.

Having said this, however, I need to mention one important issue that has not yet been addressed. This legislation, while helping many American communities, does little or nothing for the American citizens of Puerto Rico, citizens whose island is in dire need of economic development. I have introduced legislation in this Congress, H.R. 2138, that will apply the job creation incentives of section 30A of the tax code to U.S. companies doing business in Puerto Rico for new and expanded activities. My legislation applies to Puerto Rico the same objectives of the Community Renewal legislation to encourage private sector investment and job growth in areas which need it the most.

While I certainly support the legislation before us here today, I hope that we will be able to address as expeditiously as possible, the concerns I am raising with regard to Puerto Rico. I believe it is only fair that the opportunities for economic development and economic prosperity are extended to our American citizens in Puerto Rico as well. I submit for the RECORD a copy of a letter sent to Ways and Means Chairman ARCHER from a number of my colleagues expressing the very concerns I have articulated here. I look forward to working with my colleagues on this important issue.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 2000.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: In the coming months we will consider exciting new initiatives to encourage private sector community economic development and job growth in areas that have not fully kept up with the economic expansion of the past decade. We are also considering tax proposals that will help business offset the impact of another increase in the minimum wage.

These initiatives are an important part of the economic agenda that you have been fighting for as Chairman, to encourage the growth of a vibrant private sector as the foundation for continued economic prosperity in all American communities.

Toward that goal, we urge you to include incentives for job creation in Puerto Rico in these programs. As you know, the minimum wage increase will apply in Puerto Rico. This increase will have the greatest impact on business there, because approximately 57% of workers are within $1.00 of the current minimum wage, far in excess of any other U.S. jurisdiction. Moreover, unemployment in Puerto Rico, despite massive infrastructure development and local tax incentives, stubbornly remains approximately 11 percent; per capita incomes remain less than ½ of any state; a very substantial number of the American citizens in Puerto Rico have incomes below the poverty line.

The job creation incentives of H.R. 2138 could alleviate these economic hardships. That bill would provide the incentives of section 30A to new companies and new lines of businesses and it would extend the section 30A program beyond 2005, when it is currently scheduled to terminate.

These are essential components of an efficient job creations incentive uniquely tailored to the needs of Puerto Rico.

We urge you to consider the principles in H.R. 2138 as you craft community revitalization tax incentives. This bill recognizes that the economic strength of this country is in the private sector. Enactment of this legislation will help keep Puerto Rico on the road to economic growth through principles in which we all believe.

Sincerely,

Charles B. Rangel, Xavier Becerra, Patrick J. Kennedy, Richard Neal, Robert T. Matsui, E. Clay Shaw, Jr., Phil English, Mark Foley, Michael R. McNulty, Philip M. Crane, Nancy Johnson, Dave Camp, Jim Ramstad, Jennifer Dunn, Tom Davis, J.D. Hayworth, Amo Houghton, *Members of Congress.*

Mr. LEACH. Mr. Speaker, I rise today in strong support of the legislation before us, in particular Title VI, the American Private Investment Companies (APIC) section that the Banking Committee approved in April. These APICs are designed to create new investment in those communities and the people of these communities who are not fully participating in the economic good times most Americans are currently enjoying.

Let me say at the outset Chairman Greenspan was before the Banking Committee today to talk about the longest economic expansion in the nation's post-World War II history which has provided jobs for more Americans than ever before. As he noted, the unemployment rate is low; inflation is in check; productivity growth is the highest in 15 years; and not only is the federal budget in balance, but to the astonishment of most, surpluses are forecast for the foreseeable future.

Sustained economic growth has occurred in part due to significant private sector productivity increases, in part as a result of a mix of fiscal and monetary policies which, perhaps, for the first time in decades are working in sync, rather than in juxtaposition.

One of the stark difficulties in our economy, however, is that the gap between the well-to-do and the less well off is widening. While job opportunities are expanding to the most disadvantaged parts of the population, clearly more can be done so that all Americans have the opportunity to work at fulfilling jobs and to provide for their families.

The portion of the legislation before us under the Banking Committee's jurisdiction would spur companies to make equity investments in distressed areas. These companies would be licensed by HUD as for-profit private venture capital firms and provided government guarantees of company debentures, provided the licensee brings at least $25 million in private equity capital and substantially serves

low-income distressed neighborhoods and communities.

The Administration has testified that APICs, licensed and guaranteed by the Federal government, would provide the type of incentives necessary for developments such as shopping centers and manufacturing facilities that would otherwise not locate in some of our most distressed communities.

Before closing, I would also like to briefly mention the FHA Risk Sharing Demonstration Program Proposal that will allow the FHA to risk-share 20 percent of its mortgage loan portfolio on a demonstration level with community development financial institutions. This will help more individuals purchase homes who normally don't qualify for loans because of a high risk credit history. This provision is similar to Section 206 of H.R. 1776, which the House approved earlier this year.

In addition, another important provision of this bill allows for transferring substandard, vacant, HUD-held properties into the possession of local governments and community development corporations for homeownership and community revitalization efforts in distressed communities. Ineffective federal housing policies regarding the disposition of federally held properties can negatively impact the economic vitality of neighborhoods. HUD's management of its property disposition program for FHA foreclosed homes has made it difficult for many communities to maintain property values and dedicated homeowners. According to Congressional testimony by HUD's Inspector General, at the end of January 2000, HUD's real estate-owned inventory totaled 47,711 properties, 42 percent of which had been in the inventory 6 months or more, and 17 percent of which had been in the inventory 12 months or more.

HUD's foreclosed, vacant and substandard single-family properties are widely perceived as contributing to increased crime, urban blight, and the overall decline of working-class neighborhoods.

This bill requires HUD to transfer, to the maximum extent practicable, ownership of eligible properties (HUD-owned substandard multifamily, unoccupied multifamily, or unoccupied single-family properties) to a unit of local government having jurisdiction for the area where the property is located, or to a community development corporation within such jurisdiction, on certain terms and conditions. In cases where single-family property is transferred to a local unit of government, this section requires a $1 purchase program, consistent with current HUD policy.

In closing, I would like to note that Representative LAZIO, Chairman of the Housing Subcommittee, along with Representatives WATTS, and TALENT and Banking Committee Ranking Member LAFALCE, are to be congratulated for their hard work on the legislative package before us. In addition, the leadership of Speaker HASTERT has been critical in putting this entire package together. His commitment to work bipartisanly with the President to advance this important legislative package deserves our commendation. I urge adoption of the bill.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. ENGLISH) that the House suspend the rules and pass the bill, H.R. 4923.

The question was taken.

Mr. ENGLISH. 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, following this 15-minute vote on H.R. 4923, the Chair will put the question on motions to suspend the rules on which further proceedings were postponed earlier today in the following order:

H.R. 4923, the pending vote;

H.R. 4888, by the yeas and nays;

H.R. 4864, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—yeas 394, nays 27, not voting 14, as follows:

[Roll No. 430]

YEAS—394

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—27

Ackerman
Baldwin
Conyers
DeFazio
Farr
Filner
Frank (MA)
Gejdenson
Gutierrez
Hastings (FL)
Jackson (IL)
Lofgren
McDermott
Miller, George
Olver
Paul
Payne
Pelosi
Sabo
Sanders
Schakowsky
Scott
Sherman
Stark
Visclosky
Waters
Waxman

NOT VOTING—14

Barton
Danner
Edwards
Ewing
Gilman
Gordon
Jenkins
Lampson
McCollum
McIntosh
Menendez
Ros-Lehtinen
Smith (WA)
Vento

□ 1344

Messrs. MCDERMOTT, DEFAZIO, GUTIERREZ, WAXMAN and SHERMAN changed their vote from ''yea'' to ''nay''.

Mrs. MEEK of Florida and Ms. JACKSON-LEE of Texas changed their vote from ''nay'' to ''yea''.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1345

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 8 of rule XX, the Chair will reduce to 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

INNOCENT CHILD PROTECTION ACT OF 2000

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 4888.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4888, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, answered ''present'' 2, not voting 15, as follows:

[Roll No. 431]

YEAS—417

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Johnson (CT)
LaFalce

NOT VOTING—15

Barton
Danner
Edwards
Ewing
Ganske
Gilman
Gordon
Jenkins
Lampson
McCollum
McIntosh
Menendez
Ros-Lehtinen
Smith (WA)
Vento

□ 1354

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS CLAIMS ASSISTANCE ACT OF 2000

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 4864, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the bill, H.R. 4864, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 432]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)

Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Barton
Bilbray
Coburn
Danner
Edwards
Ewing
Gilman
Gordon
Jenkins
Kasich
Lampson
McCollum
McIntosh
Menendez
Moakley
Ros-Lehtinen
Serrano
Smith (WA)
Vento
Watkins

□ 1403

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–786) on the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SIMPSON). All points of order are reserved on the bill.

RECOGNIZING HISTORICAL SIGNIFICANCE OF 10TH ANNIVERSARY OF INITIAL ACTIVATION OF NATIONAL GUARD AND RESERVE PERSONNEL FOR OPERATION DESERT SHIELD AND OPERATION DESERT STORM

Mr. BUYER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 549) recognizing the historical significance of the 10th anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm and expressing support for ensuring the readiness of the National Guard and Reserve.

The Clerk read as follows:

H. RES. 549

Whereas August 27, 2000, is the 10th anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm, the operations of the United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq;

Whereas over 267,000 members of the National Guard and Reserve were ordered to active duty during Operation Desert Shield and Operation Desert Storm;

Whereas 106,000 of these members served in the Southwest Asia theater of operations, 16,000 served in a support capacity abroad outside the theater of operations, and 145,000 served in a support capacity in the United States;

Whereas 57 members of the National Guard and Reserve lost their lives in the service of the Nation in Operation Desert Storm; and

Whereas the majority of these members lost their lives in a missile attack on the United States Army barracks at Dhahran, Saudi Arabia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the historical significance of the 10th anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm;

(2) honors the service and sacrifice of these citizen soldiers and their families during Operation Desert Shield and Operation Desert Storm;

(3) recognizes the growing importance of the National Guard and Reserve to the security of the United States; and

(4) supports ensuring the readiness of the National Guard and Reserve.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 549.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, by adopting this resolution today, we have an opportunity to recognize a pivotal event in the military history of the United States. This August marks the 10th anniversary of the executive order signed by President Bush to call up the National Guard and the Reserve components in support of Operation Desert Shield.

Mr. Speaker, the initial order was modest. Just 48,800 personnel were called to serve. But later that fall, following the decision to pursue an offensive option, the activation order was expanded to an additional 188,000 guardsmen and reservists.

Mr. Speaker, it is during that later activation that I was also called to active duty. Like many of my colleagues, I had just 3 days' notice to report to active duty. Did activation entail many difficult personal and business decisions? Obviously. But I, along with thousands of others who have come before me.

I, along with those thousands of others, were ready to make necessary sacrifices to meet the challenges of activation. I later served as an operational law judge advocate providing legal advice to forward-deployed Army combat service support units operating within the Persian Gulf theater of operations in Saudi Arabia, Iraq, and Kuwait.

During my tenure in the Gulf, reservists and guardsmen quickly transitioned to the demands of their full-time military service. The active duty units quickly integrated us as part of the team. In a short time, they could not tell the difference between the Reserve from the active units. By any measure, reservists and guardsmen performed extremely well completing vital missions and bringing critical and, in some cases, unique skills to the fight.

Mr. Speaker, the Persian Gulf call-up was large. When the activation orders were finished, Operation Desert Shield and Desert Storm required the largest mobilization and deployment of Reserve component forces in the post-

World War II period. Seldom in our Nation's history have we touched the lives of so many to pursue our national security objectives.

There are many reasons to celebrate the Persian Gulf call-up. Our Reserve forces were ready. Their performance was extremely effective. The call-up was a massive demonstration of national resolve. These are all achievements worthy of recognition, but they are not what made the Persian Gulf Reserve call-up a pivotal event in United States military history. They are not the reasons why this resolution is so important.

The Reserve call-up in the Persian Gulf was a pivotal event because it marked the first time since World War II that the active duty forces could not have accomplished the mission without the support of Reserve and Guard forces. The call-up marked a new era in the security of our Nation.

After the Persian Gulf War, we can no longer view the Reserves as back-up forces. They have to be ready and engaged in the conflict from day one if, in fact, we are to be successful on the future battlefield.

The Persian Gulf War was proof that our Reserve forces cannot be viewed as low priority units for manpower, equipment, and funding. That is a luxury that we cannot afford.

The relationship today is seamless.

I commend the gentleman from California for authoring the important resolution. House Resolution 549 is a reminder to all of us today and to all leaders in the Pentagon and to the American people that the Reserve components are critical to the defense of this Nation and we must support our Reserves if we hope to be victorious in the future.

I urge my colleagues to adopt this resolution.

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

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Indiana (Mr. BUYER) for his opening statement and for his sponsorship, as well.

As he indicated, Mr. Speaker, I rise in support of H. Res. 549 introduced by my colleagues the gentleman from California (Mr. GALLEGLY), whom I am very happy to see on the floor today, and the co-chair of the Reserve and Guard Caucus the gentleman from Mississippi (Mr. TAYLOR), who is also with us, which recognizes the 10th anniversary of the National Guard and Reserves in Operation Desert Storm and Desert Shield.

H. Res. 549 acknowledges the contribution of the more than 267,000 members of the National Guard and Reserves that were ordered to active duty to serve or support operations. Their activation and participation In Operation Desert Shield and Operation Desert Storm was a historic chapter in our nation's effort to achieve a total integrated force.

Although the United States and its allied forces overwhelmed the Iraqi opposition, Operation Desert Storm and Operation Desert Shield were not bloodless. Fifty-seven members of the National Guard and Reserves lost their lives in service. As we recognize the 10th anniversary of the contributions of the National Guard and Reserve to Operation Desert Storm and Operation Desert Shield, let us also remember and honor those who paid the ultimate sacrifice to protect our nation.

From enforcing the no-fly zone over Northern Iraq to supporting activities of Southern Watch, Guard and Reservists continue to support military operations in Southwest Asia. With 47 percent of the Army's combat support service units in the Reserves, the Guard and Reserves are increasingly becoming vital to the security of our country.

As President Clinton recently said, the ''reserves are essential to America's military strength; they are part of the total force we bring to bear whenever our men and women in uniform are called to action.'' In the years following the activation for the Desert Shield and Desert Storm the country has called upon its Reservists repeatedly.

In Haiti we called some 8,000 to active duty. For peacekeeping operations in Bosnia, we have called over 19,000 to date, and with volunteers, we have cycled over 32,000 Guard and Reserve members through Bosnia.

Mr. Speaker, we will continue to call upon them. The bottom line is that today we simply cannot undertake sustained operations anywhere in the world without the Guard and Reserve.

Let me pay tribute to the 267,000 Guard and Reservists who served during Operations Desert Shield and Desert Storm as we recognize the 10th anniversary of their activation, and thank the 1.3 million Ready Reservists who are currently serving for their dedication and sacrifice.

Mr. BUYER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to also thank my good friend the gentleman from Hawaii (Mr. ABERCROMBIE) for his opening statement. Thanks to the gentleman from South Carolina (Chairman SPENCE) and also thanks to our majority leader the gentleman from Texas (Mr. ARMEY) for their help in bringing H. Res. 549 to the floor today.

I would also like to thank my constituent, Mr. Carl Wade of Ventura, who first brought the idea of a congressional resolution for this historic anniversary to my attention.

Mr. Speaker, I introduced H. Res. 549 with the gentleman from Mississippi (Mr. TAYLOR) to recognize the historical significance of August 27, 2000, as the 10th anniversary of President Bush calling up the Guard and Reserves to active duty for Operation Desert Shield.

This resolution also pays tribute to the service of the Guard and Reserves in Operation Desert Storm and reaffirms congressional commitment to ensure the readiness of this vital component of our national security.

The measure has 53 bipartisan cosponsors and the endorsement of the National Guard Association of the United States.

Mr. Speaker, a little over 10 years ago, Iraqi dictator Saddam Hussein invaded Kuwait without provocation. Mr. Wade, a chief warrant officer in the United States Naval Reserve, was one of the 267,000 Guard and Reservists who answered President Bush's call on August 27, 1990, to draw a line in the sand and defend Saudi Arabia from further Iraqi aggression.

When called upon, the Guard and Reserves were a part of the overall force that liberated Kuwait in Operation Desert Storm. The decision to send our sons and daughters into harm's way was probably the most important decision President Bush ever had to make. I know because I was one of the original cosponsors of the resolution to give the congressional authorization to use force to expel the Iraqis from Kuwait, a decision no one took lightly.

This decision is even more difficult when we call upon the Guard and Reserves, units comprised not of career soldiers, Mr. Speaker, but our next-door neighbors.

Of the 267,000 Guard and Reservists called to duty, 106,000 served in the Southwest Asia theater of operations, which includes the Middle East. Sixteen thousand served in a support capacity out of U.S. bases in Europe. And 145,000 served in a support capacity here at home in the United States.

Mr. Speaker, 57 men and women Reservists and Guardsmen did not come home, and this resolution recognizes their sacrifice.

As this resolution states, a majority of our Guard and Reservists who died did so in the Scud missile attack on the military barracks in Dharhan, Saudi Arabia. This was the largest loss of life in a single day for the United States during the war.

Their sacrifice was not in vain. In a mere 40 days after Desert Storm began, Iraq's army was expelled from Kuwait. The Guard and Reserves were an integral part of that triumph.

Mr. Speaker, I believe this is appropriate now, 10 years later, to take a moment and remember and reflect on the courage and sacrifice of these veterans made along with their families. And I say, ''families,'' because we always have to remember that when we send these men and women away, their loved ones sacrifice for their country as well.

It is also time to recognize that the Reserves are being called upon to serve in even more hot spots as peacekeepers and peace enforcers.

□ 1415

Currently, over 8,000 Guard and Reservists are serving around the world in places such as Bosnia, Kosovo, South Korea, Macedonia, Kuwait, Saudi Arabia, and Colombia, to name just a few. I am asking this Congress to stand with me today and not only recognize the service of the Guard and Reserves in the past but to also reaffirm

our commitment to ensure that we give these troops the best training and equipment we can provide. We must ensure the readiness of the Reserves.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding me this time.

Mr. Speaker, I remember being in the leadership of this House when in early August 1990 Saddam Hussein determined to go into Kuwait. I remember shortly thereafter President Bush called a meeting down at the Executive Office Building and there were literally probably 60 of us in the meeting room, at which time President Bush set before us what had happened, what the challenge was and his intent. I was proud then and remain proud today that, to a person, everybody, Democrat and Republican, went out of that room and said we are going to support the President in confronting this aggression. And, in fact, that is what occurred.

Mr. Speaker, I rise in strong support of this particular resolution, because although it was easy for us to sit in that room and say yes, we will confront aggression, in the final analysis it is the individuals in uniform who take on that responsibility to confront aggression in the trenches, in the field, in the air and on the sea. It is those, young people for the most part, who show the courage and conviction to let aggressors of the world know that the United States is prepared to confront them.

Operation Desert Storm was the largest United States military deployment since the Vietnam War. Our National Guard played a role that was very important to the success of that mission to end Iraq's invasion of Kuwait. This resolution honors appropriately those who served in that conflict and the sacrifice they made for their country.

The National Guard consists of ordinary citizens who are also volunteer soldiers devoted to defending America's freedom. Since the phaseout of the draft in 1973, our military forces have had to depend on a smaller volunteer force, one that has become more sophisticated, more educated, and more technologically advanced. Making up an increasing share of our military force is a group of well-trained, well-educated and technologically savvy citizens who are also some of our best soldiers. We know them as the National Guard. The Army National Guard has units in 2,700 communities in all 50 States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands. The Air National Guard has 88 flying units at more than 170 installations nationwide.

Over 267,000 men and women were called to active duty during Operation Desert Storm, each playing a vital role in ending Iraq's invasion of Kuwait. I join all of my colleagues in recognizing this 10th anniversary of this event to honor those who served and those 57 individuals who lost their lives.

Mr. Speaker, I thank the gentleman for introducing this measure and join him in honoring our National Guard.

Mr. BUYER. Mr. Speaker, I yield 2½ minutes to the gentleman from Nevada (Mr. GIBBONS), who was also called up during the Persian Gulf War, a colonel in the Air National Guard.

Mr. GIBBONS. I thank the gentleman from Indiana (Mr. BUYER) for allowing me the time in which to speak.

Mr. Speaker, I rise in strong support of H. Res. 549. It was just 10 years ago that our Nation was on the brink of its largest military engagement since Vietnam, with 600,000 men and women joined in an allied force facing the world's sixth largest army in the Iraqi forces. President Bush declared then that it was our intention to halt Iraqi aggression and said that he would draw a line in the sand. Unfortunately, however, in this world of ours, words alone could not thwart the will of one such individual, Saddam Hussein.

In order to defend that line and to defend the rule of law, President Bush called forth our Nation's military forces. Our Nation's full-time defenders of freedom, our active duty troops, were bolstered and enhanced by the modern version of the historic Minutemen, that is, our National Guard and Reserve forces.

106,000 of these citizen soldiers left their families, left their homes and left their civilian jobs to join the total force in the Southwest Asia theater of operations. As a Nevada Air National Guardsman, it was my duty and my honor to serve with my neighbors under the strong leadership of Secretary of Defense Dick Cheney and General Colin Powell in both Desert Shield and Desert Storm.

All told, Mr. Speaker, a total of 267,000 Guardsmen and Reservists were ordered to active duty at home and abroad. The only reason that there was such seamless integration of this total force was the recognition of the importance of our citizen soldiers to the success of the whole operation.

Ten years ago, congressional, executive, and local support for the Guard and Reserve forces produced a professional force, a force that gained a quick and overwhelming victory in the Persian Gulf. Such support must be maintained to ensure our ability to do so again if ever called.

Finally, Mr. Speaker, in this time of so-called surgical strikes and precision warfare, we must remember that there was nothing surgical and nothing precise for the 57 members of the National Guard and Reserve who lost their lives during Desert Storm. These men and women made the ultimate sacrifice in service to their Nation, to their States, and to their fellow citizens. Let us recognize their heroism and the strength they represent, the strength of our citizens, our soldiers, our Minutemen. As President Bush so eloquently said, these are Americans at their finest.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member of the Subcommittee on Military Personnel, who does such a marvelous job in supporting the men and women in uniform, both active duty, Guard and Reserve, for yielding this time to me.

Mr. Speaker, I think it is fitting that the gentleman from Indiana (Mr. BUYER) is handling this bill on his side of the aisle, because I compliment him for his role that he played as a Reservist in the United States Army; and I certainly thank him for his dedication then as well as for his hard work and dedication now. I also would be remiss if I did not mention the gentleman from Nevada (Mr. GIBBONS) on the role that he played in Desert Storm.

Today I rise in strong support of this resolution introduced by the gentleman from California (Mr. GALLEGLY). The inclusion of the National Guard and Reserves during Operations Desert Storm and Desert Shield set the standard for today's total force integration policy. The superior performance of our Guard and Reserves and our outstanding active duty force led to the overwhelming defeat of the Iraqi forces. The resolution before the House commends the 267,000 men and women in the Guard and Reserves for their service and their dedication to this Nation, and it honors the ultimate sacrifice of 57 Guard and Reservists who lost their lives in service to our great Nation.

Nearly 10 years after the operations known as Desert Shield and Desert Storm, Guard and Reserve personnel continue their outstanding service in Southwest Asia. Air National Guard units continue to support our efforts to enforce the no-fly zone in Northern Iraq, while Army Guard units continue to support the Southern Watch in Southwest Asia.

Today we have over 1.3 million individuals in the Ready Reserves who have volunteered to protect and defend our country. It is because of the achievements of the Guard and Reservists who served in Operations Desert Shield and Desert Storm that the 49th Armored Division of the Texas National Guard is today in Bosnia and Herzegovina. For the first time, a National Guard unit has responsibility for the command and control of the Multinational Division-North Task Force Eagle.

Let us honor the men and women of the National Guard and Reserves who served with such great distinction in Desert Shield and in Desert Storm as we recognize the 10th anniversary of their initial activation.

Mr. BUYER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

(Mr. GEKAS asked and was given permission to revise and extend his remarks.)

Mr. GEKAS. I thank the gentleman for yielding this time to me.

Mr. Speaker, it has been mentioned that 267,000 people served in the National Guard and Reserves during the conflict. Of those I am proud to say, 11,000 came from Pennsylvania of the various units that served over there. I note that the gentleman from Pennsylvania, my colleague, is ready to give testimony to the special contribution that the individuals from his area made in this conflict, and I will not touch upon that at this moment; but I will also mention that other units from other parts of Pennsylvania participated, as they have in every conflict in the 20th century. From Harrisburg, my hometown, an Army Reserve hospital unit was called and served, an Air National Guard unit, and from the neighboring city of Lebanon, also in my district, two National Guard units also served in this conflict.

They are our citizen soldiers, our neighbors. We are all proud of them in their everyday and weekend warrioring that they do in our own communities. But when a conflict like this occurs, and we hope it never reoccurs, the spotlight goes on their day-by-day devotion to duty and day-by-day devotion to tradition that brings the best out in all Americans.

When the final chapters are written on the Middle East and the conflicts that we have undergone there, these individuals from Desert Shield and Desert Storm will have the highest honors.

Mr. ABERCROMBIE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. MASCARA) who, as has been mentioned, has particular reason to speak today.

Mr. MASCARA. I thank the gentleman from Hawaii for yielding me this time.

Mr. Speaker, I rise in strong support of H. Res. 549, a resolution recognizing the historical significance of the 10th anniversary of the activation of the National Guard and Reserve personnel in Operation Desert Storm.

My district was deeply affected by the events in the Middle East. The 14th Quartermaster Detachment of Greensburg, Pennsylvania, located in my district, was stationed in military housing attacked by Iraqi Scud missiles on February 25, 1991. Thirteen members of the detachment were killed in this barbarous attack. Our community is still suffering the consequences of that attack; and while time has healed in part the wounds, I do not think we will ever be able to return to normalcy.

The stories of my constituents are not unique. Thousands of Americans from across the country answered the call to serve. All told, 257,000 Guard and Reservists were called to active duty. Tragically, 57 courageous men and women paid the ultimate sacrifice by giving their lives in this fight to deter Iraqi aggression and to preserve freedom in that part of the world. I know my colleagues join me in praising the heroism and honoring the families and loved ones that they left behind.

In closing, I am grateful for this opportunity to pay tribute to these brave Americans. Their country, and I, thank them from the bottom of our hearts.

Mr. Speaker, I urge my colleagues to support H. Res. 549.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. TAYLOR), one of the cosponsors of the resolution.

□ 1430

Mr. TAYLOR of Mississippi. Mr. Speaker, in addition to the many anecdotes of the wonderful job the Guard and Reserve did when called up for Desert Shield and Desert Storm, I think there are two facts that history will eventually bear out. Number one was the very personal relationship of then Congressman Sonny Montgomery with then President George Bush.

Before there was a National Guard and Reserve Caucus of many, there was a National Guard and Reserve Caucus of one, that was Sonny Montgomery. Sonny and President Bush had come to Congress as freshmen together. George Bush went on to become the President of the United States, and it was that friendship that allowed then ranking member, the then senior member of the Committee on Armed Services, to call the President to tell him of the importance of bringing up the Guard and Reserve for all the military needs of our country.

Although the families of the Reservists, and I was a Congressman then, and I can tell my colleagues that the families of the Reservists were hesitant to send their loved ones away, the remarkable transformation that they brought to our Nation should never go unnoticed, because when the Guardsmen and Reservists were called up, unlike the Vietnam War, which is way too often thought of as that poor draftees war, that kid-from-across-the-town war, somebody else's war, when the Guardsmen and Reservists were called to active duty, it suddenly became my brother's war, my father's war, my uncle's war, my sister's war, my cousin's war.

It suddenly became everybody's war. I would hope that that lesson is never lost on this Nation that in addition to the great job that they did militarily, the C–141 outfit out of Jackson, Mississippi, I being told by the commanding officer at McGuire Air Force Base at midnight, long after the war was over, who came to meet me just to brag on that unit; the 3 hours that then General Calvano spent with me on July 4, I believe of 1991 telling me what a great job the Guardsmen and Reservists had done on the tarmac at the Dharhan Air Force Base in Saudi Arabia.

In addition to everything else, they brought the heart and soul of America to that conflict, and the heart and soul of America said make it quick, make it decisive, and bring our people home.

We should never forget that lesson. There should never ever be another conflict involving the United States of America where the Guardsmen and the Reservists are not involved, because they are the ones that saw to it that it was every American's war, and that is the only way for America to get involved. Either it is all of our war or none of our war.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to compliment and thank the last speaker, the gentleman from Mississippi (Mr. TAYLOR). We work cooperatively together as we cochair the Guard and Reserve Caucus here in the House. He is a valued member of the House Committee on Armed Services.

It is reflecting on his comments, and I agree wholeheartedly with him, that no country, no aggressor should ever test the resolve and the character of our Nation.

I suppose that they were reflecting upon the Vietnam experience and whether or not we actually would rise together and fight. So it makes me think about the Vietnam veteran. Often when we think of the Gulf War and its successes, I pay significant compliment to their contribution and leadership, because when we arrived in theater, one of the quick words was, when is the rotation? And the Vietnam leader said there is no such thing as rotation, it is called duration. We are going to be here for the duration; and when we get it done, then you get to go home.

I think what they brought to the battlefield was how not to do it. I also think of the complements of the military buildup of the 1980s. Iraq was very foolish to hit us at that time. I also think today about my first reaction when this resolution was brought up, whether the House should pay significance to the contribution of Guard and Reserve as if we also should not include the active counterpart, because on the desert sands, we were one team.

Then I began to think that, perhaps, we do need the added recognition of the contribution, because the Guardsmen and Reservists that serve in the communities all across the Nation are, in fact, twice the citizen. They are three times and four times the citizen. They go about their duties, balancing their lives with their homes and their families, the religious practices, civic responsibilities; and on top of that, they take an oath to lay down their life to fight and die for this country. I think that is worthy of extra recognition.

Mr. Speaker, of the 57 Guardsmen and Reservists that lost their lives in the Gulf, I want to recognize, in fact, one of them who was a dear friend of mine, Lieutenant Laurie Lawton. If God had given me the ability and said, Steve, one person in your unit will die, you get to choose one person that gets to stay home, whom would you choose? I would have chosen Laurie Lawton, because she would have had an impact

on so many lives in the most positive way.

She was a remarkable individual who was studying her Ph.D. at Purdue University and was in France at the time. She was called up and came back home and then traveled with us as a unit, and she sat beside me on the plane as we went over to Saudi Arabia. When I left her, I told her that I would see her back in Indiana as I left, and I went off to the front.

The sad end of that story is I did see her back in Indiana, and it was at the cemetery. It was the most dramatic moment for me, but it was one that helped formulate my views and opinions in that I understand personally firsthand the tears of so many families out there who shed them for a loved one or a friend that have paid the ultimate sacrifice so that we can enjoy the freedoms and liberties of the greatest Nation.

I want to thank the gentleman from California for bringing the resolution to the floor as we pay significance and contribution to what occurred 10 years ago.

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

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of House Resolution 549, expressing the sense of the House that Congress acknowledges the historical significance of the anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm. August 27, 2000, is the tenth anniversary of President Bush calling up the guard and reserves to active duty for Operation Desert Shield. Over 267,000 members of the National Guard and Reserves were ordered to active duty during these Gulf War operations. 106,000 of these members served in the Southwest Asia theater of operations, 16,000 served in a support capacity abroad outside the theater of operations, and 145,000 served in a support capacity in the United States.

This resolution honors the service and sacrifice of these citizen soldiers and their families. We need to remember that when these patriots were called to the colors, the units were not comprised of career soldiers, but of our next door neighbors. Fifty seven of these brave men and women reservists and guardsmen did not come back. The majority who died, did so in the tragic Scud missile attack on the military barracks in Dharhan, Saudi Arabia. This was the largest loss of life in a single day for the United States during the war. Their sacrifice was not in vain. In a mere forty days after Desert Storm began, Iraq's army was expelled from Kuwait. The guard and reserves were an integral part of that resounding triumph. It is only right that we recognize their ultimate sacrifice.

Finally, this bill recognizes the growing importance of the National Guard and Reserve to the security of the United States and supports ensuring the readiness of the National Guard and Reserve. It reaffirms Congressional commitment to ensure the readiness of this vital component of our national security. The reserves are being called to serve in even more world hot spots. Currently over 8,000 guard and reservists are serving around the world in places such as Bosnia, Kosovo, South Korea, Macedonia, Kuwait, Saudi Arabia, and Colombia.

I am honored to have this opportunity to recognize the service of the guard and reserves in the past, but also to reaffirm my commitment that we give these troops the best training and equipment we can provide to ensure their readiness.

Mr. KUYKENDALL. Mr. Speaker, I rise today in strong support of H. Res. 549 recognizing the contributions of our reservists in Operations Desert Shield and Desert Storm.

We all have stories about where we were when the first scud was launched in the Gulf War. My memories, however, are of my family members and friends who were called up to serve their country during this time. Both my brother-in-law and sister-in-law were called up, one to serve as an oral surgeon in the Army and the other to serve as a nurse in the Navy. For a time, my wife and I thought we might have to take care of our nieces and nephew because it looked like their parents would be deployed overseas. Fortunately, only one was deployed, and he eventually returned from the Gulf effort unhurt. So many people were called up to aid their strategically important effort that during Sunday church service, we were given a handout each week listing the names of those in our church family who had been called to serve. The names covered both the front and back of the weekly hand out.

Ten years later, we can look back and celebrate our accomplishments in Operations Desert Shield and Desert Storm. That celebration appropriately must contain an acknowledgments of the reservists—those individuals who promised to serve their country and to put their personal lives on hold to fulfill that commitment. This recognition is a small gesture to honor their sacrifice. Though small, the gesture also stands as a priceless assurance to those who continue to serve their country, as well as to those who may be called on to active duty in the future. This nation appreciates your willingness to serve and will stand behind you.

I urge all of my colleagues to support H. Res. 549.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and agree to the resolution, H. Res. 549.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL RECORDING PRESERVATION ACT OF 2000

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Recording Preservation Act of 2000''.

TITLE I—SOUND RECORDING PRESERVATION BY THE LIBRARY OF CONGRESS

Subtitle A—National Recording Registry

SEC. 101. NATIONAL RECORDING REGISTRY OF THE LIBRARY OF CONGRESS.

The Librarian of Congress shall establish the National Recording Registry for the purpose of maintaining and preserving sound recordings that are culturally, historically, or aesthetically significant.

SEC. 102. DUTIES OF LIBRARIAN OF CONGRESS.

(a) ESTABLISHMENT OF CRITERIA AND PROCEDURES.—For purposes of carrying out this subtitle, the Librarian shall—

(1) establish criteria and procedures under which sound recordings may be included in the National Recording Registry, except that no sound recording shall be eligible for inclusion in the National Recording Registry until 10 years after the recording's creation;

(2) establish procedures under which the general public may make recommendations to the National Recording Preservation Board established under subtitle C regarding the inclusion of sound recordings in the National Recording Registry; and

(3) determine which sound recordings satisfy the criteria established under paragraph (1) and select such recordings for inclusion in the National Recording Registry.

(b) PUBLICATION OF SOUND RECORDINGS IN THE REGISTRY.—The Librarian shall publish in the Federal Register the name of each sound recording that is selected for inclusion in the National Recording Registry.

SEC. 103. SEAL OF THE NATIONAL RECORDING REGISTRY.

(a) IN GENERAL.—The Librarian shall provide a seal to indicate that a sound recording has been included in the National Recording Registry and is the Registry version of that recording.

(b) USE OF SEAL.—The Librarian shall establish guidelines for approval of the use of the seal provided under subsection (a), and shall include in the guidelines the following:

(1) The seal may only be used on recording copies of the Registry version of a sound recording.

(2) The seal may be used only after the Librarian has given approval to those persons seeking to apply the seal in accordance with the guidelines.

(3) In the case of copyrighted mass distributed, broadcast, or published works, only the copyright legal owner or an authorized licensee of that copyright owner may place or authorize the placement of the seal on any recording copy of the Registry version of any sound recording that is maintained in the National Recording Registry Collection in the Library of Congress.

(4) Anyone authorized to place the seal on any recording copy of any Registry version of a sound recording may accompany such seal with the following language: ''This sound recording is selected for inclusion in the National Recording Registry by the Librarian of Congress in consultation with the National Recording Preservation Board of the Library of Congress because of its cultural, historical, or aesthetic significance.''.

(c) EFFECTIVE DATE OF THE SEAL.—The use of the seal provided under subsection (a) with respect to a sound recording shall be effective beginning on the date the Librarian publishes in the Federal Register (in accordance with section 102(b)) the name of the recording, as selected for inclusion in the National Recording Registry.

(d) PROHIBITED USES OF THE SEAL.—

(1) PROHIBITION ON DISTRIBUTION AND EXHIBITION.—No person may knowingly distribute or exhibit to the public a version of a sound

recording or any copy of a sound recording which bears the seal described in subsection (a) if such recording—

(A) is not included in the National Recording Registry; or

(B) is included in the National Recording Registry but has not been approved for use of the seal by the Librarian pursuant to the guidelines established under subsection (b).

(2) PROHIBITION ON PROMOTION.—No person may knowingly use the seal described in subsection (a) to promote any version of a sound recording or recording copy other than a Registry version.

(e) REMEDIES FOR VIOLATIONS.—

(1) JURISDICTION.—The several district courts of the United States shall have jurisdiction, for cause shown, to prevent and restrain violations of subsection (d).

(2) RELIEF.—

(A) REMOVAL OF SEAL.—Except as provided in subparagraph (B), relief for violation of subsection (d) shall be limited to the removal of the seal from the sound recording involved in the violation.

(B) FINE AND INJUNCTIVE RELIEF.—In the case of a pattern or practice of the willful violation of subsection (d), the court may order a civil fine of not more than $10,000 and appropriate injunctive relief.

(3) LIMITATION OF REMEDIES.—The remedies provided in this subsection shall be the exclusive remedies under this title, or any other Federal or State law, regarding the use of the seal described in subsection (a).

SEC. 104. NATIONAL RECORDING REGISTRY COLLECTION OF THE LIBRARY OF CONGRESS.

(a) IN GENERAL.—All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) shall be maintained in the Library of Congress and be known as the ''National Recording Registry Collection of the Library of Congress''. The Librarian shall by regulation and in accordance with title 17, United States Code, provide for reasonable access to the sound recordings and other materials in such collection for scholarly and research purposes.

(b) ACQUISITION OF QUALITY COPIES.—

(1) IN GENERAL.—The Librarian shall seek to obtain, by gift from the owner, a quality copy of the Registry version of each sound recording included in the National Recording Registry.

(2) LIMIT ON NUMBER OF COPIES.—Not more than one copy of the same version or take of any sound recording may be preserved in the National Recording Registry. Nothing in the preceding sentence may be construed to prohibit the Librarian from making or distributing copies of sound recordings included in the Registry for purposes of carrying out this Act.

(c) PROPERTY OF UNITED STATES.—All copies of sound recordings on the National Recording Registry that are received by the Librarian under subsection (b) shall become the property of the United States Government, subject to the provisions of title 17, United States Code.

Subtitle B—National Sound Recording Preservation Program

SEC. 111. ESTABLISHMENT OF PROGRAM BY LIBRARIAN OF CONGRESS.

(a) IN GENERAL.—The Librarian shall, after consultation with the National Recording Preservation Board established under subtitle C, implement a comprehensive national sound recording preservation program, in conjunction with other sound recording archivists, educators and historians, copyright owners, recording industry representatives, and others involved in activities related to sound recording preservation, and taking into account studies conducted by the Board.

(b) CONTENTS OF PROGRAM SPECIFIED.—The program established under subsection (a) shall—

(1) coordinate activities to assure that efforts of archivists and copyright owners, and others in the public and private sector, are effective and complementary;

(2) generate public awareness of and support for these activities;

(3) increase accessibility of sound recordings for educational purposes;

(4) undertake studies and investigations of sound recording preservation activities as needed, including the efficacy of new technologies, and recommend solutions to improve these practices; and

(5) utilize the audiovisual conservation center of the Library of Congress at Culpeper, Virginia, to ensure that preserved sound recordings included in the National Recording Registry are stored in a proper manner and disseminated to researchers, scholars, and the public as may be appropriate in accordance with title 17, United States Code, and the terms of any agreements between the Librarian and persons who hold copyrights to such recordings.

SEC. 112. PROMOTING ACCESSIBILITY AND PUBLIC AWARENESS OF SOUND RECORDINGS.

The Librarian shall carry out activities to make sound recordings included in the National Recording Registry more broadly accessible for research and educational purposes and to generate public awareness and support of the Registry and the comprehensive national sound recording preservation program established under this subtitle.

Subtitle C—National Recording Preservation Board

SEC. 121. ESTABLISHMENT.

The Librarian shall establish in the Library of Congress a National Recording Preservation Board whose members shall be selected in accordance with the procedures described in section 122.

SEC. 122. APPOINTMENT OF MEMBERS.

(a) SELECTIONS FROM LISTS SUBMITTED BY ORGANIZATIONS.—

(1) IN GENERAL.—The Librarian shall request each organization described in paragraph (2) to submit a list of 3 candidates qualified to serve as a member of the Board. The Librarian shall appoint one member from each such list, and shall designate from that list an alternate who may attend at Board expense those meetings which the individual appointed to the Board cannot attend.

(2) ORGANIZATIONS DESCRIBED.—The organizations described in this paragraph are as follows:

(A) National Academy of Recording Arts and Sciences (NARAS).

(B) Recording Industry Association of America (RIAA).

(C) Association for Recorded Sound Collections (ARSC).

(D) American Society of Composers, Authors and Publishers (ASCAP).

(E) Broadcast Music, Inc. (BMI).

(F) Songwriters Association (SESAC).

(G) American Federation of Musicians (AF of M).

(H) Music Library Association.

(I) American Musicological Society.

(J) National Archives and Record Administration.

(K) National Association of Recording Merchandisers (NARM).

(L) Society for Ethnomusicology.

(M) American Folklore Society.

(N) Country Music Foundation.

(O) Audio Engineering Society (AES).

(P) National Academy of Popular Music.

(Q) Digital Media Association (DiMA).

(b) OTHER MEMBERS.—In addition to the members appointed under subsection (a), the Librarian may appoint not more than 5 members-at-large. The Librarian shall select an alternate for each member-at-large, who may attend at Board expense those meetings that the member-at-large cannot attend.

(c) CHAIR.—The Librarian shall appoint one member of the Board to serve as Chair.

(d) TERM OF OFFICE.—

(1) TERMS.—The term of each member of the Board shall be 4 years, except that there shall be no limit to the number of terms that any individual member may serve.

(2) REMOVAL OF MEMBER OF ORGANIZATION.—The Librarian shall have the authority to remove any member of the Board (or, in the case of a member appointed under subsection (a)(1), the organization that such member represents) if the member or organization over any consecutive 2-year period fails to attend at least one regularly scheduled Board meeting.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made under subsection (a), except that the Librarian may fill the vacancy from a list of candidates previously submitted by the organization or organizations involved. Any member appointed to fill a vacancy shall be appointed for the remainder of the term of the member's predecessor.

SEC. 123. SERVICE OF MEMBERS; MEETINGS.

(a) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(b) CONFLICT OF INTEREST.—The Librarian shall establish rules and procedures to address any potential conflict of interest between a member of the Board and responsibilities of the Board.

(c) MEETINGS.—The Board shall meet at least once each fiscal year. Meetings shall be at the call of the Librarian.

(d) QUORUM.—11 members of the Board shall constitute a quorum for the transaction of business.

SEC. 124. RESPONSIBILITIES OF BOARD.

(a) REVIEW AND RECOMMENDATION OF NOMINATIONS FOR NATIONAL RECORDING REGISTRY.—

(1) IN GENERAL.—The Board shall review nominations of sound recordings submitted to it for inclusion in the National Recording Registry and advise the Librarian, as provided in subtitle A, with respect to the inclusion of such recordings in the Registry and the preservation of these and other sound recordings that are culturally, historically, or aesthetically significant.

(2) SOURCE OF NOMINATIONS.—The Board shall consider for inclusion in the National Recording Registry nominations submitted by the general public as well as representatives of sound recording archives and the sound recording industry (such as the guilds and societies representing sound recording artists) and other creative artists.

(b) STUDY AND REPORT ON SOUND RECORDING PRESERVATION AND RESTORATION.—The Board shall conduct a study and issue a report on the following issues:

(1) The current state of sound recording archiving, preservation and restoration activities.

(2) Taking into account the research and other activities carried out by or on behalf of the National Audio-Visual Conservation Center at Culpeper, Virginia—

(A) the methodology and standards needed to make the transition from analog ''open reel'' preservation of sound recordings to digital preservation of sound recordings; and

(B) standards for access to preserved sound recordings by researchers, educators, and other interested parties.

(3) The establishment of clear standards for copying old sound recordings (including equipment specifications and equalization guidelines).

(4) Current laws and restrictions regarding the use of archives of sound recordings, including recommendations for changes in such laws and restrictions to enable the Library of Congress and other nonprofit institutions in the field of sound recording preservation to make their collections available to researchers in a digital format.

(5) Copyright and other laws applicable to the preservation of sound recordings.

SEC. 125. GENERAL POWERS OF BOARD.

(a) IN GENERAL.—The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(b) SERVICE ON FOUNDATION.—Two sitting members of the Board shall be appointed by the Librarian and shall serve as members of the board of directors of the National Recording Preservation Foundation, in accordance with section 152403 of title 36, United States Code.

Subtitle D—General Provisions

SEC. 131. DEFINITIONS.

As used in this title:

(1) The term ''Librarian'' means the Librarian of Congress.

(2) The term ''Board'' means the National Recording Preservation Board.

(3) The term ''sound recording'' has the meaning given such term in section 101 of title 17, United States Code.

(4) The term ''publication'' has the meaning given such term in section 101 of title 17, United States Code.

(5) The term ''Registry version'' means, with respect to a sound recording, the version of a recording first published or offered for mass distribution whether as a publication or a broadcast, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright legal owner can compile in those cases where the original material has been irretrievably lost or the recording is unpublished.

SEC. 132. STAFF; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this title.

(b) EXPERTS AND CONSULTANTS.—The Librarian may, in carrying out this title, procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for level 15 of the General Schedule. In no case may a member of the Board (including an alternate member) be paid as an expert or consultant under this section.

SEC. 133. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Librarian for each of the first 7 fiscal years beginning on or after the date of the enactment of this Act such sums as may be necessary to carry out this title, except that the amount authorized for any fiscal year may not exceed $250,000.

TITLE II—NATIONAL RECORDING PRESERVATION FOUNDATION

SEC. 201. NATIONAL RECORDING PRESERVATION FOUNDATION.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1523 the following:

''CHAPTER 1524—NATIONAL RECORDING PRESERVATION FOUNDATION

''Sec.
''152401. Organization.
''152402. Purposes.
''152403. Board of directors.
''152404. Officers and employees.
''152405. Powers.
''152406. Principal office.
''152407. Provision and acceptance of support by Librarian of Congress.
''152408. Service of process.
''152409. Civil action by Attorney General for equitable relief.
''152410. Immunity of United States Government.
''152411. Authorization of appropriations.
''152412. Annual report.

''§ 152401. Organization

''(a) FEDERAL CHARTER.—The National Recording Preservation Foundation (in this chapter, the ''corporation'') is a federally chartered corporation.

''(b) NATURE OF CORPORATION.—The corporation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

''(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the corporation has perpetual existence.

''§ 152402. Purposes

''The purposes of the corporation are to—

''(1) encourage, accept, and administer private gifts to promote and ensure the preservation and public accessibility of the nation's sound recording heritage held at the Library of Congress and other public and nonprofit archives throughout the United States; and

''(2) further the goals of the Library of Congress and the National Recording Preservation Board in connection with their activities under the National Recording Preservation Act of 2000.

''§ 152403. Board of directors

''(a) GENERAL.—The board of directors is the governing body of the corporation.

''(b) MEMBERS AND APPOINTMENT.—(1) The Librarian of Congress (hereafter in this chapter referred to as the ''Librarian'') is an ex officio nonvoting member of the board. Not later than 90 days after the date of the enactment of this chapter, the Librarian shall appoint the directors to the board in accordance with paragraph (2).

''(2)(A) The board consists of 9 directors.

''(B) Each director shall be a United States citizen.

''(C) At least 6 directors shall be knowledgeable or experienced sound in recording production, distribution, preservation, or restoration, including 2 who are sitting members of the National Recording Preservation Board. These 6 directors shall, to the extent practicable, represent diverse points of view from the sound recording community.

''(3) A director is not an employee of the Library of Congress and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States.

''(4) The terms of office of the directors are 4 years. An individual may not serve more than two consecutive terms.

''(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

''(c) CHAIR.—The Librarian shall appoint one of the directors as the initial chair of the board for a 2-year term. Thereafter, the chair shall be appointed and removed in accordance with the bylaws of the corporation.

''(d) QUORUM.—The number of directors constituting a quorum of the board shall be established under the bylaws of the corporation.

''(e) MEETINGS.—The board shall meet at the call of the Librarian for regularly scheduled meetings.

''(f) REIMBURSEMENT OF EXPENSES.—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

''(g) LIABILITY OF DIRECTORS.—Directors are not personally liable, except for gross negligence.

''§ 152404. Officers and employees

''(a) SECRETARY OF THE BOARD.—(1) The Librarian shall appoint a Secretary of the Board to serve as executive director of the corporation. The Librarian may remove the Secretary.

''(2) The Secretary shall be knowledgeable and experienced in matters relating to—

''(A) sound recording preservation and restoration activities;

''(B) financial management; and

''(C) fundraising.

''(b) APPOINTMENT OF OFFICERS.—Except as provided in subsection (a) of this section, the board of directors appoints, removes, and replaces officers of the corporation.

''(c) APPOINTMENT OF EMPLOYEES.—Except as provided in subsection (a) of this section, the Secretary appoints, removes, and replaces employees of the corporation.

''(d) STATUS AND COMPENSATION OF EMPLOYEES.—Employees of the corporation (including the Secretary)—

''(1) are not employees of the Library of Congress;

''(2) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

''(3) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5, except that an employee may not be paid more than the annual rate of basic pay for level 15 of the General Schedule under section 5107 of title 5.

''§ 152405. Powers

''(a) GENERAL.—The corporation may—

''(1) adopt a constitution and bylaws;

''(2) adopt a seal which shall be judicially noticed; and

''(3) do any other act necessary to carry out this chapter.

''(b) POWERS AS TRUSTEE.—To carry out its purposes, the corporation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

''(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

''(2) to acquire property or an interest in property by purchase or exchange;

''(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

''(4) to borrow money and issue instruments of indebtedness;

''(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

''(6) to sue and be sued; and

''(7) to do any other act necessary and proper to carry out the purposes of the corporation.

''(c) ENCUMBERED OR RESTRICTED GIFTS.—A gift, devise, or bequest may be accepted by the corporation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the corporation.

"§ 152406. Principal office

"The principal office of the corporation shall be in the District of Columbia. However, the corporation may conduct business throughout the States, territories, and possessions of the United States.

"§ 152407. Provision and acceptance of support by Librarian of Congress

"(a) PROVISION BY LIBRARIAN.—(1) The Librarian may provide personnel, facilities, and other administrative services to the corporation. Administrative services may include reimbursement of expenses under section 152403(f).

"(2) The corporation shall reimburse the Librarian for support provided under paragraph (1) of this subsection. Amounts reimbursed shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing the support.

"(b) ACCEPTANCE BY LIBRARIAN.—The Librarian may accept, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5 and related regulations, the services of the corporation and its directors, officers, and employees as volunteers in performing functions authorized under this chapter, without compensation from the Library of Congress.

"§ 152408. Service of process

"The corporation shall have a designated agent to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.

"§ 152409. Civil action by Attorney General for equitable relief

"The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the corporation—

"(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152402 of this title; or

"(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

"§ 152410. Immunity of United States Government

"The United States Government is not liable for any debts, defaults, acts, or omissions of the corporation. The full faith and credit of the Government does not extend to any obligation of the corporation.

"§ 152411. Authorization of appropriations

"(a) AUTHORIZATION.—There are authorized to be appropriated to the corporation for each of the first 7 fiscal years beginning on or after the date of the enactment of this chapter an amount not to exceed the amount of private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

"(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Except as permitted under section 152407, amounts authorized under this section may not be used by the corporation for administrative expenses of the corporation, including salaries, travel, transportation, and overhead expenses.

"§ 152412. Annual report

"As soon as practicable after the end of each fiscal year, the corporation shall submit a report to the Librarian for transmission to Congress on the activities of the corporation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments.".

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1523 the following new item:

"1524. National Recording Preservation Foundation ..... 152401".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am here on behalf of the gentleman from California (Chairman THOMAS) and the Committee on House Administration to bring before my colleagues a bill that is a public-private partnership. We help preserve national treasures so that all Americans will be able to access them.

The need for this legislation, I believe, is clear. The physical condition of many of our Nation's important sound recordings is at risk due to the lack of proper restoration and preservation. With the National Recording Preservation Act of 2000, Congress creates a public-private partnership which shall help ensure that these national treasures are preserved for future use and to be enjoyed by researchers, scholars, and the general public at large.

The other need for the legislation is that this legislation creates a sound recording program at the Library of Congress that will complement the existing film preservation program and the national audiovisual conservation center at Culpeper, Virginia.

The Culpeper facility, the film preservation program, and now the sound preservation program are all groundbreaking public-private partnerships that minimize taxpayers' investment while still ensuring the preservation of some of our greatest American treasures.

Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration, the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary, and the Library of Congress, interested Members and the sound recording industry for working with us to make this legislation possible. Also, of course, the staff of the Committee on House Administration on both sides of the aisle.

In brief, the sound preservation program has three components, providing for the creation of, number one, a national sound recording registry on which recordings slated for restoration and preservation will be indexed; the second is a national sound recording preservation board, which shall establish preservation protocols, to provide expertise and access to the recordings in this collection, and raise private funds for the restoration and preservation of selected recordings. Now, the bill does authorize a maximum of $250,000 for the annual operation of the board.

Finally, the third thing it does is a foundation to provide for the raising of private funds, which we all know is very important.

These components working together will ensure that the American public has access to the benefit of important sound recordings with a minimum of public investment.

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

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join in support of this legislation. I join the gentleman from Ohio (Mr. NEY), my friend, who serves with me on the Committee on House Administration, in bringing this bill to the floor. I am not only pleased but honored to support H.R. 4846, the National Recording Preservation Act of 2000.

Mr. Speaker, I would like to thank my colleague, the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on House Administration, for his hard work helping to get this legislation to the floor today, and of course, as I have already mentioned, the gentleman from Ohio (Mr. NEY), my colleague who is also a member of the Committee on House Administration.

Mr. Speaker, for over 120 years, more than half the life of our Nation, America's music, news and voice has been recorded. From "Mary Had a Little Lamb," the first recorded words, through Franklin Roosevelt's fireside chats, through today's legislative debates, the history of our great country has been broadcast and recorded through sound.

Unfortunately, Mr. Speaker, every day, a piece of this history is lost. The sounds of our past, the statesman appealing to our ideals, the singer touching our emotions, the poet romancing our souls, are fading. Soon, they will merely be memories. And once those memories fade, so, too, will a large portion of our Nation's history.

Today, we have a historic opportunity to protect our audio history. Modeled on the highly successful National Film Preservation Act, which Congress enacted in 1988, this bill will create and implement a comprehensive national strategy for protecting and preserving our sound-recorded heritage.

It establishes a national recording registry in the Library of Congress to identify, maintain, and preserve sound recordings that are culturally and historically significant.

It further creates a national recording preservation board to assist the librarian in implementing a comprehensive national recording preservation program. And it establishes lastly a National Recording Preservation Foundation, as the gentleman from Ohio (Mr. NEY) has pointed out, to encourage private gifts to enhance our recording heritage.

This foundation will create partnerships with the recording industry that

will decrease the costs of preservation for the Government and increase the benefits for the people of our Nation.

This bill will preserve our past and give a gift to our future. I am sure that my colleagues will join with the gentleman from Ohio (Mr. NEY) and me who enthusiastically support this legislation.

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

Mr. NEY. Mr. Speaker, again, I want to thank the gentleman from Maryland (Mr. HOYER) for his good work on this bill and also the gentleman from California (Chairman THOMAS).

Mr. Speaker, I include for the RECORD the exchange of letters with the gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on the Judiciary, through which the gentleman agreed to waive the committee's right to mark up this legislation.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, July 18, 2000.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On July 13, 2000, I introduced H.R. 4846, the National Recording Preservation Act of 2000, a bill designed to ensure that important sound recordings are restored and preserved for the future. In crafting this legislation, I have worked closely with Rep. Steny Hoyer, the Library of Congress, representatives of the sound recording industry and staff from the Subcommittee on Intellectual Property. The bill was referred to the Committee on House Administration and the Committee on the Judiciary.

I am writing to request that Committee on the Judiciary waive its jurisdiction over H.R. 4846, so that the Committee on House Administration may expeditiously bring this bill, for which there is broad bipartisan support, before the House.

Thank you for your consideration in this matter. If you have any questions or require additional information, please contact Steve Miller at 225–8281.

Best regards,

BILL THOMAS,
Chairman.

CONGESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
Washington, DC, July 24, 2000.

Hon. BILL THOMAS,
Chairman, Committee on House Administration, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing to you concerning the bill H.R. 4846, the ''National Recording Preservation Act of 2000''.

As you know, this bill contains language which falls within the Rule X jurisdiction of this committee relating to the Copyright Act. I understand that you would like to proceed expeditiously to the floor on this matter. I am willing to waive our committee's right to mark up this bill. However, this, of course, does not waive our jurisdiction over the subject matter on this or similar legislation, or our desire to be conferees on this bill should it be subject to a House-Senate conference committee.

I would appreciate your placing this exchange of letters in the Congressional Record. Thank your for your cooperation on this matter.

Sincerely,

HENRY J. HYDE,
Chairman.

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

Mr. HOYER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. McCARTHY of Missouri. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding me the time.

Mr. Speaker, I rise today in support of the National Recording Preservation Act of 2000, known affectionately as the Grammy bill. As a member of the Congressional Arts Caucus and the National Academy of Recording Arts and Sciences who produced the Grammys, I am a firm believer in the power of recorded music.

The preservation of our audio history is critical to sustain our cultural past for future generations. The Thomas–Hoyer bill, which I am proud to cosponsor, would establish a national recording registry in the Library of Congress to preserve recordings that are culturally, historically, or aesthetically significant to us as Americans.

Many of these recordings are in jeopardy because they were originally created on a type of media such as wax cylinders, Depression-era disks, or wire recordings, that have not endured the passage of time well, or require special apparatus to play that is rare or no longer exists at all.

□ 1445

It would be a tragedy to lose important compositions or recitations of our Nation's history when we have the ability to save them.

An example near and dear to my heart is the compilation of works by Kansas City jazz great, Bennie Moten. Bennie and his band created the famous Kansas City swing style of jazz that later made Count Basie a star. Recording between 1923 and 1932, Bennie Moten's music is archived on 78 RPM records which require special equipment to play. If these precious musical works are not preserved, Bennie Moten's innovative sound that provided a foundation for other great artists will be lost forever.

Mr. Speaker, it is not just music that would be robbed from us if we do not pass this critical legislation. Events from bygone eras have been recorded in sound as well as on paper. These recordings humanize the events we read about in textbooks and transport us to an understanding of our past more comprehensive than any history volume. During World War II, the Office of War Information recorded their broadcasts on disks that are in desperate need of preservation. These irreplaceable recordings include news about the war, music performances by war-era artists and speeches asserting our ideals and motives.

Another treasure in jeopardy is the archives of the National Public Radio. NPR offers review and information about current events, as well as topical discussions. Unfortunately, these records are on tape which absorb moisture from the air. In order to save these historical sound documents for our children, the tape must be baked and recopied. Without this bill, these historical broadcasts will be lost.

Mr. Speaker, the Grammy bill accomplishes a crucial task; safeguarding precious historical commemorations for generations to come. We all concede this protection is in place for our revered paper documents, such as the Declaration of Independence. It is time to bestow that same honor and respect on their audio counterparts.

I commend the sponsors for their leadership, and urge my colleagues to support H.R. 4846.

Mr. Speaker, I include the following for the RECORD.

TREASURES FROM THE AMERICAN FOLKLIFE CENTER

(From Peggy Bulger, Director of the American Folklife Center)

All in need of preservation.

I. WAX CYLINDER ERA (1890–1930S)

1890—First field recording of folk music and folklore, as Harvard's Jesse Walter Fewkes uses new Edison recording machine to document songs and stories of Passamaquoddy Indian Noel Joseph in Calais, Maine.

1893—First recorded documentation of world music (I think), including Kwakiutl. Fijian Samoan Wallis Island, Javanese, and Turkish/Arabic music, made by Benjamin Ives Gilman in various pavilions at the Columbian Exposition in Chicago.

1895—Pioneering woman ethnographer Alice Fletcher teams up with her Omaha student, Francis LaFlasche, to record a comprehensive sampling of Omaha Indian music (this may also be the first recording under Bureau of American Ethnology auspices).

1895?—Bureau of American Ethnology begins a half century of recorded documentation of American Indian music and culture.

1907–41—Frances Densmore's 2000+lifetime recordings of American Indian music.

1906–08—Percy Grainger's recordings of English folksongs, including legendary English folksinger Joseph Taylor from Lincolnshire (Note: The Center's recordings were copied onto disc from the original cylinders when Grainger brought the cylinders into the Library in a sack—an early preservation effort).

1906–10—First cowboy songs recorded by John Lomax, including (??) ''Home on the Range''.

1929–35—James Madison Carpenter's recordings of Scottish ballad singer Belle Duncan.

II. DISC ERA (1930S–1940S)

Woody Guthrie's repertory, recorded by Alan Lomax, 193—.

Leadbelly's repertory, recorded by John and Alan Lomax, 193—.

Leadbelly's ''Goodnight Irene'' (or did he record this commercially first?).

''Rock Island Line,'' sung by Black prisoners in Cummins State Farm, Arkansas, recorded by John Lomax (accompanied by Leadbelly).

''Rock Island Line'' recorded by Leadbelly.

The legendary interviews of Ferdinand ''Jelly Roll'' Morton with Alan Lomax on the stage of Coolidge Auditorium at the Library of Congress, describing the origins of jazz based on his personal experiences and observations, 1938.

The Library of Congress/Fisk University Coahoma County (MS) Project—recordings by Alan Lomax and John Work of the entire spectrum of African American music in the Mississippi Delta, 1941–42 (includes the two following items).

Muddy Waters (McKinley Morganfield)—the original Delta field recordings by Alan Lomax in 1941–42 (?), when Muddy Waters was a young man and before he went north to Chicago, electrified, and helped start the modern Rhythm and Blues style.

Eddie ''Son'' House—Mississippi Delta field recordings of the legendary blues singer by Alan Lomax, 1941?

''Bonaparte's Retreat'' played on fiddle by Bill Stepp of Salyersville, KY, 1937, recorded by Alan Lomax—the source of the famous ''Hoedown'' music by Aaron Copeland's Rodeo.

Willard Rhodes/Bureau of Indian Affairs Collection, the most comprehensive effort to document American Indian music in the post-WW2 period.

American Dialect Society Collection—early documentation of American speech and dialect.

Alan Lomax Michigan collection (1938?)—includes both urban blues and various unusual ethnic traditions (Here's an example of a disc collection that, because of the particular composition of the acetate discs, is flaking and falling apart as we speak).

III. WIRE RECORDINGS (CA. 1947–65)

IV. TAPE ERA (1947–PRESENT)

Paul Bowles Moroccan Collection—60 to 70 7'' tapes recorded by noted author/composer Paul Bowles with the assistance of the Library of Congress, surveying the music of Morocco.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlewoman from Missouri (Ms. MCCARTHY), for her leadership and support of this effort. She has been very much involved in bringing the bill to this point, and I certainly appreciate her support on the floor.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 4846, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4846.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TRUTH IN REGULATING ACT OF 2000

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4924) 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.

The Clerk read as follows:

H.R. 4924

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 ''Truth in Regulating Act of 2000''.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) increase the transparency of important regulatory decisions;

(2) promote effective congressional oversight to ensure that agency rules fulfill statutory requirements in an efficient, effective, and fair manner; and

(3) increase the accountability of Congress and the agencies to the people they serve.

SEC. 3. DEFINITIONS.

In this Act, the term—

(1) ''agency'' has the meaning given such term under section 3502(1) of title 44, United States Code, except that such term shall not include an independent regulatory agency, as that term is defined in section 3502(5) of such title;

(2) ''economically significant rule'' means any proposed or final rule, including an interim or direct final rule, that may have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities, or for which an agency has prepared an initial or final regulatory flexibility analysis pursuant to section 603 or 604 of title 5, United States Code; and

(3) ''independent evaluation'' means a substantive evaluation of the agency's data, methodology, and assumptions used in developing the economically significant rule, including—

(A) an explanation of how any strengths or weaknesses in those data, methodology, and assumptions support or detract from conclusions reached by the agency; and

(B) the implications, if any, of those strengths or weaknesses for the rulemaking.

SEC. 4. PILOT PROJECT FOR REPORT ON RULES.

(a) IN GENERAL.—

(1) REQUEST FOR REVIEW.—When an agency publishes an economically significant rule, a chairman or ranking member of a committee of jurisdiction of either House of Congress may request the Comptroller General of the United States to review the rule.

(2) REPORT.—The Comptroller General shall submit a report on each economically significant rule selected under paragraph (4) to the committees of jurisdiction in each House of Congress not later than 180 calendar days after a committee request is received, or in the case of a committee request for review of a notice of proposed rulemaking or an interim final rulemaking, by the end of the period for submission of comment regarding the rulemaking, if practicable. The report shall include an independent evaluation of the economically significant rule by the Comptroller General.

(3) INDEPENDENT EVALUATION.—The independent evaluation of the economically significant rule by the Comptroller General under paragraph (2) shall include—

(A) an evaluation of an agency's analysis of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to receive the benefits;

(B) an evaluation of an agency's analysis of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms and the identification of the persons or entities likely to bear the costs;

(C) an evaluation of an agency's analysis of alternative approaches set forth in the notice of proposed rulemaking and in the rulemaking record, as well as of any regulatory impact analysis, federalism assessment, or other analysis or assessment prepared by the agency or required for the economically significant rule; and

(D) a summary of the results of the evaluation of the Comptroller General and the implications of those results.

(4) PROCEDURES FOR PRIORITIES OF REQUESTS.—The Comptroller General shall have discretion to develop procedures for determining the priority and number of requests for review under paragraph (1) for which a report will be submitted under paragraph (2).

(b) AUTHORITY OF COMPTROLLER GENERAL.—Each agency shall promptly cooperate with the Comptroller General in carrying out this Act. Nothing in this Act is intended to expand or limit the authority of the General Accounting Office.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the General Accounting Office to carry out this Act $5,200,000 for each of fiscal years 2001 through 2003.

SEC. 6. EFFECTIVE DATE AND DURATION OF PILOT PROJECT.

(a) EFFECTIVE DATE.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) DURATION OF PILOT PROJECT.—The pilot project under this Act shall continue for a period of 3 years, if in each fiscal year, or portion thereof included in that period, a specific annual appropriation not less than $5,200,000 or the pro-rated equivalent thereof shall have been made for the pilot project.

(c) REPORT.—Before the conclusion of the 3-year period, the Comptroller General shall submit to Congress a report reviewing the effectiveness of the pilot project and recommending whether or not Congress should permanently authorize the pilot project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4924.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 15 minutes.

(Mr. RYAN of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, I move that the House suspend the rules and pass the Truth in Regulating Act of 2000. It is a bipartisan, good government bill. It establishes a regulatory analysis function within the

General Accounting Office. This function is intended to enhance congressional responsibility for regulatory decisions developed under the laws Congress enacts.

It is a product of the leadership over the past few years by the chairman of the Subcommittee on Regulatory Reform and Paperwork Reduction of the Committee on Small Business, the gentlewoman from New York (Mrs. KELLY), who will be joining us here in a minute.

The most basic reason for supporting this bill is constitutional. Just as Congress needs a Congressional Budget Office to check and balance the executive branch in the budget process, so it needs an analytic capability to check and balance the executive branch in the regulatory process. The GAO, or the General Accounting Office, is the logical location, since it already has some regulatory review responsibilities under the Congressional Review Act, otherwise known as the CRA.

Article I, section 1 of the U.S. Constitution vests all legislative powers in the U.S. Congress. While Congress may not delegate its legislative functions, it routinely authorizes the executive branch agencies to issue rules and implement laws passed by Congress. Congress has become increasingly concerned, however, about its responsibility to oversee agency rule making, especially due to the extensive costs and impacts of Federal Rules.

During the 105th Congress, the Committee on Government Reform Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, chaired by the gentleman from Indiana (Mr. MCINTOSH), on which I serve as vice chairman, held a hearing on the gentlewoman from New York's (Mrs. KELLY) earlier regulatory analysis bill, H.R. 1704, which sought to establish a new freestanding Congressional agency. The subcommittee then marked up and reported her bill, H.R. 1704, and called for the establishment of a new legislative branch Congressional Office of Regulatory Analysis. We often refer to this as CORA, most people refer to this as CORA legislation, to analyze all major results and report to Congress on the potential costs, benefits, and alternative approaches that could achieve the same regulatory goals at lower costs.

This agency was intended to aid Congress in analyzing Federal regulations. The committee report stated that ''Congress needs the expertise that CORA would provide to carry out its duty under the Congressional Review Act. Currently Congress does not have the information it needs to carefully evaluate regulations. The only analysis that it has to rely on are those provided by the agencies which actually promulgate the rules. There is no official third party analysis of new regulations.''

Unfortunately, CORA supporters in the 105th Congress could not overcome the resistance of the defenders of the regulatory status quo. Opponents argued against creating a new congressional agency on the basis of fiscal conservatism, but by this logic, Congress ought to abolish the CBO as an even more heroic demonstration of fiscal conservatism. But, of course, most of us recognize that dismantling the CBO would be penny wise and pound foolish.

In the 106th Congress, the chairman of the Committee on Government Reform Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, the gentleman from Indiana (Mr. MCINTOSH) and the Committee on Small Business chairman of the Subcommittee on Regulatory Reform and Paperwork Reduction, the gentlewoman from New York (Mrs. KELLY), sought to accommodate the prejudice against the free-standing agency and introduced bills H.R. 3521 and H.R. 3669 respectively to establish a CORA function within the General Accounting Office, which is where we are now, which is an existing legislative branch agency that has this kind of expertise. The gentleman from Indiana (Mr. MCINTOSH) and the gentlewoman from New York (Mrs. KELLY) introduced their bills in January and February of this year.

On May 10, the Senate passed its own regulatory analysis legislation, S. 1198, the Truth in Regulating Act of 2000, by unanimous consent. Like the bills of the gentleman from Indiana (Mr. MCINTOSH) and the gentlewoman from New York (Mrs. KELLY), the Senate legislation would also establish a regulatory analysis function within the GAO.

During the 106th Congress, the Committee on Government Reform did not hold a hearing specifically on this bill, but the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs did hold a June 14th hearing entitled, Does Congress delegate too much power to agencies and what should be done about it?

Witnesses discussed the need for a CORA function that would assist Congress in assuming more responsibility for agency rules now which impose over $700 billion in off-budget costs to the American people through regulations.

On June 26, the gentlewoman from New York (Mrs. KELLY) and the gentleman from Indiana (Mr. MCINTOSH) introduced H.R. 4744, which made several needed improvements to the Senate-passed bill along the lines suggested by witnesses at the June 14 hearing. For example, whereas S. 1198 merely permits GAO to assist Congress in submitting timely comments on proposed regulations during the public comment period, H.R. 4744 would require GAO to provide such assistance. This was a critical improvement, because it is only by commenting on proposed rules during the public comment period that Congress has any real opportunity to influence the cost, the scope, and the content of regulation.

In addition, unlike the Senate bill, this bill would require GAO to review not only the agency's data, but also the public's data, to assure a more balanced evaluation, analyze not only the rules, costing more than $100 million, but also the rules with a significant impact on small businesses, and examine whether or not alternatives not considered by the agencies might achieve the same goal in a more cost-effective manner or with a greater net benefit.

On June 29, the Committee on Government Reform favorably reported out H.R. 4744, with a very thorough discussion of issues in its accompanying report.

H.R. 4924 introduced just yesterday, includes two, or more accurately, one and a half of H.R. 4744's improvements to S. 1198. A, the inclusion within the scope of GAO's purview of agency rules with a significant impact on small businesses; and, B, a directive to the GAO to submit its independent evaluation of proposed rules within the public comment period, albeit only when doing so is practicable.

House Report 106–772 explains the basis for these improvements. Nonetheless, I am deeply disappointed that we could not persuade the honorable gentleman from California that timely comments on proposed rules are better than untimely or late comments, but understand that in politics, half a loaf, or in this case, a fraction of a loaf, may still be better than none.

H.R. 4924 is, in my judgment, inferior to H.R. 4744, which is itself a watered down version of the complete reform needed that the gentlewoman from New York (Mrs. KELLY) worked on in returning's constitutional responsibility for regulatory oversight, but this bill is a step in the right direction and it will give reformers something to build on in the next Congress.

H.R. 4924 is truly a very modest bipartisan proposal. It does not require or expect GAO to conduct any new regulatory impact analyses, any new cost benefit analyses or other impacted analyses. However, GAO's independent evaluation should lead the agencies to prepare any missing cost-benefit analyses, small business impacts, federalism impacts, or any other missing analysis.

For example, after the McIntosh subcommittee insisted that the Department of Labor prepare a missing RIA for its Baby UI proposal, they finally prepared one. Unfortunately, H.R. 4924 excludes from GAO's purview major rules promulgated by the independent regulatory agencies, such as the Federal Communications Commission, the Federal Trade Commission and the Securities and Exchange Commission, which regulate major sectors of the U.S. economy.

Since the analysis accompanying rules issued by the independent regulatory agencies are often incomplete or inadequate, this omission is unfortunate, and it makes the bill less useful

than its Senate counterpart or H.R. 4744.

Here is basically how the bill works. The chairman or ranking member of a committee of jurisdiction may request that GAO submit an independent evaluation to the committee on a major proposed rule during the public comment period or on a final rule within 180 days. The GAO's analysts shall include an evaluation of the potential benefits of the rule, the costs, alternative approaches to the rule making and various impact analyses.

Congress currently has two opportunities to review agency regulatory action. Under the Administrative Procedures Act, Congress can comment on agency-proposed and interim rules during the public comment period. The APA says that public sector and private sector officials have the same comment period. Late Congressional comments cannot be accepted, anymore than late private comments. That is why it is important that the GAO finishes its analysis within the public comment period, and to do so just like any other entity that does so correctly under today's law and under today's APA procedures.

Agencies can ignore comments filed by Congress after the end of the public comment period, as the Department of Labor did with the Baby UI rule. Therefore, since GAO cannot be given more time than any members of the public to comment, they should clearly be able to complete their review of agency regulatory proposals during the public comment period. Under the CRA, Congress can disapprove an agency final rule after it has promulgated, but before it is effective. That is a very important point, Mr. Speaker.

□ 1500

Unfortunately, Congress has not been able to fully carry out its responsibility under the CRA because it has neither all of the information it needs to carefully evaluate agency regulatory proposals, nor sufficient staff to carry out its function. In fact, since the March 1996 enactment of the CRA, at that time, we have had no completed congressional resolutions of disapproval. To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation.

What is needed is an analysis of legislative history to see if there is a nondelegation problem, such as the FDA administration's proposed rule on tobacco product regulation; the Baby UI rule which provides paid family leave to small business employees even though Congress in the Family Medical Leave Act said no to paid family and medical leave for coverage of small business employees as well.

Sometimes the quickest way to find out that an agency has ignored a congressional intent or failed to consider less costly regulatory alternatives is to examine nonagency data and analysis. It is for that reason, under H.R. 4744, the GAO would be required to consult the public's data in the course of evaluating agency rules.

Although H.R. 4924 does not require the GAO to review public data, neither does it forbid or preclude GAO from doing so. I bring this up because some hope that H.R. 4924 implicitly contains a gag order forbidding the GAO to consult any analysis or data except for those supplied by the agency to be reviewed. This reading of H.R. 4924 would defeat the whole purpose of the bill, which is to enable Congress to comment knowingly and knowledgeably about agency rules from the standpoint of a truly independent evaluation of those rules.

Instructed by GAO's independent evaluations, Congress will be better equipped to review final agency rules under the CRA. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period. I say this notwithstanding the words, where practicable, which some CORA foes hope will ensure that the GAO analysis of proposed rules are untimely and therefore relatively worthless. I am confident that despite the ''where practicable'' language, GAO will want to please rather than annoy its customers and employers and will not fail to help Members of Congress submit timely comments on regulatory proposals.

Thus, even though a far cry from the original idea of an independent CORA agency, and although inferior to the Kelly-McIntosh bill reported by the Committee on Government Reform, H.R. 4924 will increase the transparency of important regulatory decisions. It will promote the effective congressional oversight and increase the accountability of Congress. The best government is a government accountable for the people. For America to have an accountable regulatory system, the people's elected representatives must participate in and take responsibility for the rules promulgated under the laws Congress passes.

H.R. 4924 is a meaningful step toward Congress meeting its oversight and its regulatory oversight capabilities.

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

Mr. KUCINICH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH) for yielding to me.

Mr. Speaker, I rise in support of H.R. 4924, the Truth in Regulating Act. H.R. 4924 is similar to S. 1198, which passed by unanimous consent in the Senate and which was introduced in the House by the gentleman from California (Mr. CONDIT).

H.R. 4924 is a significant improvement over H.R. 4744, which narrowly passed in the Committee on Government Reform on a party line vote. It imposed costly obligations on the General Accounting Office and bogged down the rule-making process.

I would like to commend the sponsors of this bill, the gentlewoman from New York (Mrs. KELLY), the gentleman from California (Mr. CONDIT), the gentleman from Indiana (Mr. MCINTOSH), and the gentleman from Texas (Mr. TURNER), as well as the gentleman from Indiana (Mr. BURTON), for working with us in order to achieve this compromise.

By working together, we can now see a 100 percent bipartisan bill on the floor and have legislation that will actually be enacted into law.

This bill is sounder than the committee-passed bill. Unlike that bill, this one only requires the GAO to evaluate an agency's analysis of rules. It does not require the GAO to do its own cost-benefit or cost-effectiveness analysis on rules.

In addition, unlike H.R. 4744, this bill does not require the GAO to evaluate a rule by the end of the comment period if this is not practicable. Therefore, if necessary, to ensure a high quality review, the GAO could use 180 days to complete its evaluation of a rule and finish after the time for commenting has expired.

This bill is not a major piece of legislation, but in one way it is precedent setting. For the first time in at least 5 years, the Committee on Government Reform has developed a consensus on regulatory reform legislation. I hope any future regulatory reform initiatives are approached with this same bipartisan spirit, and I urge my colleagues to support this legislation.

Mr. KUCINICH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CONDIT).

Mr. CONDIT. Mr. Speaker, I rise in support of H.R. 4924, the Truth in Regulating Act of 2000. I would like to thank the gentleman from Indiana (Mr. BURTON); the ranking member, the gentleman from California (Mr. WAXMAN); the gentlewoman from New York (Mrs. KELLY); and the gentleman from Indiana (Mr. MCINTOSH) for forging this compromise and all their hard work on this issue.

I am confident that this proposal is similar enough to S. 1198, the Truth in Regulating Act, which recently passed the Senate by unanimous consent to ensure a quick conference. This is a straightforward proposal to provide Members of Congress with an analytical, independent evaluation of the cost proposal of major rules. I urge all of my colleagues to support this bipartisan piece of legislation.

Mr. KUCINICH. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I rise in strong support of H.R. 4924, the Truth in Regulating Act of 2000. Transparency in government is essential to our democracy. Many times our Federal agencies in their zeal to carry out their mission create regulations that

can be overly burdensome to the public. As a Congress, we have a responsibility to ensure that agency rules fulfill statutory requirements in an open, efficient, effective and, most importantly, in a fair manner.

Agencies must be accountable to the people they serve. This legislation creates a 3-year pilot project in which at the request of the committee of jurisdiction the General Accounting Office would review proposed and final rules which have a significant impact on the public.

Within 180 days, the GAO would independently evaluate the agency's analyses of costs, benefits, alternatives, regulatory impact, and any other analysis prepared by the agency.

I want to commend the gentlewoman from New York (Mrs. KELLY); the gentleman from California (Mr. CONDIT); the gentleman from Indiana (Mr. BURTON); the gentleman from Indiana (Mr. MCINTOSH); the ranking member, the gentleman from California (Mr. WAXMAN); and the gentleman from Ohio (Mr. KUCINICH) for their leadership and willingness to work to craft a compromise on this bill.

I am particularly pleased that the language was included which clarifies that this bill only requires the GAO to audit the analyses which were prepared by the agency pursuant to statutory authority as opposed to requiring the GAO to do its own cost-benefit analysis.

I would hope that all parties to this compromise agree that it would be impractical and an overwhelming burden to the GAO to perform another separate, independent analysis.

Mr. Speaker, this is a good government bill; and I urge its passage by the House.

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

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, the Truth in Regulating Act represents the culmination of nearly 4 years of hard work and is an effort that will provide Congress with a new resource for reviewing new government regulations before they take effect.

This is not the bill I had hoped for, but I accept it as a good place to begin. I first introduced this legislation during the 105th Congress with the goal of giving Congress the tools it needs to oversee the steady stream of new and often costly regulations coming from the Federal Government.

Government regulations have an impact on every American, Mr. Speaker. In most cases, regulations speak to a noble purpose and can often be viewed as a measure of the value that we place in protecting such things as human health, workplace safety, or the environment. Yet too often government oversteps its bounds in an attempt to achieve these goals, and we all pay the price as a consequence.

The price of regulations poses a particularly heavy burden on small businesses and manufacturers, those entities which make up the very thing that drives our economy forward. Estimates vary on the annual cost of government regulations. The Office of Management and Budget estimates $3 billion a year while other estimates run as high as $700 billion every year.

Congress has a special entity, the Congressional Budget Office, or CBO, to help it grapple with our enormous Federal budget, and there is growing sentiment that a similar office is needed within the legislative branch to review and analyze the numerous government regulations that are developed and issued every year.

Mr. Speaker, the gentleman from Wisconsin (Mr. RYAN) highlighted the difference between the Senate version, S. 1198 and H.R. 4924. Let me highlight one of the most important components of this compromise legislation, the inclusion of small business.

As the vice chairman of the Committee on Small Business and chairwoman of the Subcommittee on Regulatory Reform and Paperwork Reduction, I know that small business owners are very familiar with the burdens that Federal regulations place on them.

Some studies have shown that for small employers the cost of complying with Federal regulations is more than double what it costs their larger counterparts. Small businesses need help in addressing this burden. A new mechanism to help Congress to control the regulatory burden on small employers, H.R. 4924 provides such a mechanism.

This legislation authorizes GAO to study not only economically significant rules but also rules that agencies identify as a significant impact on small businesses. I think it is essential that Congress have the tools to perform proper oversight of the Federal regulatory process as it affects small firms in this country.

The bottom line, the Truth in Regulating Act, is about better information. The purpose of this office is to ensure that Congress exercises its legislative powers in the most informed manner possible.

Ultimately, this will lead to better and more finely tuned legislation, as well as more effective agency regulations.

This legislation would provide Congress with reliable, nonpartisan information and improve Congress' ability to understand burdens that are placed on small businesses and the economy by excessive regulations.

I urge my colleagues to support H.R. 4924, because only through active oversight can Congress ensure that the laws that it passes are properly implemented. This is a responsibility that Congress must take seriously, because as countless small business owners can attest, not doing so can have dramatic implications.

Mr. Speaker, I would like to thank the gentleman from Indiana (Mr. MCINTOSH) for his work on this legislation. I would like to thank the gentleman from California (Mr. CONDIT) and the gentleman from Texas (Mr. TURNER) for their support, and I would like to thank the gentleman from Michigan (Mr. BARCIA) for his ongoing support for this important legislation.

Finally, I would like to thank the gentleman from Indiana (Mr. BURTON) and certainly my colleague, the gentleman from Wisconsin (Mr. RYAN), for moving this legislation swiftly to the floor today and for the leadership of the gentleman from Indiana (Mr. BURTON) on this issue.

I strongly urge my colleagues to support me in this important effort.

Mr. KUCINICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak in support of H.R. 4924, the Truth in Regulating Act of 2000. I want to thank the gentleman from California (Mr. CONDIT) for introducing H.R. 4763 on which this bill is based. I also want to thank the gentleman from Indiana (Mr. BURTON) of the Committee on Government Reform; the ranking member of our committee, the gentleman from California (Mr. WAXMAN); the gentleman from Indiana (Mr. MCINTOSH) of the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs; the gentleman from California (Mr. CONDIT); and the gentlewoman from New York (Mrs. KELLY), who have taken a leading role on this issue, and also my good friend, the gentleman from Wisconsin (Mr. RYAN), for working together so that we can craft a bipartisan compromise that we can all support.

I think also it should be mentioned that staff has played a very important role in helping to put this together, and we want to express our appreciation to the staff as well.

Mr. Speaker, I strongly support the stated purposes of this bill: first, to increase transparency of important regulatory decisions; second, to promote congressional oversight to ensure that agencies fulfill their statutory requirements in an efficient, effective and fair manner; and, third, to increase the accountability of Congress. Therefore, I am especially pleased that we were able to craft a compromise that will likely become law because it addresses the serious concerns raised during consideration of earlier versions of the bill.

□ 1515

H.R. 4924, is substantially the same as the substitute amendment I offered, along with the gentleman from California (Mr. WAXMAN) when the Committee on Government Reform considered H.R. 4744. That substitute was H.R. 4763, a bill introduced by the gentleman from California (Mr. CONDIT). It was the same language that was passed by unanimous consent in the Senate on May 9, 2000, without opposition from the Government Accounting Office, public interest groups, or industry representatives.

H.R. 4924 creates a 3-year pilot project in which, at the request of a committee of jurisdiction, the GAO would analyze economically significant proposed and final rules. GAO would evaluate the agency's analyses of cost benefits, alternatives, regulatory impact, federalism impact, and any other analysis prepared by the agency or required to be prepared by the agency. All of this analysis would be completed within 180 days of the committee's request.

Mr. Speaker, H.R. 4929 is the same as the Senate version of this bill, except:

First, it clarifies that the bill only requires the GAO to analyze agency analyses that were required by separate statute or executive order. It does not require any new agency or GAO analysis.

Second, it exempts independent boards and commissions which are exempt under similar requirements in the Unfunded Mandated Reform Act and Executive Order 12866.

Third, it applies to committee requests for the review of a minor rule if that rule has significant impact on a substantial number of small entities.

And fourth, it requires GAO to complete its analyses of proposed and interim rules within the comment period, if practicable.

In all other respects, it is the same as S. 1198, which passed the Senate with unanimous consent.

When we considered an earlier version of the bill, GAO expressed serious concerns about the scope of the analyses, the timing provided for the conducting of the reviews, and the certainty of funding. Also, public interest groups expressed concerns and opposed passage. The bill we are considering today addresses those concerns.

Mr. Speaker, the most important change that has been made is that under this bill, GAO would retain its traditional role as auditor and evaluate only the agency's work. It would not be required to conduct its own independent analyses. In addition, the bill clarifies that it would not require the agency to conduct any analyses. It only reviews analyses that are required by separate statute or executive order.

Another personality change is that H.R. 4924 requires GAO to complete analyses within the comment period only when the shortened review period is practicable. Although it is useful to have the GAO report before the comment period is closed, we did not want to force the GAO into doing shoddy work. We wanted to make sure the GAO had time to do a complete review before implementing GAO safeguards for accuracy.

Mr. Speaker, I support H.R. 4924 because it sheds light on the adequacy and usefulness of agencies' analyses, yet it ensures the GAO has adequate time and resources to fulfill its new responsibilities. It requires GAO to focus on the factors that Congress found to be the most relevant, and preserves GAO's traditional role as auditor.

Mr. Speaker, I want to again express my appreciation to the Members on the other side of the aisle. This shows what happens when we have a concern on both sides, when we are able to negotiate and compromise, we produce a bill I think that is good for the Congress and it is good for the American people.

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

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply just want to thank the gentleman from Ohio (Mr. KUCINICH), ranking member; the gentleman from California (Mr. WAXMAN), ranking member of the full committee; the gentleman from California (Mr. CONDIT); the gentlewoman from New York (Chairman KELLY); the gentleman from Indiana (Chairman MCINTOSH); and the gentleman from Indiana (Chairman BURTON) for all of their hard work on this, for coming together and putting together a good bipartisan product that we are now passing here.

Mr. Speaker, I simply want to reiterate one point, which is it is our hope and intent that GAO does conduct this new analysis within the public comment period, because then it helps us as Members of Congress respond to our congressional responsibility which is to see that we as legislators are writing the laws of this country. It is just a hope and intent.

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

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the bill, H.R. 4924.

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

A motion to reconsider was laid on the table.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 1999

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1651) to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 13, line 3, strike out [$60,000,000.] and insert: *$60,000,000 for each of fiscal years 2002 and 2003.*

TITLE IV—MISCELLANEOUS

SEC. 401. USE OF AIRCRAFT PROHIBITED.

Section 7(a) of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971e(a)) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by striking ''fish.'' in paragraph (2) and inserting ''fish; or''; and

(3) by adding at the end the following:

''(3) for any person, other than a person holding a valid Federal permit in the purse seine category—

''(A) to use an aircraft to locate or otherwise assist in fishing for, catching, or retaining Atlantic bluefin tuna; or

''(B) to catch, possess, or retain Atlantic bluefin tuna located by use of an aircraft.''.

SEC. 402. FISHERIES RESEARCH VESSEL PROCUREMENT.

Notwithstanding section 644 of title 15, United States Code, and section 19.502–2 of title 48, Code of Federal Regulations, the Secretary of Commerce shall seek to procure Fisheries Research Vessels through full and open competition from responsible United States shipbuilding companies irrespective of size.

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

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on H.R. 1651.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1651, the Fishermen's Protective Act Amendments of 1999. This bill makes a number of conservation and management improvements to several important fisheries laws.

Title I allows fishermen to be reimbursed if their vessel is illegally detained or seized by foreign countries.

Title II establishes a panel to advise the Secretaries of State and Interior on Yukon River salmon issues in Alaska. This section will provide much needed support in the conservation and management of Yukon River salmon.

Title III authorizes the Secretary of Commerce to acquire, purchase, lease, lease-purchase or charter and equip up to six fishery survey vessels. These vessels are one of the most important fishery management tools available to the Federal scientists. They allow for the collection of much-needed scientific data and to manage our Nation's fisheries.

Finally, the last title addresses the use of spotter aircraft in the New England-based Atlantic bluefin tuna fishery. This section was added in the other body which responded to concerns over use of planes which have accelerated the catch rates and closures in the general and harpoon categories.

Mr. Speaker, this is a well thought out, well drafted bill, and I urge an ''aye'' vote.

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

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

Mr. Speaker, I rise in support of this bill, H.R. 1651, which was passed by the House last year. As my colleague on the other side has explained, it contains several provisions intended to improve the fisheries conservation, management and data collection. It was approved unanimously by the Senate last month, and I urge the Members to support passage.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in strong support of H.R. 1651, the Fishermen's Protective Act Amendments. H.R. 1651, as passed by the House, makes improvements in several important fisheries laws by enhancing conservation and management measures.

In the other body, this bill was amended to include a ban on the use of spotter planes to find Atlantic bluefin tuna. The Senate passed the amended bill by unanimous consent.

Mr. Speaker, I want to make clear how important this provision of the bill is to tuna fishermen in Maine. Most of them have been shut out of the fishery this season, as well as in the recent past. Currently, the larger boats can afford the planes. They take in the allowable catch and force smaller boats to end their season. Without this ban, owners of these smaller boats will be unable to make a living and support their families.

Many strong opinions are the rule when fisheries issues are concerned. In this case, however, the Secretary of Commerce received a unanimous recommendation from the Highly Migratory Species Advisory Panel in 1998. The panel advised the Secretary to prohibit the use of spotter aircraft in the General and Harpoon categories of the Atlantic bluefin tuna fishery.

The use of these planes can increase the catch rates and closures in the general and harpoon categories. The scientific and conservation objectives of the Highly Migratory Species Fisheries Management Plan can be negatively affected by the increased catch rates. Two years ago, the National Marine Fisheries Service issued a proposed rule to adopt the Advisory Panel recommendation but the rule was not finalized. It has, therefore, become necessary to take legislative action.

Mr. Speaker, this is a regional issue that many in the New England delegation on both sides of the aisle support. I thank the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. GEORGE MILLER) for expediting action on this bill, and I urge Members to support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for his work and his support of this legislation, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1651.

The question was taken.

Mr. ALLEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

OCEANS ACT OF 2000

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2327) to establish a Commission on Ocean Policy, and for other purposes.

The Clerk read as follows:

S. 2327

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 ''Oceans Act of 2000''.

SEC. 2. PURPOSE AND OBJECTIVES.

The purpose of this Act is to establish a commission to make recommendations for coordinated and comprehensive national ocean policy that will promote—

(1) the protection of life and property against natural and manmade hazards;

(2) responsible stewardship, including use, of fishery resources and other ocean and coastal resources;

(3) the protection of the marine environment and prevention of marine pollution;

(4) the enhancement of marine-related commerce and transportation, the resolution of conflicts among users of the marine environment, and the engagement of the private sector in innovative approaches for sustainable use of living marine resources and responsible use of non-living marine resources;

(5) the expansion of human knowledge of the marine environment including the role of the oceans in climate and global environmental change and the advancement of education and training in fields related to ocean and coastal activities;

(6) the continued investment in and development and improvement of the capabilities, performance, use, and efficiency of technologies for use in ocean and coastal activities, including investments and technologies designed to promote national energy and food security;

(7) close cooperation among all government agencies and departments and the private sector to ensure—

(A) coherent and consistent regulation and management of ocean and coastal activities;

(B) availability and appropriate allocation of Federal funding, personnel, facilities, and equipment for such activities;

(C) cost-effective and efficient operation of Federal departments, agencies, and programs involved in ocean and coastal activities; and

(D) enhancement of partnerships with State and local governments with respect to ocean and coastal activities, including the management of ocean and coastal resources and identification of appropriate opportunities for policy-making and decision-making at the State and local level; and

(8) the preservation of the role of the United States as a leader in ocean and coastal activities, and, when it is in the national interest, the cooperation by the United States with other nations and international organizations in ocean and coastal activities.

SEC. 3. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—There is hereby established the Commission on Ocean Policy. The Federal Advisory Committee Act (5 U.S.C. App.), except for sections 3, 7, and 12, does not apply to the Commission.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) NOMINATIONS.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

(B) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Speaker of the House of Representatives in consultation with the Chairmen of the House Committees on Resources, Transportation and Infrastructure, and Science.

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.

(3) CHAIRMAN.—The Commission shall select a Chairman from among its members. The Chairman of the Commission shall be responsible for—

(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) the use and expenditure of funds available to the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

(c) RESOURCES.—In carrying out its functions under this section, the Commission—

(1) is authorized to secure directly from any Federal agency or department any information it deems necessary to carry out its functions under this Act, and each such agency or department is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information (other than information described in section 552(b)(1)(A) of title 5, United States Code) to the Commission, upon the request of the Commission;

(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

(3) in consultation with the Ocean Studies Board of the National Research Council of

the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) STAFFING.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(e) MEETINGS.—

(1) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it:

(A) All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(2) INITIAL MEETING.—The Commission shall hold its first meeting within 30 days after all 16 members have been appointed.

(3) REQUIRED PUBLIC MEETINGS.—The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

(A) The Northeast (including the Great Lakes).

(B) The Southeast (including the Caribbean).

(C) The Southwest (including Hawaii and the Pacific Territories).

(D) The Northwest.

(E) The Gulf of Mexico.

(f) REPORT.—

(1) IN GENERAL.—Within 18 months after the establishment of the Commission, the Commission shall submit to Congress and the President a final report of its findings and recommendations regarding United States ocean policy.

(2) REQUIRED MATTER.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

(D) A review of the known and anticipated supply of, and demand for, ocean and coastal resources of the United States.

(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

(F) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(G) A review of previous and ongoing State and Federal efforts to enhance the effectiveness and integration of ocean and coastal activities.

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) CONSIDERATION OF FACTORS.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

(4) LIMITATIONS.—The recommendations of the Commission shall not be specific to the lands and waters within a single State.

(g) PUBLIC AND COASTAL STATE REVIEW.—

(1) NOTICE.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) INCLUSION OF GOVERNORS' COMMENTS.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

(h) ADMINISTRATIVE PROCEDURE FOR REPORT AND REVIEW.—Chapter 5 and chapter 7 of title 5, United States Code, do not apply to the preparation, review, or submission of the report required by subsection (e) or the review of that report under subsection (f).

(i) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of $6,000,000 for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

SEC. 4. NATIONAL OCEAN POLICY.

(a) NATIONAL OCEAN POLICY.—Within 120 days after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy, or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) COOPERATION AND CONSULTATION.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 5. BIENNIAL REPORT.

Beginning in September, 2001, the President shall transmit to the Congress biennially a report that includes a detailed listing of all existing Federal programs related to ocean and coastal activities, including a description of each program, the current funding for the program, linkages to other Federal programs, and a projection of the funding level for the program for each of the next 5 fiscal years beginning after the report is submitted.

SEC. 6. DEFINITIONS.

In this Act:

(1) MARINE ENVIRONMENT.—The term ''marine environment'' includes—

(A) the oceans, including coastal and offshore waters;

(B) the continental shelf; and

(C) the Great Lakes.

(2) OCEAN AND COASTAL RESOURCE.—The term ''ocean and coastal resource'' means any living or non-living natural, historic, or cultural resource found in the marine environment.

(3) COMMISSION.—The term ''Commission'' means the Commission on Ocean Policy established by section 3.

SEC. 7. EFFECTIVE DATE.

This Act shall become effective on January 20, 2001.

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

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material therein on S. 2327.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2327 establishes a Commission on Ocean Policy and requires that the President submit a biennial report to the Congress detailing Federal ocean and coastal activities. Both the House and Senate adopted similar legislation in the 105th Congress, but no final measure was cleared for the President's signature.

In this Congress, I joined with the gentleman from California (Mr. FARR), the gentleman from Pennsylvania (Mr. GREENWOOD), and others to introduce

H.R. 4410, the House companion bill to this bill.

The commission which will be created will consist of 16 members, 12 of which are members nominated by the House and Senate leadership. Members must be knowledgeable in coastal and ocean activities and represent geographically diverse districts. The commission will hold public meetings in coastal regions and gather input on a draft report from the public, the governors of coastal States, and the appropriate congressional committees.

The commission will prepare a report that includes a review of existing and planned ocean and coastal activities of Federal entities and make recommendations for modifications to the United States laws, regulations, and administrative structure of executive agencies necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

After a final report is submitted to the Congress and the President, the President is directed to submit to the Congress a statement of proposals to implement or respond to the commission's recommendations for coordinated, comprehensive, and long-term national policy for the responsible use and stewardship of the ocean and coastal resources for the benefit of the United States.

The President may not take any administrative or regulatory action or implement a reorganization plan not otherwise authorized by law in effect at the time of such action.

The Stratton Commission conducted a comprehensive review of national ocean policy and reported to Congress in 1969. Today, many of that commission's recommendations have been implemented, but no further comprehensive review of national ocean policy has been conducted. In light of the enormous growth of the population in coastal areas; our vastly improved understanding of physical, chemical, and biological oceanography; the tremendous technical advances in equipment available to explore and exploit ocean resources; and the number and complexity of Federal oceanographic and ocean and coastal resources conservation and management programs, it is time to conduct another comprehensive review of U.S. ocean policy. That is what this commission's purpose will be.

Mr. Speaker, I urge an ''aye'' vote on S. 2327.

Mr. Speaker, I include the following exchange of letters for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, July 25, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth HOB, Washington, DC.

DEAR CHAIRMAN YOUNG: I am in receipt of your letter of July 25, 2000 regarding S. 2327, the ''Oceans Act of 2000.''

As you state S. 2327 has provisions which fall within the jurisdiction of the Committee on Science. Given your desire to bring S. 2327 to the floor an expeditious manner, the Committee on Science will not object to its consideration.

We will request an appropriate number of conferees should a conference be convened on S. 2327 or similar legislation. I would ask that our exchange of letters be entered into the Congressional Record.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Committee on Resources intends to seek House passage of S. 2327, the Oceans Act of 2000, with an amendment, so as to clear the measure for the President.

The Transportation and Infrastructure Committee has a right to a referral of S. 2327. As you know, this legislation is based on previous bills establishing a Commission on Ocean Policy, including S. 1213, the Oceans Act of 1997, which was referred to our Committee, and H.R. 3445, the Oceans Act of 1998, which would have been referred to our Committee in the absence of an exchange of letters.

In view of your desire to move S. 2327 expeditiously, I will not insist on a referral that could delay consideration of this bill. This action should in no way be considered a waiver of the jurisdiction of the Committee on Transportation and Infrastructure over S. 2327. In addition, I would appreciate your inclusion of this letter in any Floor debate accompanying House consideration of S. 2327.

Thank you for your cooperation and that of your staff.

Sincerely,

BUD SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, July 25, 2000.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn HOB, Washington, DC.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on Science, Rayburn HOB, Washington, DC.

DEAR MESSRS. CHAIRMEN: Thank you for your letters regarding S. 2327, the Oceans Act of 2000. I agree that the bill contain provisions within your respective committees' jurisdiction and I appreciate your willingness to waive a referral of the bill to expedite its consideration by the House of Representatives this week.

I will be pleased to put your letters and this response in the Congressional Record when the bill is called up on the House Floor.

Thank you again for your cooperation.

Sincerely,

DON YOUNG,
Chairman.

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

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

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of S. 2327, and I want to thank the gentleman from New Jersey (Mr. SAXTON), the gentleman from California (Mr. FARR), the gentleman from Pennsylvania (Mr. GREENWOOD), and others who have worked hard on this legislation.

It is very clear that, as a Nation, we must consider comprehensively the challenges and the opportunities that lie ahead in the 21st century to ensure that we manage our ocean environment in the way that is both integrated and sustainable in the long term. I believe that this legislation moves us toward that goal.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I embarked on a sea odyssey over 4 years ago to pass the Oceans Act to establish a commission modeled after the Stratton Commission, which was a commission that met over 30 years ago.

If one thinks about it, most of the instrumentation we use to measure weather, measure the ocean, measure fisheries management has all been invented since the Stratton Commission desolved. We know a lot more now than we did then. Yet, we do not have a national policy on how this country ought to look into the 21st century about an ocean strategy. That is what this bill does. It really is a tribute to the hard work, bipartisan work of the gentleman from New Jersey (Chairman SAXTON); members of the Committee on Resources, including the gentleman from California (Mr. GEORGE MILLER), ranking member; and others on that committee.

Let me just say in one quick statement what is of interest here. We just sent satellites, we sent astronauts around the globe to photograph the earth. They photographed the surface of the planet, not the bottom of the ocean. We know a lot about the surface of the Earth than the bottom of the sea. We know everything there is to know about the Moon, the entire Moon, the back side, top side, front side. We know very, very little, very, very little, less than 5 percent of what the ocean floor of the world is.

The ocean floor of the Earth is 76 percent of the Earth. That is unknown: the canyons, the rivers, the volcanoes, the sulfuric vents, the depths, the heights. That is what this 21st century exploration is all about is to explore and to learn ways in which this Earth's resources can be properly managed. So that we shall not perish, so that we can manage to survive as a healthy planet.

As we know, we cannot just continue to dump everything we do not like into our oceans. All the excesses of which we do not know what to do with on land, we just dump them in the sea. We think they just sort of disappear. They do not. They integrate with the life of the ocean. They can kill it. We have people fishing with cyanide. We have people fishing with dynamite in some parts of the world. We have runoff with toxic wastes, and so on.

So now is the time in the development of a society that we need to have

a better look at how we manage these resources. This commission that we will vote on will do that. The President is required to bring back to Congress a report on how we should legislate within the next 18 months.

This is a very good bill. I ask for an ''aye'' vote.

Mr. BOEHLERT. Mr. Speaker, I rise in support of S. 2327, the Oceans Act of 2000. As chairman of the Water Resources and Environment Subcommittee of the Committee on Transportation and Infrastructure, I can attest to the importance of this legislation and the need to develop a comprehensive approach to our nation's oceans. Our Subcommittee held a hearing on comparable legislation in 1998 and since then has been active in reviewing and passing related bills advancing ocean and coastal protection efforts.

Like its predecessors (such as H.R. 3445 and S. 1213 in the 105th Congress), S. 2327 takes an important step towards a coordinated, comprehensive, and long-range national ocean policy. Clearly, there is a need for a renewed, comprehensive effort to develop such a policy. A lot has changed since the Stratton Commission was established in 1966. We have learned more about ocean and coastal problems and solutions and we have seen the enactment of laws such as the Clean Water Act, the Ocean Dumping Act, and the Oil Pollution Act. We also continue to witness the importance of shore protection and hurricane response programs of the Army Corps of Engineers and the Federal Emergency Management Agency.

Mr. Speaker, the Transportation and Infrastructure Committee was entitled to a referral of this legislation. However, in order to expedite House consideration of this important measure, the Committee agreed not to seek a referral. I appreciate the leadership and cooperation of Chairman SHUSTER, Chairman SENSENBRENNER of the Science Committee, and, of course, Chairman YOUNG of the Resources Committee. I also want to congratulate Rep. SAXTON, Rep. FARR, and others for their tireless efforts to move this legislation forward. Many of S. 2327's provisions are the result of negotiations among the House Committees and the Senate in 1998 and beyond.

Mr. Speaker, a vote for this bill is a vote for the responsible use and stewardship of ocean and coastal resources. I urge all of my colleagues to support S. 2327.

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

Mr. SAXTON. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the Senate bill, S. 2327.

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

A motion to reconsider was laid on the table.

□ 1530

JARYD ATADERO LEGACY TRAIL

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3817) to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the ''Jaryd Atadero Legacy Trail,'' as amended.

The Clerk read as follows:

H.R. 3817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDING.

Congress finds that Jaryd Atadero, a 3-year old boy from Littleton, Colorado, was last seen the morning of October 2, 1999, 1½ miles from the trailhead of the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest.

SEC. 2. DEDICATION.

Congress dedicates the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest to Jaryd Atadero and his legacy of promoting safe outdoor recreation for children.

SEC. 3. SIGN.

The Secretary of Agriculture shall recognize the loss of Jaryd Atadero and the need for increased awareness of child safety in outdoor recreation settings by posting an interpretive sign at the Big South Trail trailhead that—

(1) describes consideration for safe outdoor recreation with children;

(2) refers to the tragic loss of Jaryd Atadero to underscore the need for such safety considerations;

(3) refers to the dedication by Congress of this trail and safety message to the legacy of Jaryd Atadero; and

(4) for not less than 1 year, includes a copy of this Act and an image of Jaryd Atadero.

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

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE), who is the chairman of our Subcommittee on Forests and Forest Health, for her support and efforts on this legislation. I also thank the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Colorado (Mr. UDALL) for their contributions at the hearing earlier this month.

Mr. Speaker, Colorado's Rocky Mountains are rugged and beautiful, but they are a dangerous playground for all small children. Three-year-old Jaryd Atadero was last seen on the morning of October 2, 1999, hiking one and one-half miles from the trail head of the Big South Trail in the Comanche Peak Wilderness Area of the Roosevelt National Forest.

On that day in October, a group of friends took Jaryd hiking on the Big South Trail as his father, Allyn, stayed behind to tend to their camp.

As the hike wore on, the group split into two, with the faster hikers moving ahead. Jaryd became missing as he ran from one group to the other. After 7 exhaustive days of searching by local volunteers, Air Force rescuers, and the Larimer and Arapahoe County authorities, no trace of Jaryd was found. He has vanished completely.

Jaryd's disappearance is a haunting story that leaves each person who hears it wishing they could do something to help, myself included. My colleagues may remember that the story received national attention for several weeks, and hundreds of people all over the country have contacted Jaryd's father offering their prayers and financial help to solve the mystery.

But Mr. Atadero, who is a deeply spiritual man, understood from the very beginning of this ordeal that the national attention given to his son's disappearance should also be focused on the prevention of future disappearances. This bill is the result of his efforts.

H.R. 3817 would dedicate the Big South Trail in the Comanche Peak Wilderness area of Roosevelt National Forest to Jaryd Atadero. Under the bill, a permanent sign will be placed at the trail head that has a list of the safety tips for children; and, for a period of no less than a year, a picture of Jaryd and a copy of this legislation will also appear.

This bill has the support of the entire Colorado delegation as well as the gentleman from California (Mr. HUNTER) who has a personal relationship with the Atadero family.

Today I brought with me a Jaryd Atadero Legacy Whistle. This is a program started by Larimer County officials that provides some basic safety tips and a whistle with a wristband that children can carry with them while hiking on a trail.

As of this week, Jaryd's whistles have been handed out to more than 4,000 children in Colorado alone. The county has received requests from schools and churches across this country in States such as Texas, Tennessee, Florida, and Kansas for these whistles and for the safety presentations by a search and rescue team. I introduced H.R. 3817 to provide a permanent reminder of Jaryd and to promote these kinds of safety precautions.

I believe that H.R. 3817 would not only keep Jaryd's memory alive, it would also raise awareness about the dangers that children face when they recreate on public lands. Many of these dangers are preventable if children and parents would remember to take safety precautions while hiking in the wilderness.

Again, I thank the Speaker and those Members of the Committee on Resources that have been of assistance in our efforts to promote this issue and remember Jaryd. I urge my colleagues to support H.R. 3817, as amended.

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

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

Mr. Speaker, I rise in strong support of H.R. 3817, dealing with the tragedy of Jaryd Atadero, who disappeared on

the Big South Trail in Comanche Peak Wilderness area of the Roosevelt National Forest in Colorado. Despite a week-long search, Jaryd was never found. With this bill, perhaps some good can come from this tragedy.

I thank the gentleman from Colorado (Mr. TANCREDO) for bringing this legislation to the floor to deal with the memory of Jaryd and perhaps to warn other families and children about some of the dangers of being in a wilderness area, and to prevent other tragedies such as Jaryd's death.

I urge my colleagues to support this.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I rise in support of this bill. This bill is a good bill, and I recommend an ''aye'' vote on it.

Mr. UDALL of Colorado. Mr. Speaker, I am pleased that the House today is considering H.R. 3817, the bill to address the lessons to be learned from the story of a young boy, Jaryd Atadero, who became separated from his family in the Comanche Peak wilderness area in Colorado last year and has never been found.

I am a cosponsor of this bill, which would also remind us all of the need for vigilance for the safety of our children not only in the mountains but elsewhere as well.

The Resources Committee revised the bill to address some concerns raised by the Administration, and as it comes before the House today it enjoys the support of both sides of the aisle in our committee. I want to commend my Colorado colleague, Mr. TANCREDO, for working with the committee and with the Forest Service to resolve their concerns. I urge approval of the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and pass the bill, H.R. 3817, as amended.

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

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

''A bill to dedicate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.''.

A motion to reconsider was laid on the table.

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2919) to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio, as amended.

The Clerk read as follows:

H.R. 2919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Underground Railroad Freedom Center Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the National Underground Railroad Freedom Center (hereinafter ''Freedom Center'') was founded in 1995;

(2) the objectives of the Freedom Center are to interpret the history of the Underground Railroad through development of a national cultural institution in Cincinnati, Ohio, that will house an interpretive center, including museum, educational, and research facilities, all dedicated to communicating to the public the importance of the quest for human freedom which provided the foundation for the historic and inspiring story of the Underground Railroad;

(3) the city of Cincinnati has granted exclusive development rights for a prime riverfront location to the Freedom Center;

(4) the Freedom Center will be a national center linked through state-of-the-art technology to Underground Railroad sites and facilities throughout the United States and to a constituency that reaches across the United States, Canada, Mexico, the Caribbean and beyond; and

(5) the Freedom Center has reached an agreement with the National Park Service to pursue a range of historical and educational cooperative activities related to the Underground Railroad, including but not limited to assisting the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act.

(b) PURPOSES.—The purposes of this Act are—

(1) to promote preservation and public awareness of the history of the Underground Railroad;

(2) to assist the Freedom Center in the development of its programs and facilities in Cincinnati, Ohio; and

(3) to assist the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (16 U.S.C. 469l).

SEC. 3. DEFINITIONS.

In this Act:

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

(2) PROJECT BUDGET.—The term ''project budget'' means the total amount of funds expended by the Freedom Center on construction of its facility, development of its programs and exhibits, research, collection of informative and educational activities related to the history of the Underground Railroad, and any administrative activities necessary to the operation of the Freedom Center, prior to the opening of the Freedom Center facility in Cincinnati, Ohio.

(3) FEDERAL SHARE.—The term ''Federal share'' means an amount not to exceed 20 percent of the project budget and shall include all amounts received from the Federal Government under this legislation and any other Federal programs.

(4) NON-FEDERAL SHARE.—The term ''non-Federal share'' means all amounts obtained by the Freedom Center for the implementation of its facilities and programs from any source other than the Federal Government, and shall not be less than 80 percent of the project budget.

(5) THE FREEDOM CENTER FACILITY.—The term ''the Freedom Center facility'' means the facility, including the building and surrounding site, which will house the museum and research institute to be constructed and developed in Cincinnati, Ohio, on the site described in section 4(c).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) PROGRAM AUTHORIZED.—From sums appropriated pursuant to the authority of subsection (d) in any fiscal year, the Secretary is authorized and directed to provide financial assistance to the Freedom Center, in order to pay the Federal share of the cost of authorized activities described in section 5.

(b) EXPENDITURE ON NON-FEDERAL PROPERTY.—The Secretary is authorized to expend appropriated funds under subsection (a) of this section to assist in the construction of the Freedom Center facility and the development of programs and exhibits for that facility which will be funded primarily through private and non-Federal funds, on property owned by the city of Cincinnati, Hamilton County, and the State of Ohio.

(c) DESCRIPTION OF THE FREEDOM CENTER FACILITY SITE.—The facility referred to in subsections (a) and (b) will be located on a site described as follows: a 2-block area south of new South Second, west of Walnut Street, north of relocated Theodore M. Berry Way, and east of Vine Street in Cincinnati, Ohio.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $16,000,000 for the 4 fiscal year period beginning October 1, 1999. Funds not to exceed that total amount may be appropriated in 1 or more of such fiscal years. Funds shall not be disbursed until the Freedom Center has commitments for a minimum of 50 percent of the non-Federal share.

(e) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds appropriated to carry out the provisions of this Act shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which the funds were appropriated.

(f) OTHER PROVISIONS.—Any grant made under this Act shall provide that—

(1) no change or alteration may be made in the Freedom Center facility except with the agreement of the property owner and the Secretary;

(2) the Secretary shall have the right of access at reasonable times to the public portions of the Freedom Center facility for interpretive and other purposes; and

(3) conversion, use, or disposal of the Freedom Center facility for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation equal to the greater of—

(A) all Federal funds made available to the grantee under this Act; or

(B) the proportion of the increased value of the Freedom Center facility attributable to such funds, as determined at the time of such conversion, use, or disposal.

SEC. 5. AUTHORIZED ACTIVITIES.

(a) IN GENERAL.—The Freedom Center may engage in any activity related to its objectives addressed in section 2(a), including, but not limited to, construction of the Freedom Center facility, development of programs and exhibits related to the history of the Underground Railroad, research, collection of information and artifacts and educational activities related to the history of the Underground Railroad, and any administrative activities necessary to the operation of the Freedom Center.

(b) PRIORITIES.—The Freedom Center shall give priority to—

(1) construction of the Freedom Center facility;

(2) development of programs and exhibits to be presented in or from the Freedom Center facility; and

(3) providing assistance to the National Park Service in the implementation of the National Underground Railroad Network to Freedom Act (16 U.S.C. 469l).

SEC. 6. APPLICATION.

(a) IN GENERAL.—The Freedom Center shall submit an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each application shall—

(1) describe the activities for which assistance is sought;

(2) provide assurances that the non-Federal share of the cost of activities of the Freedom Center shall be paid from non-Federal sources, together with an accounting of costs expended by the Freedom Center to date, a budget of costs to be incurred prior to the opening of the Freedom Center facility, an accounting of funds raised to date, both Federal and non-Federal, and a projection of funds to be raised through the completion of the Freedom Center facility.

(b) APPROVAL.—The Secretary shall approve the application submitted pursuant to subsection (a) unless such application fails to comply with the provisions of this Act.

SEC. 7. REPORTS.

The Freedom Center shall submit an annual report to the appropriate committees of the Congress not later than January 31, 2000, and each succeeding year thereafter for any fiscal year in which Federal funds are expended pursuant to this Act. The report shall—

(1) include a financial statement addressing the Freedom Center's costs incurred to date and projected costs, and funds raised to date and projected fundraising goals;

(2) include a comprehensive and detailed description of the Freedom Center's activities for the preceding and succeeding fiscal years; and

(3) include a description of the activities taken to assure compliance with this Act.

SEC. 8. AMENDMENT TO THE NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM ACT OF 1998.

The National Underground Railroad Network to Freedom Act of 1998 (112 Stat. 679; 16 U.S.C. 4691 and following) is amended by adding at the end the following:

"SEC. 4. PRESERVATION OF HISTORIC SITES OR STRUCTURES.

''(a) AUTHORITY TO MAKE GRANTS.—The Secretary of the Interior may make grants in accordance with this section for the preservation and restoration of historic buildings or structures associated with the Underground Railroad, and for related research and documentation to sites, programs, or facilities that have been included in the national network.

''(b) GRANT CONDITIONS.—Any grant made under this section shall provide that—

''(1) no change or alteration may be made in property for which the grant is used except with the agreement of the property owner and the Secretary;

''(2) the Secretary shall have the right of access at reasonable times to the public portions of such property for interpretive and other purposes; and

''(3) conversion, use, or disposal of such property for purposes contrary to the purposes of this Act, as determined by the Secretary, shall result in a right of the United States to compensation equal to all Federal funds made available to the grantee under this Act.

(e) MATCHING REQUIREMENT.—The Secretary may obligate funds made available for a grant under this section only if the grantee agrees to match, from funds derived from non-Federal sources, the amount of the grant with an amount that is equal to or greater than the grant. The Secretary may waive the requirement of the preceding sentence with respect to a grant if the Secretary determines that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(d) FUNDING.—There are authorized to be appropriated to the Secretary for purposes of this section $2,500,000 for fiscal year 2001 and each subsequent fiscal year. Amounts authorized but not appropriated in a fiscal year shall be available for appropriation in subsequent fiscal years.''.

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

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2919 sponsored by the gentleman from Ohio (Mr. PORTMAN) would bring financial assistance to the Freedom Center in Cincinnati, Ohio in order to promote preservation and public awareness of the history of the Underground Railroad. The gentleman from Ohio (Mr. PORTMAN) is to be commended for working very hard to bring all the parties together in order to move this measure forward.

The Freedom Center would interpret the history of the Underground Railroad and link the many Underground Railroad sites to a national center in keeping with the National Underground Railroad Network to Freedom Act.

From the end of the 18th century to the end of the civil war, the Underground Railroad flourished, symbolizing the ideal of freedom. In 1995, the National Underground Railroad Freedom Center was founded in Cincinnati to interpret the history of the Underground Railroad by bringing together exhibits that linked the scattered Underground Railroad sites through state-of-the-art technology.

The Freedom Center is the first public-private partnership with the National Underground Railroad Network to Freedom Act to coordinate the sites and activities within the National Park Service. This bill helps to complete the network of the various network sites of the Underground Railroad.

I would like to commend again the gentleman from Ohio (Mr. PORTMAN) for his efforts to ensure that the Underground Railroad's legacy is preserved and enhanced for all Americans to study and draw inspiration from.

Mr. Speaker, I urge my colleagues to support H.R. 2919, as amended.

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

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

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of this legislation by the gentleman from Ohio (Mr. PORTMAN). This is follow-on legislation to the legislation that we passed to establish a National Underground Railroad Network to Freedom program and will provide for the construction of a facility known as the Freedom Center in Cincinnati, Ohio.

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

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. PORTMAN), and I would just like to add that the gentleman worked extremely hard on this bill, and through his good works, we now have this legislation ready to be passed.

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Utah (Mr. HANSEN) for yielding this time to me to speak about H.R. 2919. I want to thank him personally for the effort he has put into this. Simply put, we would not have been on the floor today without his help in the subcommittee and the full committee, and over the last 2 years giving me guidance and support.

I also want to commend the gentlewoman from Cleveland, Ohio (Mrs. JONES), my colleague on the other side of the aisle, who is an original cosponsor of this bill and who has put in a lot of hard work and has a real personal commitment to commemorating the Underground Railroad history.

I also want to thank, of course, the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG); and the ranking member, the gentleman from California (Mr. GEORGE MILLER); as well as the ranking member of the Subcommittee on National Parks and Public Lands, the gentleman from Puerto Rico (Mr. ROMERO-BARCELO); and the subcommittee staff and committee staff who worked with us diligently over the last couple of years on this project.

What has become known, Mr. Speaker, as the Underground Railroad was a system of cooperation among African-American slaves, freed slaves, abolitionists, and other sympathetic whites to help slaves escape bondage and obtain freedom. Two years ago, this Congress overwhelmingly approved the National Underground Railroad Network to Freedom Act, legislation that joined together for the first time the historic sites all around the country in a network administered by the National Park Service. That legislation was a start in promoting the preservation of historic sites and increased public awareness of this remarkable chapter in our Nation's history.

Now, before us today, Congress has the opportunity to build on that start and to do more, to take the next step toward preserving endangered Underground Railroad sites and toward educating future generations of Americans about this remarkable story of cooperation and reconciliation.

The legislation takes two important steps: first, it authorizes limited Federal matching funds for the National Underground Railroad Freedom Center, the National Interpretive Museum, which is being developed on the river front in Cincinnati, Ohio. This is a very

exciting undertaking that takes the best thinking nationally, including working with the National Park Service and working with the Smithsonian, and also uses state-of-the-art technology and private sector creative resources to communicate real uplifting Underground Railroad stories to underscore the value of freedom and the importance of cooperation.

Second, this legislation authorizes the Department of the Interior to provide funds directly to endangered or threatened Underground Railroad sites nationwide, to ensure that these vital historic sites will be preserved for future generations.

Mr. Speaker, I believe that preserving these sites and telling the story of the Underground Railroad is a noble and very important mission. At a time when the news is all too often filled with stories of racial tension and misunderstanding, we need positive examples and hopeful role models that encourage understanding, cooperation, respect, and reconciliation. I urge my colleagues to reaffirm their support today and to commemorate this important part of our Nation's heritage by passing the bill before us.

Mr. Speaker, I rise in strong support of H.R. 2919, the National Underground Railroad Freedom Center Act. And I'd like to commend my colleague from Ohio and the original cosponsor of this bill—STEPHANIE TUBBS JONES—for her hard work on this bill and her personal commitment to commemorating the history of the Underground Railroad movement. I'd also like to thank House Resources Chairman DON YOUNG and Ranking Member GEORGE MILLER—along with Parks Subcommittee Chairman JIM HANSEN and Ranking Member CARLOS ROMERO-BARCELO, and the subcommittee and committee staff—for their support.

Mr. Speaker, the Underground Railroad was a system of cooperation among African-American slaves, free African-Americans, abolitionists and other sympathetic whites to help slaves escape their bonds and obtain freedom. Two years ago, Congress overwhelmingly approved the National Underground Railroad Network to Freedom Act, legislation that joined together, for the first time, the historic sites of the Underground Railroad in a network administered by the National Park Service. That legislation was a start in promoting the preservation of historic sites and increased public awareness of this remarkable chapter in our nation's history.

Now, Congress has the opportunity to build on the Network to Freedom Act—to take the next step toward preserving endangered Underground Railroad sites and educating future generations of Americans about this remarkable story of cooperation and reconciliation.

This legislation takes two important steps. First, it authorizes limited matching Federal funding for the National Underground Railroad Freedom Center—the national museum being developed on the riverfront in Cincinnati, Ohio.

Second, it authorizes the Interior Department to provide funds directly to endangered or threatened Underground Railroad sites nationwide-to ensure that these vital historic sites will be preserved for future generations. Let me talk briefly about each of those components of the bill.

FREEDOM CENTER FUNDING

The National Underground Railroad Freedom Center will be a national education and distributive museum center located on the Ohio River, scheduled to open in 2003. The mission of the Freedom Center will be to dramatize the Underground Railroad's stories of cooperation and courage to better educate and inspire us in our lives today.

It is an exciting undertaking that is taking the best thinking nationally and using state of the art technology and private sector creative resources to communicate real, uplifting Underground Railroad stories to underscore the value of freedom and the importance of cooperation. Importantly, the Freedom Center is working closely with the National Park Service as well as the Smithsonian in developing the project.

As a distributive educational museum, the Freedom Center will also establish regional centers, or ''freedom stations,'' in other areas of the country, especially those that are significant to the Underground Railroad, both in the North and the South. Many of these regional centers will partner with local Underground Railroad sites, linking them with other sites across the country and disseminating information.

Last year, under the able leadership of subcommittee chairman RALPH REGULA of Ohio, Congress appropriated $1 million in initial construction funding for the Freedom Center. The legislation we are considering today authorizes $16 million over 4 years for construction of the Freedom Center. I want to make it clear that this federal role is a relatively small part of the overall funding, and all of it is subject to non-Federal funds being raised. In fact, because the Freedom Center has created an innovative public/private partnership, the funding for this initiative involves the lowest percentage of federal matching funds of any of the national museums.

Most other national museums have raised only one-third to one-half of construction and/or operating from non-Federal sources. However, the non-Federal role in the Freedom Center would exceed 80 percent. But I want to make the point that, though limited, these federal funds are extremely important because they are used to leverage additional funds from the private sector.

The Freedom Center has already raised $36 million toward its goal of $90 million. And, an aggressive private sector funding campaign will provide a significant portion of the remaining $54 million. Incidentally, in addition to funding for construction, technology, and exhibit design and installation, the goal of $90 million includes an operating endowment of $10 million.

PRESERVING THREATENED URR SITES

The second key component of this legislation is an authorization for the Secretary of the Interior, through the Park Service, to provide $2.5 million annually for the preservation of historic Underground Railroad sites nationwide—particularly endangered or threatened sites that might otherwise be lost.

These grants would be available to any historical site that meets the criteria for inclusion on the National Underground Railroad Network to Freedom that Congress established two years ago.

Unfortunately, as community groups around the country will tell you, many Underground Railroad sites have already been lost. And, many other sites do not qualify for inclusion on the National Register of Historic Places because the structures have been altered or may have deteriorated over time.

We can't afford to lose any more of these historic sites. And this grant money is key to proper recognition and preservation of the Underground Railroad.

I believe preserving these sites and telling the story of the Underground Railroad is a noble and important mission. At a time when the news is too often filled with stories of racial tension and misunderstanding, we need positive examples and hopeful role models that encourage understanding, cooperation, respect and reconciliation. I urge my colleagues to reaffirm their support for commemorating this important part of our nation's heritage by passing H.R. 2919 today.

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise in strong support of H.R. 2919, the National Underground Railroad Freedom Center Act.

This bipartisan legislation, offered by the gentleman from Ohio (Mr. PORTMAN) and the gentlewoman from Ohio (Mrs. JONES), will accomplish two important goals in the preservation and commemoration of the Underground Railroad.

I would also like to thank the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG); and the ranking member, the gentleman from California (Mr. GEORGE MILLER); for working together to forge a compromise and bring this bill to the floor, a bill that meets the needs of protecting and enshrining the history of the Underground Railroad. I was happy to play a minor role in moving this bill through committee.

This legislation will allow the creation of the National Underground Railroad Freedom Center in Ohio. The center will be dedicated to communicating to the public the importance of the quest for human freedom that provided the foundation for the historic and inspiring story of the Underground Railroad.

Additionally, this legislation will create a $2.5 million annual program to preserve and restore historic properties associated with the Underground Railroad throughout our Nation. The Underground Railroad, which consisted of a number of routes leading from deep Southern States, like Louisiana, Mississippi and Alabama, to free States in the North, like Ohio, Pennsylvania, and my home State of New York, was made up of safe houses where slaves who escaped could rest, get fed, and hid from those people who were seeking to return them to a life of slavery.

The creation of the Freedom Center, as well as the new Federal investment in other sites involved in the history of the Underground Railroad, will play a key role in educating our diverse society about slavery, the origins of the abolitionist movement, and the story of African Americans in the early years of our Republic.

Again, I am pleased that the committee has been able to work out a compromise that will benefit our Nation's history and allow for the protection and preservation of many more Underground Railroad sites. I ask all Members to support this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise in support of H.R. 2919. This opportunity is of particular significance because today one of the finest gentlemen of the House, a true statesman, my predecessor, the gentleman from Ohio, the Honorable Louis Stokes, is on the floor. And it is significant that I have the opportunity to continue his legacy by having an opportunity to speak on legislation that was part of his original work here in the House of Representatives, the underground railroad.

I want to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from California (Mr. GEORGE MILLER), and the gentleman from Ohio (Mr. PORTMAN) for their hard work and dedication. The Freedom Center Act will help establish the National Underground Railroad Freedom Center in Cincinnati, Ohio. The goal of the center is to preserve and promote the legacy of the underground railroad. The core feature will be its preservation of stories of the underground railroad in an interactive state of the art technology link to existing underground railroad sites.

The freedom center's mission is to educate the public about the historic struggle to abolish human slavery and secure freedom for all people. The museum will be the first of its kind in the Nation and Cincinnati is an ideal location because of its prominence in the underground railroad movement.

To preserve the legacy of the underground railroad, it is important that we think back, that some estimates say 40,000 slaves escaped via the railroad system in 22 States. According to the Ohio Humanities Council, Ohio has more underground railroad lines than any other State, numbering almost 150 sites.

H.R. 2919 supports this collaborative by, among other things, making grants for the preservation and restoration of historic buildings or structures associated with the underground railroad across this Nation.

I rise today to build upon the work of the Honorable Louis Stokes and the gentleman from Ohio (Mr. PORTMAN) and I thank my colleagues for this opportunity to be heard.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I rise in support of H.R. 2919, the National Underground Railroad Network to Freedom. As we all know and as has been discussed previously, this is a way to preserve and link the underground railroad sites nationwide for the first time within the National Park Service.

I am a member of the Subcommittee on Interior of the Committee on Appropriations, and this is something that we do have concern about.

This bill is designed to protect and preserve the stories and the tales and the reality of the endangered sites of the underground railroad for future generations, and we believe that it is a story that should be told for future generations.

Last week, I joined Mr. DAVIS and Mr. LEWIS and the gentleman from Oklahoma (Mr. WATTS) to make an announcement about a resolution that we have urging the Speaker of the House to name a study committee to make recommendations on how this House can commemorate the fact that the United States Capitol was partially built with slave labor, 400 slaves to be exact.

As we in this country get together to reconcile racial differences, I believe an important component is to talk about our mutual history. It does seem like we have carefully, for many years, many decades, side stepped the issue of slavery in the construction of this great country. In Georgia, for example, where I am from, Savannah, Georgia, 1733, when it was founded, slavery was against the law, but as time progressed, economic pressure brought in slavery. Yet, as I look back to the history of my great State and the other States, certainly along the East Coast and then many as we expanded West, slaves were there helping build our country, all the way.

So I do not think we should be afraid to discuss this. I do not think it should be side stepped. I think we owe it to Americans, African Americans, Native Americans, Asian, Hispanic, white and black together to discuss this. I think it is something that we owe to our society.

So I am a supporter of this legislation, because it is long since that we are saying let us go back and honor the social and humanitarian movement to resist slavery in the United States prior to the Civil War and this, of course, was not something that just happened for a short period of time but went on for many years from about the 1830's to 1865.

It spanned more than 22 States and crossed all the way into the Mexican and Canadian borders.

Mr. Speaker, I believe that if we have a National Underground Railroad Freedom Center, it will help educate the public about the human struggle to abolish slavery and secure the freedom of all people. So I am a supporter of it and I urge Members of the House to vote for it.

Mr. SOUDER. Mr. Speaker, I rise today to urge support for this bill sponsored by my friend, the gentleman from Ohio. I believe the bill he has worked so diligently on is fundamental to re-discovering, preserving, and trumpeting the important contribution of the Underground Railroad in chipping away at the institution of slavery.

I am a cosponsor of this bill, which will provide funding to establish the National Underground Railroad Freedom Center in Cincinnati, Ohio. It is important to keep in mind that only 20 percent of total funding for the Freedom Center will come from the Federal Government—the lion's share of funding will be from private and local sources.

This important Center—the first of its kind in the nation—will be a clearinghouse for the education, collection, and dissemination of information on the Underground Railroad.

The Underground Railroad spanned 29 states, and is known for its role in the mid-1800s movement of enslaved African Americans seeking freedom from bondage in the South. For the slaves who had the courage and determination to free themselves, the Underground Railroad network provided shelter, food, supplies, transport, and discretion, which was invaluable during the dangerous journey to freedom.

The history of the Underground Railroad tells a story of strong determination of those who were dedicated to the freedom of a people.

It also tells a story of very special collaborations between people of diverse racial, cultural, and religious backgrounds. Without modern methods of communication—telephones, faxes, or the Internet—many people—Africans, Caucasians, Native Americans, and Quakers—banded together for a greater good: to provide freedom to some, and to end the abomination of slavery for all.

These people risked their lives on a daily basis to seek freedom or assist in helping others find it. It is estimated that in the 20 years prior to the Civil War, upwards of 40,000 slaves escaped bondage via the Underground Railroad.

Because of the nearly silent legacy of the people who passed through the Underground Railroad and provided assistance to freedom-seeking slaves, this Center is vital to reconstructing and communicating the significance of the Underground Railroad.

As a ''distributive educational museum,'' an additional mission of the Freedom Center will be to establish regional centers, or ''freedom stations.''

In my district in northeast Indiana, we have been working to identify and protect numerous sites in Steuben, Allen and Noble Counties.

Carl Wilson has been working with a regional group in Ft. Wayne for two years. Carl and I have also worked with the Steuben County group as well. A key stop on the Underground Railroad may become a key point of a new bike trail in Angola, Indiana. We have been pleased to work with the Cincinnati museum in these efforts.

I believe one of the greatest challenges will be to distinguish between alleged and genuine Underground Railroad sites. Many of these alleged sites have been identified through the decades by local folklore—oral histories, notes found in family Bibles, and other unofficial documentation.

To complicate the identification process, many of these sites are in significant decay or are no longer known as part of Underground Railroad network.

These sites will need to be systematically reviewed and scientifically established.

Then, these sites should be linked together to provide Americans with a ''holistic'' approach to visiting and studying Underground Railroad locations. It is my understanding that the Freedom Center will assist in identifying nearly 60 Freedom Stations across America by 2003.

The history of the Underground Railroad is not only fundamental to understand the history of African Americans in this nation, the anti-slavery movement, and the Civil War, it is also fundamental to truly understand the significance of the cornerstone tenant of this nation: freedom.

This Center will educate and remind all of us about the long and winding path we have taken in America to achieve the goal of freedom for all.

I urge my colleagues to support this very important bill to provide funding for the Freedom Center in Cincinnati. Thank you.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2919, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

OREGON LAND EXCHANGE ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1629) to provide for the exchange of certain land in the State of Oregon.

The Clerk read as follows:

S. 1629

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 ''Oregon Land Exchange Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) certain parcels of private land located in northeast Oregon are intermingled with land owned by the United States and administered—

(A) by the Secretary of the Interior as part of the Central Oregon Resource Area in the Prineville Bureau of Land Management District and the Baker Resource Area in the Vale Bureau of Land Management District; and

(B) by the Secretary of Agriculture as part of the Malheur National Forest, the Wallowa-Whitman National Forest, and the Umatilla National Forest;

(2) the surface estate of the private land described in paragraph (1) is intermingled with parcels of land that are owned by the United States or contain valuable fisheries and wildlife habitat desired by the United States;

(3) the consolidation of land ownerships will facilitate sound and efficient management for both public and private lands;

(4) the improvement of management efficiency through the land tenure adjustment program of the Department of the Interior, which disposes of small isolated tracts having low public resource values within larger blocks of contiguous parcels of land, would serve important public objectives, including—

(A) the enhancement of public access, aesthetics, and recreation opportunities within or adjacent to designated wild and scenic river corridors;

(B) the protection and enhancement of habitat for threatened, endangered, and sensitive species within unified landscapes under Federal management; and

(C) the consolidation of holdings of the Bureau of Land Management and the Forest Service—

(i) to facilitate more efficient administration, including a reduction in administrative costs to the United States; and

(ii) to reduce right-of-way, special use, and other permit processing and issuance for roads and other facilities on Federal land;

(5) time is of the essence in completing a land exchange because further delays may force the identified landowners to construct roads in, log, develop, or sell the private land and thereby diminish the public values for which the private land is to be acquired; and

(6) it is in the public interest to complete the land exchanges at the earliest practicable date so that the land acquired by the United States can be preserved for—

(A) protection of threatened and endangered species habitat; and

(B) permanent public use and enjoyment.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term ''Clearwater'' means Clearwater Land Exchange—Oregon, an Oregon partnership that signed the document entitled ''Assembled Land Exchange Agreement between the Bureau of Land Management and Clearwater Land Exchange—Oregon for the Northeast Oregon Assembled Lands Exchange, OR 51858,'' dated October 30, 1996, and the document entitled ''Agreement to initiate'' with the Forest Service, dated June 30, 1995, or its successors or assigns;

(2) the term ''identified landowners'' means private landowners identified by Clearwater and willing to exchange private land for Federal land in accordance with this Act;

(3) the term ''map'' means the map entitled ''Northeast Oregon Assembled Land Exchange/Triangle Land Exchange'', dated November 5, 1999; and

(4) the term ''Secretary'' means the Secretary of the Interior or the Secretary of Agriculture, as appropriate.

SEC. 4. BLM—NORTHEAST OREGON ASSEMBLED LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of the Interior shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) BLM LANDS TO BE CONVEYED.—The parcels of Federal lands to be conveyed by the Secretary to the appropriate identified landowners are as follows:

(1) the parcel comprising approximately 45,824 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 2,755 acres located in Wheeler County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(3) the parcel comprising approximately 726 acres located in Morrow Country, Oregon, within the Baker Resource Area of the Vale District of Land Management, as generally depicted on the map; and

(4) the parcel comprising approximately 1,015 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcel of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows:

(1) the parcel comprising approximately 31,646 acres located in Grant County, Oregon, within the Central Oregon Resource Area in the Prineville District of the Bureau of Land Management, as generally depicted on the map;

(2) the parcel comprising approximately 1,960 acres located in Morrow County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map; and

(3) the parcel comprising approximately 10,544 acres located in Umatilla County, Oregon, within the Baker Resource Area in the Vale District of the Bureau of Land Management, as generally depicted on the map.

SEC. 5. FOREST SERVICE—TRIANGLE LAND EXCHANGE.

(a) IN GENERAL.—Upon the request of Clearwater, on behalf of the appropriate identified landowners, the Secretary of Agriculture shall exchange the Federal lands described in subsection (b) for the private lands described in subsection (c), as provided in section 6.

(b) FOREST SERVICE LANDS TO BE CONVEYED.—The National Forest System lands to be conveyed by the Secretary to the appropriate identified landowners comprise approximately 3,901 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map.

(c) PRIVATE LANDS TO BE ACQUIRED.—The parcels of private lands to be conveyed by the appropriate identified landowners to the Secretary are as follows:

(1) the parcel comprising approximately 3,752 acres located in Grant and Harney Counties, Oregon, within the Malheur National Forest, as generally depicted on the map;

(2) the parcel comprising approximately 1,702 acres located in Baker and Grant Counties, Oregon, within the Wallowa-Whitman National Forest, as generally depicted on the map; and

(3) the parcel comprising approximately 246 acres located in Grant and Wallowa Counties, Oregon, within or adjacent to the Umatilla National Forest, as generally depicted on the map.

SEC. 6. LAND EXCHANGE TERMS AND CONDITIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the land exchanges implemented by this Act shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws.

(b) MULTIPLE TRANSACTIONS.—The Secretary of the Interior and the Secretary of Agriculture may carry out a single or multiple transactions to complete the land exchanges authorized in this Act.

(c) COMPLETION OF EXCHANGES.—Any land exchange under this Act shall be completed not later than 90 days after the Secretary and Clearwater reach an agreement on the final appraised values of the lands to be exchanged.

(d) APPRAISALS.—(1) The values of the lands to be exchanged under this Act shall be

determined by appraisals using nationally recognized appraisal standards, including as appropriate—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions (1992); and

(B) the Uniform Standards of Professional Appraisal Practice.

(2) To ensure the equitable and uniform appraisal of the lands to be exchanged under this Act, all appraisals shall determine the best use of the lands in accordance with the law of the State of Oregon, including use for the protection of wild and scenic river characteristics as provided in the Oregon Administrative Code.

(3)(A) all appraisals of lands to be exchanged under this Act shall be completed, reviewed and submitted to the Secretary not later than 90 days after the date Clearwater requests the exchange.

(B) Not less than 45 days before an exchange of lands under this Act is completed, a comprehensive summary of each appraisal for the specific lands to be exchanged shall be available for public inspection in the appropriate Oregon offices of the Secretary, for a 15-day period.

(4) After the Secretary approves the final appraised values of any parcel of the lands to be conveyed under this Act, the value of such parcel shall not be reappraised or updated before the completion of the applicable land exchange, except for any adjustments in value that may be required under subsection (e)(2).

(e) EQUAL VALUE LAND EXCHANGE.—(1)(A) The value of the lands to be exchanged under this Act shall be equal, or if the values are not equal, they shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716(b)) or this subsection.

(B) The Secretary shall retain any cash equalization payments received under subparagraph (A) to use, without further appropriation, to purchase land from willing sellers in the State of Oregon for addition to lands under the administration of the Bureau of Land Management or the Forest Service, as appropriate.

(2) If the value of the private lands exceeds the value of the Federal lands by 25 percent or more, Clearwater, after consultation with the affected identified landowners and the Secretary, shall withdraw a portion of the private lands necessary to equalize the values of the lands to be exchanged.

(3) If any of the private lands to be acquired do not include the rights to the subsurface estate, the Secretary may reserve the subsurface estate in the Federal lands to be exchanged.

(f) LAND TITLES.—(1) Title to the private lands to be conveyed to the Secretary shall be in a form acceptable to the Secretary.

(2) The Secretary shall convey all right, title, and interest of the United States in the Federal lands to the appropriate identified landowners, except to the extent the Secretary reserves the subsurface estate under subsection (c)(2).

(g) MANAGEMENT OF LANDS.—(1) Lands acquired by Secretary of the Interior under this Act shall be administered in accordance with sections 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), and lands acquired by the Secretary of Agriculture shall be administered in accordance with sections 205(d) of such Act (43 U.S.C. 1715(d)).

(2) Lands acquired by the Secretary of the Interior pursuant to section 4 which are within the North Fork of the John Day subwatershed shall be administered in accordance with section 205(c) of the Federal Land Policy and Management Act (43 U.S.C. 1715(c)), but shall be managed primarily for the protection of native fish and wildlife habitat, and for public recreation. The Secretary may permit other authorized uses within the subwatershed if the Secretary determines, through the appropriate land use planning process, that such uses are consistent with, and do not diminish these management purposes.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1629, sponsored by Senators SMITH and WYDEN of Oregon, and the gentleman from Oregon (Mr. WALDEN) on the House side, would facilitate two exchanges of public and private lands in Oregon: the Triangle Land Exchange in the Northeast Oregon Assembled Land Exchange.

Approximately 54,000 acres of BLM and Forest Service land is proposed to be traded for nearly 50,000 acres currently held by private ownership in northeast Oregon. The value of the lands exchanged will be the same or equalized by cash payments to the Secretaries. The proposed exchange has been proceeding under administrative process for 4½ years with a variety of delays along the way. The bill creates a legislative resolution to the exchange.

Both the government and the public have interest in this exchange. Federal agencies will acquire sensitive river corridors which will improve the efficiency of their protection efforts for threatened and endangered fish. Communities and landowners will benefit from these exchanges because the consolidation of ownership patterns and the release of previously inaccessible forest lands will boost local economies and enhance the ability of the private sector to manage its own lands.

The land exchanges have received the strong collective support of several Oregon Indian tribes, conservation groups such as the Oregon Natural Desert Association, Oregon Trout and the Sierra Club, the Governor and scores of concerned citizens at large.

Mr. Speaker, I commend the gentleman from Oregon (Mr. WALDEN) for his tireless efforts to bring this bill to the floor. His constituents are lucky to have someone of his caliber representing their interest.

I urge my colleagues to support S. 1629.

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

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am rising on the issue of S. 1629, the Oregon Land Exchange Act. As the gentleman from Utah (Mr. HANSEN) stated, it is a bill that has come to us from the Senate sponsored by Senators SMITH and WYDEN and the gentleman from Oregon (Mr. WALDEN) who has done yeoman's work on this issue in the House.

The issue has been before the House for nearly a year. There have been a series of administrative actions that go back several years regarding these proposed exchanges.

□ 1545

In October of 1999, the subcommittee held a hearing on the issue, and in April of this year the bill was marked up. Before the hearing and before the markup, I and my staff made extensive inquiries of knowledgeable environmental groups throughout Oregon to see what concerns they might have regarding the legislation and what changes they might like to see. What I heard back, for the most part, was the benefits of the exchange, particularly along the north fork of the John Day. No one, until quite recently, came forward with specific objections to specific parcels involved as a small subset of the entire exchange. It is unfortunate that those concerns were raised so late in the process.

In general, the legislation identifies isolated parcels of publicly owned lands in eastern Oregon. I have spent some time looking at the maps; and it is quite a dispersed ownership, much of it really public islands surrounded by private land, in particular a large block of lands along the north fork of the John Day River, which is critical salmon habitat, and other private inholdings to allow the Forest Service and the BLM to block up their holdings in the public arena.

The bill is supported by Oregon Trout, the Native Fish Society, and the governor of Oregon. I contacted the Oregon Natural Resources Council, the Oregon Natural Desert Association, and the Sierra Club during consideration. They did support the Forest Service preferred alternative for the Northeast Oregon Assembled Land Exchange, which is part of the legislation. It is very complex legislation and includes other exchanges.

As I said earlier, I have heard some concerns very recently from a number of people who reside in the district of the gentleman from Oregon (Mr. WALDEN) raising concerns. In general, I am skeptical of land exchanges. When I was first here, I opposed a land exchange proposed by the chairman of the Committee on Resources, joining with the gentleman from California (Mr. MILLER) and very few others on the committee to oppose that, because we did not believe the public was getting full value. I have, in my district, put great emphasis in scrutinizing any proposals for even minor land exchanges.

This is a large exchange; and all I can do in part is rely upon the governor, the advocates, like Oregon Trout and Native Fish Society, the environmental groups that are the most knowledgeable of the area about the benefits, and try to weigh those benefits against what I am told are some

detrimental exchanges on isolated parcels.

Unfortunately, I believe that at this point we cannot fix what minor problems might result, and we are threatened with harvest along the north fork of the John Day this summer or next fall if this exchange does not go forward. The owners there have withheld harvest for 3 or 4 years, and now this year went in and actually marked trees along the north fork, and I do know of the benefits and I am very familiar with that area.

The ranking member has recently revealed a report from the GAO which goes to the issue of land exchanges and problems with land exchanges; and I am hopeful that my efforts and the efforts of other members of the Oregon delegation, the resource agencies involved, and the interest groups that have scrutinized this have prevented any of those problems from recurring in this particular legislation.

Mr. Speaker, I would again, although unfortunately it comes very late in the process, I would enter the letter from the Friends of Rudio Mountain, Inc., into the RECORD at this point in time raising their concerns about that particular aspect of the exchange:

FRIENDS OF RUDIO MOUNTAIN, INC.
Forest Grove, OR, July 20, 2000.

Representative PETER DEFAZIO,
RHOB, Washington, DC.

DEAR PETER DEFAZIO: We are writing today with new and extremely important information that you should be informed of regarding the Oregon Land Exchange Act of 2000 (HR2950). The following new information gives the public moral grounds to ask you to stop all legislation regarding The Oregon Land Exchange Act Of 2000 (HR2950).

Our first concern is that misleading information has kept the public in the dark. We want to make it clear that Prineville District BLM officials have told us from the start that the Congressional Trade (HR2950) followed PHASE 1 of the NOALE Land Exchange. We were told that the maps in the FEIS for the NOALE were the same as the maps that you are using for The Oregon Land Exchange Act. This is not the truth.

Two weeks ago we received a set of the maps that outline the lands involved in (HR2950). Our group and many other special interest groups were not aware that entirely different maps were involved or that certain public lands of such high value in critical areas were being disposed of in (HR2950) until we reviewed maps 1 through 6. Had we known that the Congressional Trade was based on a different set of maps and that it intended to dispose of parcels of public land not set for disposal in PHASE 1 of NOALE we would have offered stormy opposition and this Bill would most likely have died at the onset. We are certain that if the true clear picture would have been laid out the Bill would not have had any supporters.

Please note that on July 19th Jessica Hamilton from Congressman David Wu's office spoke with one of the public officials that has been involved from the start with the NOALE exchange and (HR2950). During her conversation with him he told her the same misleading information that we had been led to believe. He firmly told her that he was not aware of any Rudio Mountain land at all that was involved in the Congressional Bill and that he was certain that no public land defined as Phase 2 Disposal Parcels in the FEIS were involved in (H.R. 2950). On this same date he told us that he was not aware that the Congressional Bill maps were different from those of the PHASE 1 maps of the FEIS, furthermore, he told us once again the same information that he had told to Jessica Hamilton. He kept insisting it was true until we told him that we had documents in our possession to prove him wrong. He firmly denied sending us anything at which point we reminded him that we had a map that he had outlined for us and other correspondence from him and that we were going to the State Director regarding certain matters. At this point he admitted that several thousand acres of PHASE 2 Rudio Mountain public land had been put into the Congressional trade because it contained Old-Growth Timber. He told us not to worry about it because the BLM was opposed to disposing of any Rudio Mountain land and even if Congress passed the Bill the BLM definitely would not allow those parcels to be traded away and that the NEPA process had not been completed on those parcels so BLM could not get rid of them even if Congress passed the Bill. Talk about being led down the garden path! Shortly after this conversation this public official put in a call to Jessica Hamilton to clarify certain matters. I have not had the opportunity to discuss the matter with Jessica to see exactly what he clarified.

Our second major concern is that the public lands involved do not meet the requirements of the Congressional Bill. (H.R. 2950) is defeating the purpose for land trades in Oregon. The agencies are not disposing of isolated parcels of public land as they would like the public to believe. (H.R. 2950) will dispose of large parcels of public land that are adjacent to other public land, for example, (SEE MAP 4), T12S R28E, Parcels 117B—139A—139B, (consisting of about 1500 acres), T12S R29E, Parcel 145, T12S R30E, Parcel 150A, (about 600 acres surrounded by public land and adjoining a major highway), to name just a few examples. Parcels like this have been targeted because they contain Old-Growth Timber. These public lands are currently being utilized by the public at large. To call them isolated or hard to manage is extremely misleading. In this same locale many parcels that are in fact isolated with no public access have been skipped over as they contain no Old-Growth Timber. In some areas small portions of large blocks of public land have been marked for disposal. Why would the agencies want to break apart large parcels when they could offer parcels that are truly small, isolated and separated from larger tracts. The answer is crystal clear, they contain no Valuable Old-Growth Timber.

Our third concern is that we have been involved in public meetings with the agencies regarding the NOALE exchange from the very beginning. The original EIS and FEIS for the NOALE exchange concerned only public lands that were marked for PHASE 1 of the process but it also listed lands that were being considered for a PHASE 2 exchange. PHASE 2 public land consisted mainly of high value Old-Growth habitat and critical wildlife habitat in the vicinity of Rudio Mountain. We have corresponded with the BLM regarding Rudio Mountain Lands for a number of years. BLM officials have always assured us both verbally and in writing that they would never trade any land in the vicinity of Rudio Mountain unless they could gain private land on Rudio Mountain that would block up to other public land that would benefit the public.

Some time ago former Congresswoman Elizabeth Furse and former Senator Mark Hatfield forwarded over 100 statements from individual people to the BLM addressing this very issue. The BLM had a firm agreement with us that no Rudio Mountain public land would ever be traded for land anywhere else except for on Rudio Mountain. In (H.R. 2950) over 8000 acres of the very best public land on Rudio Mountain will be forfeited in exchange for logged over land hundreds of miles from Rudio Mountain.

Attached hereto as EXHIBIT A is a letter that we sent to Jessica Hamilton to assist her in researching our concerns. EXHIBIT A outlines some of the parcels of public land that we are concerned with.

Will you stand by while hundreds of people are deceived through this Congressional Land Exchange. Will you stand by and let some of the most beautiful, untouched land in the State of Oregon be put into the control of a third party facilitator whose only interest is to reap outlandish profits by placing the public land into the hands of private parties and the Old-Growth Timber into the hands of private industries. Rudio Mountain public lands contain some of the best critical wildlife habitat and outstanding Old-Growth left in the State of Oregon. This valuable habitat in harmony with other things is responsible for producing and maintaining some of the best quality and wholesome wildlife in the Western States.

We can not afford to lose these treasures. We have walked these lands and forests for decades and our love for this land, for the forests and the wildlife is overflowing. To take such simple yet important pleasures from us would be heartbreaking.

Once again we ask you to stand with us and stop this land exchange. In closing this letter we have two requests. First, please consider the facts that we have set forth, second, please take one minute to look deep into our hearts before you make any decisions for our future and those that will come after us, who shall one day yearn to walk through the special places where we walk today. Thank you.

Very truly yours,

KATHLEEN R. KIDWELL,
For Friends of Rudio Mountain, Inc., & Others In Opposition To The Land Exchanges.

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

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. WALDEN), who has done a remarkable job on this piece of legislation and actually has a companion bill with this Senate bill we are considering, H.R. 2950.

Mr. WALDEN of Oregon. Mr. Speaker, I appreciate the gentleman's yielding to me and his hard work on this legislation. I thank him for his time and help on it.

I want to thank the gentleman from Oregon (Mr. DEFAZIO) as well, with whom I have worked on this and several other pieces of legislation in this session in a partnership that I think benefits all of our constituents in Oregon. We need to continue to work to move all those bills through the process and down to the President's desk.

I also want to thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), and others who have worked in a bipartisan effort on this compromise legislation, including our Oregon Senators, Senator WYDEN and Senator SMITH.

The reason this bill passed unanimously out of the Senate and the

House Committee on Resources is because people know it is good for the environment and good for the people. It will add 54½ miles of threatened and endangered species habitat for Bull Trout, Chinook Salmon, Mid-Columbia Steelhead, and Westslope Cutthroat Trout. It will add over 71½ miles of riparian zones under Federal management. It will increase public land holdings within the Wild and Scenic River System corridors by over 1,300 acres. It will increase commercial forest land under management by Federal agencies by more than 5,218 acres.

And as we have heard already, it is supported by Oregon's Democrat Governor John Ktizhaber, Oregon Trout, Oregon Trout Unlimited, Native Fish Society, the Confederated Tribes of the Warm Springs, and the Umatilla Reservations, to name just a few.

Mr. Speaker, this stack of documents I have in this box next to me, which I will not dump out on the table, but certainly could, weighs more than 13 pounds. It is some 5 years' worth of National Environmental Protection Act processes and failed time lines in an attempt to execute this exchange administratively. We have seen two U.S. Forest Service environmental impact assessments, a draft EIS for the Triangle Exchange, draft EIS and final EIS for the Northeast Assembled Land Exchange; we have had official consultation with all four impacted native American tribes, each of which supports the exchanges; and had formal consultation with and concurrence by the National Marine Fisheries and U.S. Fish and Wildlife Service.

This bill goes so far as to take the BLM and the Forest Service's preferred alternatives from these 5 years of NEPA processes and includes the preferred alternatives in this act.

Mr. Speaker, this is a sound environmental bill, providing sought-after Federal management of these vital salmon and steelhead streams. We cannot afford to allow these exchanges to fall apart due to bureaucratic failings and an increased hypersensitivity to land exchanges both good and bad.

Mr. Speaker, I share my colleague's concerns about land exchanges and will continue to vigorously review them as they come before this body to make sure the public gets its due in any exchanges that may be proposed.

Mr. DEFAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SUNUNU). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S.1629.

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

A motion to reconsider was laid on the table.

□ 1600

SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3676) to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, as amended.

The Clerk read as follows:

H.R. 3676

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 ''Santa Rosa and San Jacinto Mountains National Monument Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Establishment of Santa Rosa and San Jacinto Mountains National Monument, California.
Sec. 3. Management of Federal lands in the National Monument.
Sec. 4. Development of management plan.
Sec. 5. Existing and historical uses of Federal lands included in Monument.
Sec. 6. Acquisition of land.
Sec. 7. Local advisory committee.
Sec. 8. Authorization of appropriations.

SEC. 2. ESTABLISHMENT OF SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT, CALIFORNIA.

(a) FINDINGS.—Congress finds the following:

(1) The Santa Rosa and San Jacinto Mountains in southern California contain nationally significant biological, cultural, recreational, geological, educational, and scientific values.

(2) The magnificent vistas, wildlife, land forms, and natural and cultural resources of these mountains occupy a unique and challenging position given their proximity to highly urbanized areas of the Coachella Valley.

(3) These mountains, which rise abruptly from the desert floor to an elevation of 10,802 feet, provide a picturesque backdrop for Coachella Valley communities and support an abundance of recreational opportunities that are an important regional economic resource.

(4) These mountains have special cultural value to the Agua Caliente Band of Cahuilla Indians, containing significant cultural sites, including village sites, trails, petroglyphs, and other evidence of their habitation.

(5) The designation of a Santa Rosa and San Jacinto Mountains National Monument by this Act is not intended to impact upon existing or future growth in the Coachella Valley.

(6) Because the areas immediately surrounding the new National Monument are densely populated and urbanized, it is anticipated that certain activities or uses on private lands outside of the National Monument may have some impact upon the National Monument, and Congress does not intend, directly or indirectly, that additional regulations be imposed on such uses or activities as long as they are consistent with other applicable law.

(7) The Bureau of Land Management and the Forest Service should work cooperatively in the management of the National Monument.

(b) ESTABLISHMENT AND PURPOSES.—In order to preserve the nationally significant biological, cultural, recreational, geological, educational, and scientific values found in the Santa Rosa and San Jacinto Mountains and to secure now and for future generations the opportunity to experience and enjoy the magnificent vistas, wildlife, land forms, and natural and cultural resources in these mountains and to recreate therein, there is hereby designated the Santa Rosa and San Jacinto Mountains National Monument (in this Act referred to as the ''National Monument'').

(c) BOUNDARIES.—The National Monument shall consist of Federal lands and Federal interests in lands located within the boundaries depicted on a series of 24 maps entitled ''Boundary Map, Santa Rosa and San Jacinto National Monument'', 23 of which are dated May 6, 2000, and depict separate townships and one of which is dated June 22, 2000, and depicts the overall boundaries.

(d) LEGAL DESCRIPTIONS; CORRECTION OF ERRORS.—

(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall use the map referred to in subsection (c) to prepare legal descriptions of the boundaries of the National Monument. The Secretary shall submit the resulting legal descriptions to the Committee on Resources and the Committee on Agriculture of the House of Representatives and to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) LEGAL EFFECT.—The map and legal descriptions of the National Monument shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct clerical and typographical errors in the map and legal descriptions. The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management and the Forest Service.

SEC. 3. MANAGEMENT OF FEDERAL LANDS IN THE NATIONAL MONUMENT.

(a) BASIS OF MANAGEMENT.—The Secretary of the Interior and the Secretary of Agriculture shall manage the National Monument to protect the resources of the National Monument, and shall allow only those uses of the National Monument that further the purposes for the establishment of the National Monument, in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(3) the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.) and section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a); and

(4) other applicable provisions of law.

(b) ADMINISTRATION OF SUBSEQUENTLY ACQUIRED LANDS.—Lands or interests in lands within the boundaries of the National Monument that are acquired by the Bureau of Land Management after the date of the enactment of this Act shall be managed by the Secretary of the Interior. Lands or interests in lands within the boundaries of the National Monument that are acquired by the Forest Service after the date of enactment of this Act shall be managed by the Secretary of Agriculture.

(c) PROTECTION OF RESERVATION, STATE, AND PRIVATE LANDS AND INTERESTS.—Nothing in the establishment of the National Monument shall affect any property rights of any Indian reservation, any individually held trust lands, any other Indian allotments, any lands or interests in lands held by the State of California, any political subdivision of the State of California, any special district, or the Mount San Jacinto Winter Park Authority, or any private property rights

within the boundaries of the National Monument. Establishment of the National Monument shall not grant the Secretary of the Interior or the Secretary of Agriculture any new authority on or over non-Federal lands not already provided by law. The authority of the Secretary of the Interior and the Secretary of Agriculture under this Act extends only to Federal lands and Federal interests in lands included in the National Monument.

(d) EXISTING RIGHTS.—The management of the National Monument shall be subject to valid existing rights.

(e) NO BUFFER ZONES AROUND NATIONAL MONUMENT.—Because the National Monument is established in a highly urbanized area—

(1) the establishment of the National Monument shall not lead to the creation of express or implied protective perimeters or buffer zones around the National Monument;

(2) an activity on, or use of, private lands up to the boundaries of the National Monument shall not be precluded because of the monument designation, if the activity or use is consistent with other applicable law; and

(3) an activity on, or use of, private lands, if the activity or use is consistent with other applicable law, shall not be directly or indirectly subject to additional regulation because of the designation of the National Monument.

(f) AIR AND WATER QUALITY.—Nothing in this Act shall be construed to change standards governing air or water quality outside of the designated area of the National Monument.

SEC. 4. DEVELOPMENT OF MANAGEMENT PLAN.

(a) DEVELOPMENT REQUIRED.—

(1) IN GENERAL.—Not later than 3 years after of the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall complete a management plan for the conservation and protection of the National Monument consistent with the requirements of section 3(a). The Secretaries shall submit the management plan to Congress before it is made public.

(2) MANAGEMENT PENDING COMPLETION.—Pending completion of the management plan for the National Monument, the Secretaries shall manage Federal lands and interests in lands within the National Monument substantially consistent with current uses occurring on such lands and under the general guidelines and authorities of the existing management plans of the Forest Service and the Bureau of Land Management for such lands, in a manner consistent with other applicable Federal law.

(3) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection shall preclude the Secretaries, during the preparation of the management plan, from implementing subsections (b) and (i) of section 5. Nothing in this section shall be construed to diminish or alter existing authorities applicable to Federal lands included in the National Monument.

(b) CONSULTATION AND COOPERATION.—

(1) IN GENERAL.—The Secretaries shall prepare and implement the management plan required by subsection (a) in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and in consultation with the local advisory committee established pursuant to section 7 and, to the extent practicable, interested owners of private property and holders of valid existing rights located within the boundaries of the National Monument. Such consultation shall be on a periodic and regular basis.

(2) AGUA CALIENTE BAND OF CAHUILLA INDIANS.—The Secretaries shall make a special effort to consult with representatives of the Agua Caliente Band of Cahuilla Indians regarding the management plan during the preparation and implementation of the plan.

(3) WINTER PARK AUTHORITY.—The management plan shall consider the mission of the Mount San Jacinto Winter Park Authority to make accessible to current and future generations the natural and recreational treasures of the Mount San Jacinto State Park and the National Monument. Establishment and management of the National Monument shall not be construed to interfere with the mission or powers of the Mount San Jacinto Winter Park Authority, as provided for in the Mount San Jacinto Winter Park Authority Act of the State of California.

(c) COOPERATIVE AGREEMENTS.—

(1) GENERAL AUTHORITY.—Consistent with the management plan and existing authorities, the Secretaries may enter into cooperative agreements and shared management arrangements, which may include special use permits with any person, including the Agua Caliente Band of Cahuilla Indians, for the purposes of management, interpretation, and research and education regarding the resources of the National Monument.

(2) USE OF CERTAIN LANDS BY UNIVERSITY OF CALIFORNIA.—In the case of any agreement with the University of California in existence as of the date of enactment of this Act relating to the University's use of certain Federal land within the National Monument, the Secretaries shall, consistent with the management plan and existing authorities, either revise the agreement or enter into a new agreement as may be necessary to ensure its consistency with this Act.

SEC. 5. EXISTING AND HISTORICAL USES OF FEDERAL LANDS INCLUDED IN MONUMENT.

(a) RECREATIONAL ACTIVITIES GENERALLY.—The management plan required by section 4(a) shall include provisions to continue to authorize the recreational use of the National Monument, including such recreational uses as hiking, camping, mountain biking, sightseeing, and horseback riding, as long as such recreational use is consistent with this Act and other applicable law.

(b) MOTORIZED VEHICLES.—Except where or when needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the National Monument shall be permitted only on roads and trails designated for use of motorized vehicles as part of the management plan.

(c) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Interior and the Secretary of Agriculture shall permit hunting, trapping, and fishing within the National Monument in accordance with applicable laws (including regulations) of the United States and the State of California.

(2) REGULATIONS.—The Secretaries, after consultation with the California Department of Fish and Game, may issue regulations designating zones where, and establishing periods when, no hunting, trapping, or fishing will be permitted in the National Monument for reasons of public safety, administration, or public use and enjoyment.

(d) ACCESS TO STATE AND PRIVATE LANDS.—The Secretaries shall provide adequate access to nonfederally owned land or interests in land within the boundaries of the National Monument, which will provide the owner of the land or the holder of the interest the reasonable use and enjoyment of the land or interest, as the case may be.

(e) UTILITIES.—Nothing in this Act shall have the effect of terminating any valid existing right-of-way within the Monument. The management plan prepared for the National Monument shall address the need for and, as necessary, establish plans for the installation, construction, and maintenance of public utility rights-of-way within the National Monument outside of designated wilderness areas.

(f) MAINTENANCE OF ROADS, TRAILS, AND STRUCTURES.—In the development of the management plan required by section 4(a), the Secretaries shall address the maintenance of roadways, jeep trails, and paths located in the National Monument.

(g) GRAZING.—The Secretaries shall issue and administer any grazing leases or permits in the National Monument in accordance with the same laws (including regulations) and executive orders followed by the Secretaries in issuing and administering grazing leases and permits on other land under the jurisdiction of the Secretaries. Nothing in this Act shall affect the grazing permit of the Wellman family (permittee number 12–55–3) on lands included in the National Monument.

(h) OVERFLIGHTS.—

(1) GENERAL RULE.—Nothing in this Act or the management plan prepared for the National Monument shall be construed to restrict or preclude overflights, including low-level overflights, over lands in the National Monument, including military, commercial, and general aviation overflights that can be seen or heard within the National Monument. Nothing in this Act or the management plan shall be construed to restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the National Monument.

(2) COMMERCIAL AIR TOUR OPERATION.—Any commercial air tour operation over the National Monument is prohibited unless such operation was conducted prior to February 16, 2000. For purposes of this paragraph, ''commercial air tour operation'' means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing.

(i) WITHDRAWALS.—

(1) IN GENERAL.—Subject to valid existing rights as provided in section 3(d), the Federal lands and interests in lands included within the National Monument are hereby withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(2) EXCHANGE.—Paragraph (1)(A) does not apply in the case of—

(A) an exchange that the Secretary determines would further the protective purposes of the National Monument; or

(B) the exchange provided in section 6(e).

SEC. 6. ACQUISITION OF LAND.

(a) ACQUISITION AUTHORIZED; METHODS.—State, local government, tribal, and privately held land or interests in land within the boundaries of the National Monument may be acquired for management as part of the National Monument only by—

(1) donation;

(2) exchange with a willing party; or

(3) purchase from a willing seller.

(b) USE OF EASEMENTS.—To the extent practicable, and if preferred by a willing landowner, the Secretary of the Interior and the Secretary of Agriculture shall use permanent conservation easements to acquire interests in land in the National Monument in lieu of acquiring land in fee simple and thereby removing land from non-Federal ownership.

(c) VALUATION OF PRIVATE PROPERTY.—The United States shall offer the fair market value for any interests or partial interests in land acquired under this section.

(d) INCORPORATION OF ACQUIRED LANDS AND INTERESTS.—Any land or interest in lands within the boundaries of the National Monument that is acquired by the United States

after the date of the enactment of this Act shall be added to and administered as part of the National Monument as provided in section 3(b).

(e) LAND EXCHANGE AUTHORIZATION.—In order to support the cooperative management agreement in effect with the Agua Caliente Band of Cahuilla Indians as of the date of the enactment of this Act, the Secretary of the Interior may, without further authorization by law, exchange lands which the Bureau of Land Management has acquired using amounts provided under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.), with the Agua Caliente Band of Cahuilla Indians. Any such land exchange may include the exchange of federally owned property within or outside of the boundaries of the National Monument for property owned by the Agua Caliente Band of Cahuilla Indians within or outside of the boundaries of the National Monument. The exchanged lands acquired by the Secretary within the boundaries of the National Monument shall be managed for the purposes described in section 2(b).

SEC. 7. LOCAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an advisory committee for the National Monument, whose purpose shall be to advise the Secretaries with respect to the preparation and implementation of the management plan required by section 4.

(b) REPRESENTATION.—To the extent practicable, the advisory committee shall include the following members:

(1) A representative with expertise in natural science and research selected from a regional college or university.

(2) A representative of the California Department of Fish and Game or the California Department of Parks and Recreation.

(3) A representative of the County of Riverside, California.

(4) A representative of each of the following cities: Palm Springs, Cathedral City, Rancho Mirage, La Quinta, Palm Desert, and Indian Wells.

(5) A representative of the Agua Caliente Band of Cahuilla Indians.

(6) A representative of the Coachella Valley Mountains Conservancy.

(7) A representative of a local conservation organization.

(8) A representative of a local developer or builder organization.

(9) A representative of the Winter Park Authority.

(10) A representative of the Pinyon Community Council.

(c) TERMS.—

(1) STAGGERED TERMS.—Members of the advisory committee shall be appointed for terms of 3 years, except that, of the members first appointed, ⅓ of the members shall be appointed for a term of 1 year and ⅓ of the members shall be appointed for a term of 2 years.

(2) REAPPOINTMENT.—A member may be reappointed to serve on the advisory committee upon the expiration of the member's current term.

(3) VACANCY.—A vacancy on the advisory committee shall be filled in the same manner as the original appointment.

(d) QUORUM.—A quorum shall be 8 members of the advisory committee. The operations of the advisory committee shall not be impaired by the fact that a member has not yet been appointed as long as a quorum has been attained.

(e) CHAIRPERSON AND PROCEDURES.—The advisory committee shall elect a chairperson and establish such rules and procedures as it deems necessary or desirable.

(f) SERVICE WITHOUT COMPENSATION.—Members of the advisory committee shall serve without pay.

(g) TERMINATION.—The advisory committee shall cease to exist on the date upon which the management plan is officially adopted by the Secretaries, or later at the discretion of the Secretaries.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

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

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3676 establishes the Santa Rosa and the San Jacinto Mountain National Monument. This bill was introduced by the gentlewoman from California (Mrs. BONO), and the work she showed in moving this legislation forward is really quite remarkable. Legislation dealing with land designations and uses can be very difficult, and the gentlewoman from California (Mrs. BONO) deserves congratulations in creating a bill which is agreeable to everyone involved. She has garnered tremendous support for this bill, including the very important local governments and private property owners.

This monument created by H.R. 3676 consists of approximately 280,000 acres and would be managed jointly by the Secretary of the Interior and the Secretary of Agriculture.

Mr. Speaker, although establishing a national monument, this bill has many private property protections that otherwise probably would not have been available if the President decided to proclaim this area a national monument in yet another of his administration's fiats.

H.R. 3676, for example, assures that Congress does not intend for the designation of the monument to lead to the creation of any protective boundaries or to change authorized use of Federal land. Furthermore, all valid existing rights shall continue. Private land within the boundaries of the monument are only to be acquired if the land is donated, purchased from a willing seller, or exchanged with a willing party.

H.R. 3676 also contains provisions which direct the Secretary to use conservation easements to the maximum extent possible rather than outright acquisitions of land.

Mr. Speaker, this is a carefully crafted bill which gives additional protections to Federal land while also protecting the foundation of this county, private property. I urge all my colleagues to support H.R. 3676, as amended.

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

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

Mr. Speaker, as the gentleman from Utah (Mr. HANSEN) has explained, this is legislation that has been worked out in extensive negotiations between the sponsor, our colleague, the gentlewoman from California (Mrs. BONO), and the Secretary of the Interior.

The Secretary believes that the bill before us will adequately protect this area.

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

Mr. HANSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. BONO), the sponsor and author of this bill.

Mrs. BONO. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of my legislation, H.R. 3676, the Santa Rosa and San Jacinto Mountains National Monument Act.

Congress has an opportunity to enact legislation which was originated by the constituents of California's 44th Congressional District. When these residents came to me and suggested that I introduce legislation to designate our local mountains a National Monument, I decided it was an idea well worth pursuing.

For years my family has enjoyed these scenic wonders and recreational opportunities that are abundant in this remarkable range. I have often hiked the hills and the canyons above our home in Palm Springs, sharing with my children, Chianna and Chesare, the beauty of an ecosystem that continues to thrive despite its close proximity to a highly urbanized community.

I have developed a profound respect for the people who over the past century have served as stewards of these lands. They have done a remarkable job in balancing the preservation of these mountains with the inevitable development that has occurred in Southern California.

It is appropriate that we also recall the original caretakers of this land, the Cahuilla people. For centuries, the Agua Caliente Band of Cahuilla Indians made the canyons and hills above Palm Springs their home. And the Cahuilla people roamed throughout the desert and mountains of this entire region living in harmony with the unique environment. Their culture and heritage is an integral part of this region. And even today, the Indian canyons near Palm Strings offer a welcome respite from the hectic pace of the urban areas of the Coachella Valley.

One of the tangible benefits that will be derived from this Monument designation is the preservation of tribal land and historic artifacts. The Agua Caliente Tribe has been a partner in this process from the start, and I would like to thank the Tribal Council and all the Cahuilla people in support of this legislation.

In crafting this bill, I was confronted with a similar challenge, to balance traditional uses and private property rights that the people of the region

enjoy with the need to preserve these mountain vistas.

So we returned to the fundamental concept of how our system of government should work. I went directly to the people of the 44th district and sought their participation and input on how best to draft legislation that would reflect their commitment to both environmental preservation and private property rights protection. The result of their efforts is contained in the bill before us today.

Mr. Speaker, the best way our constituents can be heard on matters such as these is if Congress and not the administration takes this action. With all due respect to those who serve in Washington, the people who live in this area know better than any Federal worker how to resolve these issues. Therefore, it was encouraging that very early on the Secretary of the Interior took a personal interest in this effort and publicly supported the congressional process as the preferred vehicle for this designation.

I thank the Secretary and the Bureau of Land Management offices out of Washington, Sacramento, and Palm Springs for working with me on this issue.

With this bill, we are able to protect private property rights with strong buffer zone language, willing seller provisions, and clearly worded access language. And we are able to further protect these mountains by prohibiting further withdrawals, curbing motorized vehicle use, and controlling cattle grazing.

I have said many times that I would not go forth with a bill which does not protect the rights of those individuals who live within the proposed boundary lines and those who live right at the foot of the mountains. This bill strikes an appropriate balance by protecting the rights of affected constituents as well as these unique mountains.

I wish to thank the gentleman from Utah (Chairman HANSEN) and his able staff, Allan Freemyer and Tod Hull, for assisting me in this process so that I can achieve this balance.

In addition, I would like to thank the Coachella Valley Mountains Conservancy under the direction of Bill Havert, the Desert Chapter of the Building Industry Association and its executive director, Ed Kibbey, and the local branch of the Sierra Club and its head Joan Taylor.

Too often environmentalists and private property rights advocates are at odds with each other. In my heart, I believe that we can work to achieve the goals of each group for the betterment of all. It may be the more difficult course to choose, but one well worth taking.

So I would like to thank my many colleagues, my legislative director, Linda Valter, and the rest of my staff who have helped me along the way.

Mr. Speaker, as a child, my parents drove our family all over this wonderful country visiting national parks and awe-inspiring land throughout the West. Now my constituents have given me the opportunity to do something that will allow future families the same privilege. I hope they will all join me to achieve this worthy goal.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3676, as amended.

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

A motion to reconsider was laid on the table.

COLORADO CANYONS NATIONAL CONSERVATION AREA AND BLACK RIDGE CANYONS WILDERNESS ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4275) to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4275

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 ''Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Act of 2000''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that certain areas located in the Grand Valley in Mesa County, Colorado, and Grand County, Utah, should be protected and enhanced for the benefit and enjoyment of present and future generations. These areas include the following:

(1) The areas making up the Black Ridge and Ruby Canyons of the Grand Valley and Rabbit Valley, which contain unique and valuable scenic, recreational, multiple use opportunities (including grazing), paleontological, natural, and wildlife components enhanced by the rural western setting of the area, provide extensive opportunities for recreational activities, and are publicly used for hiking, camping, and grazing, and are worthy of additional protection as a national conservation area.

(2) The Black Ridge Canyons Wilderness Study Area has wilderness value and offers unique geological, paleontological, scientific, and recreational resources.

(b) PURPOSE.—The purpose of this Act is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important values of the public lands described in section 4(b), including geological, cultural, paleontological, natural, scientific, recreational, environmental, biological, wilderness, wildlife education, and scenic resources of such public lands, by establishing the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness in the State of Colorado and the State of Utah.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION AREA.—The term ''Conservation Area'' means the Colorado Canyons National Conservation Area established by section 4(a).

(2) COUNCIL.—The term ''Council'' means the Colorado Canyons National Conservation Area Advisory Council established under section 8.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed for the Conservation Area under section 6(h).

(4) MAP.—The term ''Map'' means the map entitled ''Proposed Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness Area'' and dated July 18, 2000.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WILDERNESS.—The term ''Wilderness'' means the Black Ridge Canyons Wilderness so designated in section 5.

SEC. 4. COLORADO CANYONS NATIONAL CONSERVATION AREA.

(a) IN GENERAL.—There is established the Colorado Canyons National Conservation Area in the State of Colorado and the State of Utah.

(b) AREAS INCLUDED.—The Conservation Area shall consist of approximately 122,300 acres of public land as generally depicted on the Map.

SEC. 5. BLACK RIDGE CANYONS WILDERNESS DESIGNATION.

Certain lands in Mesa County, Colorado, and Grand County, Utah, which comprise approximately 75,550 acres as generally depicted on the Map, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System. Such component shall be known as the Black Ridge Canyons Wilderness.

SEC. 6. MANAGEMENT.

(a) CONSERVATION AREA.—The Secretary shall manage the Conservation Area in a manner that—

(1) conserves, protects, and enhances the resources of the Conservation Area specified in section 2(b); and

(2) is in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) other applicable law, including this Act.

(b) USES.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines will further the purposes for which the Conservation Area is established.

(c) WITHDRAWALS.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired for the Conservation Area or the Wilderness by the United States are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Nothing in this subsection shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.

(d) OFF-HIGHWAY VEHICLE USE.—

(1) IN GENERAL.—Except as provided in paragraph (2), use of motorized vehicles in the Conservation Area—

(A) before the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for

use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public lands in the Conservation Area; and

(B) after the effective date of a management plan under subsection (h), shall be allowed only on roads and trails designated for use of motor vehicles in that management plan.

(2) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Paragraph (1) shall not limit the use of motor vehicles in the Conservation Area as needed for administrative purposes or to respond to an emergency.

(e) WILDERNESS.—Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(f) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Hunting, trapping, and fishing shall be allowed within the Conservation Area and the Wilderness in accordance with applicable laws and regulations of the United States and the States of Colorado and Utah.

(2) AREA AND TIME CLOSURES.—The head of the Colorado Division of Wildlife (in reference to land within the State of Colorado), the head of the Utah Division of Wildlife (in reference to land within the State of Utah), or the Secretary after consultation with the Colorado Division of Wildlife (in reference to land within the State of Colorado) or the head of the Utah Division of Wildlife (in reference to land within the State of Utah), may issue regulations designating zones where, and establishing limited periods when, hunting, trapping, or fishing shall be prohibited in the Conservation Area or the Wilderness for reasons of public safety, administration, or public use and enjoyment.

(g) GRAZING.—

(1) IN GENERAL.—Except as provided by paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area and the Wilderness in accordance with the same laws (including regulations) and Executive orders followed by the Secretary in issuing and administering grazing leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—Grazing of livestock in the Wilderness shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), in accordance with the guidelines set forth in Appendix A of House Report 101–405 of the 101st Congress.

(h) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-range protection and management of the Conservation Area and the Wilderness and the lands described in paragraph (2)(E).

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area and the Wilderness;

(B) take into consideration any information developed in studies of the land within the Conservation Area or the Wilderness;

(C) provide for the continued management of the utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site as such for the land designated on the Map as utility corridor, Black Ridge Communications Site, and the Federal Aviation Administration site;

(D) take into consideration the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area and the Wilderness, as well as the Ruby Canyon/Black Ridge Integrated Resource Management Plan, dated March 1998, which was the result of collaborative efforts on the part of the Bureau of Land Management and the local community; and

(E) include all public lands between the boundary of the Conservation Area and the edge of the Colorado River and, on such lands, the Secretary shall allow only such recreational or other uses as are consistent with this Act.

(i) NO BUFFER ZONES.—The Congress does not intend for the establishment of the Conservation Area or the Wilderness to lead to the creation of protective perimeters or buffer zones around the Conservation Area or the Wilderness. The fact that there may be activities or uses on lands outside the Conservation Area or the Wilderness that would not be allowed in the Conservation Area or the Wilderness shall not preclude such activities or uses on such lands up to the boundary of the Conservation Area or the Wilderness consistent with other applicable laws.

(j) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-federally owned land within the exterior boundaries of the Conservation Area or the Wilderness only through purchase from a willing seller, exchange, or donation.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall be managed as part of the Conservation Area or the Wilderness, as the case may be, in accordance with this Act.

(k) INTERPRETIVE FACILITIES OR SITES.—The Secretary may establish minimal interpretive facilities or sites in cooperation with other public or private entities as the Secretary considers appropriate. Any facilities or sites shall be designed to protect the resources referred to in section 2(b).

(l) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness or other values of such lands;

(B) the lands designated as wilderness by this Act generally are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities;

(C) it is possible to provide for proper management and protection of the wilderness and other values of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) STATUTORY CONSTRUCTION.—

(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands designated as a national conservation area or as wilderness by this Act.

(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on the date of enactment of this Act.

(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future national conservation area or wilderness designations.

(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.

(3) COLORADO WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Conservation Area and the Wilderness.

(4) NEW PROJECTS.—

(A) As used in this paragraph, the term ''water resource facility'' means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures. Such term does not include any such facilities related to or used for the purpose of livestock grazing.

(B) Except as otherwise provided by section 6(g) or other provisions of this Act, on and after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(C) Except as provided in this paragraph, nothing in this Act shall be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resource facilities in existence on the date of enactment of this Act within the boundaries of the Wilderness.

(5) BOUNDARIES ALONG COLORADO RIVER.—(A) Neither the Conservation Area nor the Wilderness shall include any part of the Colorado River to the 100-year high water mark.

(B) Nothing in this Act shall affect the authority that the Secretary may or may not have to manage recreational uses on the Colorado River, except as such authority may be affected by compliance with paragraph (3). Nothing in this Act shall be construed to affect the authority of the Secretary to manage the public lands between the boundary of the Conservation Area and the edge of the Colorado River.

(C) Subject to valid existing rights, all lands owned by the Federal Government between the 100-year high water mark on each shore of the Colorado River, as designated on the Map from the line labeled ''Line A'' on the east to the boundary between the States of Colorado and Utah on the west, are hereby withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws.

SEC. 7. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the Map and a legal description of the Conservation Area and of the Wilderness.

(b) FORCE AND EFFECT.—The Map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the Map and the legal descriptions.

(c) PUBLIC AVAILABILITY.—Copies of the Map and the legal descriptions shall be on file and available for public inspection in—

(1) the Office of the Director of the Bureau of Land Management;

(2) the Grand Junction District Office of the Bureau of Land Management in Colorado;

(3) the appropriate office of the Bureau of Land Management in Colorado, if the Grand Junction District Office is not deemed the appropriate office; and

(4) the appropriate office of the Bureau of Land Management in Utah.

(d) MAP CONTROLLING.—Subject to section 6(l)(3), in the case of a discrepancy between the Map and the descriptions, the Map shall control.

SEC. 8. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall establish an advisory council to be known as the ''Colorado Canyons National Conservation Area Advisory Council''.

(b) DUTY.—The Council shall advise the Secretary with respect to preparation and implementation of the management plan, including budgetary matters, for the Conservation Area and the Wilderness.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall consist of 10 members to be appointed by the Secretary including, to the extent practicable:

(1) A member of or nominated by the Mesa County Commission.

(2) A member nominated by the permittees holding grazing allotments within the Conservation Area or the Wilderness.

(3) A member of or nominated by the Northwest Resource Advisory Council.

(4) 7 members residing in, or within reasonable proximity to, Mesa County, Colorado, with recognized backgrounds reflecting—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and the Wilderness.

SEC. 9. PUBLIC ACCESS.

(a) IN GENERAL.—The Secretary shall continue to allow private landowners reasonable access to inholdings in the Conservation Area and Wilderness.

(b) GLADE PARK.—The Secretary shall continue to allow public right of access, including commercial vehicles, to Glade Park, Colorado, in accordance with the decision in Board of County Commissioners of Mesa County v. Watt (634 F. Supp. 1265 (D.Colo.; May 2, 1986)).

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

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4275, sponsored by the gentleman from Colorado (Mr. MCINNIS), seeks to protect and enhance the resources of the Grand Valley located in Mesa County, Colorado, and Grand County, Utah.

H.R. 4275 designates two areas of environmental protection, the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness. These lands are host to a variety of unique and valuable recreational multiple-use opportunities. Under this legislation, approximately 117,000 acres would be included in the conservation area. H.R. 4275 also establishes 75,000 acres of selected land as the Black Ridge Canyons Wilderness.

Both areas of land in H.R. 4275 will be managed by the Secretary of the Interior in accordance with existing laws. The Secretary is to prepare a comprehensive management plan for the lands included in this act no later than 5 years from the time of enactment. This management plan will take into consideration appropriate uses and historical involvement.

H.R. 4275 will also allow grazing to continue in the Wilderness area according to applicable laws. It is not the intent of this bill for these land designations to lead to the creation of buffer zones or to interfere with activities outside their boundaries.

I would like to commend the gentleman from Colorado (Mr. MCINNIS) for his tireless effort in protecting these unique lands and in getting this bill to the floor today. This bill is good legislation because it not only protects these lands but also allows the area to be used by local people.

Mr. Speaker, I urge my colleagues to support H.R. 4275, as amended.

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

The SPEAKER pro tempore. Without objection, the time allocated to the gentleman from California (Mr. GEORGE MILLER) will be controlled by the gentleman from Colorado (Mr. UDALL).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I thank my colleague from the State of Colorado for yielding me the time.

Mr. Speaker, I note that we have a couple of Members of the delegation from Colorado, both of whom have worked on this bill diligently. I appreciate very much the support of the gentlewoman from Colorado (Ms. DEGETTE) and the gentleman from Colorado (Mr. UDALL).

We have had lots of meetings. As my colleagues know, we really owe special thanks to my staff. On my particular staff, Christopher Hatcher and Rene Howell.

But this bill really was necessitated by a move by the Department of Interior that perhaps they wanted to go out in Colorado and expand the Colorado National Monument.

In meeting with the Secretary of Interior, I asked the Secretary of Interior for a period of time because I felt that we could engineer a community build-up, in other words, a bill that was built by the community and not built out of Washington, D.C.; and the Secretary of Interior agreed to that.

In regards to that, we were able to put together, I think, an excellent bill, an excellent piece of legislation, a piece of legislation which protects Colorado water for Colorado people, a piece of legislation which preserves the ranchers' rights to use grazing permits and, therein, as a consequence of that, preserves the open space that the ranchers occupy with their ranches, a bill that will preserve recreation for the multiple-use users out there, and a bill that would allow us to recognize the value of this Wilderness Study Area called the Black Ridge Canyons and convert the Black Ridge Canyons into a Wilderness Study Area.

This bill is a positive bill. This bill had the entire spectrum of our community come together. But that was only a part of it. The next part of it was we needed to come to Washington, D.C., and we needed help by people, someone, for example, by the name of the gentleman from Utah (Chairman HANSEN), the chairman who is present on the floor today.

It is thanks to the gentleman from Utah (Mr. HANSEN) expediting this bill that we are going to be able to put this in place. We had to have this bill out by the August recess. It was critical. I went to the office of the gentleman from Utah (Mr. HANSEN). I sat down there with him for a period of time. And his definition, by the way, and the terms of the buffer zone and so on covered in his statement are exactly correct.

But if it were not for his assistance and the assistance of his able staff, there is no way we could have gotten this proposition over to the Senate on a timely basis. So I commend him.

As my colleagues know, it is not just the fact that the gentleman from Utah (Mr. HANSEN) expedited it, it is also the fact that he incorporated the assistance of the delegation from Utah, including the gentleman from Utah (Mr. CANNON). And the amendment of the gentleman from Utah (Mr. CANNON) and the gentleman from Utah (Mr. HANSEN), which we see right here, includes wilderness in the State of Utah.

This is an exciting way to go about the preservation and yet preserving the multiple use and not touching Colorado water. This is the way to do it. This is an example for the entire country to follow.

So not taking all the time from my colleagues, I will be happy to yield back to them so they have plenty of time for public, but I do want to publicly acknowledge the entire Colorado delegation. I do appreciate very much the efforts of the gentleman from Colorado (Mr. UDALL) and of the gentlewoman from Colorado (Ms. DEGETTE).

Mr. Speaker, I am pleased the House is considering H.R. 4275, the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness Act of 2000, which seeks to protect and enhance the resources of Grand Ridge Canyons Wilderness Act of 2000, which seeks to protect and enhance the resources of Grand Valley located in Mesa County, Colorado and Grand County, Utah.

H.R. 4275 designates two areas for environmental protection, the Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness.

The establishment of the Colorado Canyons National Conservation Area and the designation of the Black Ridge Canyons Wilderness Area will promote and protect unique and nationally important features of the area along the western boundary of the State of Colorado and the eastern boundary of the State of Utah. The Colorado Canyons National Conservation Area shall consist of approximately 122,300 acres in Mesa County of the State of Colorado and Grand County in the State of Utah. Within the Conservation Area shall be designated the Black Ridge Canyons Wilderness Area consisting of approximately 75,550 acres in Mesa County of the State of Colorado and Grand County in the State of Utah.

The diverse lands located within the Colorado Canyons National Conservation as well as the Black Ridge Canyons Wilderness Areas include pinyon juniper and sagebrush mesas to the south with steep red rock canyons cutting into the landscape forming natural arches, caves and alcoves. To the west, the lands include over 5,000 acres of eastern Grand County in the State of Utah, to the north are hills making up the Rabbit Valley. The entire area is bisected by the Colorado River, which helped form the unique features of the surrounding landscape.

The Colorado Canyons area includes tremendous wildlife, scenic, recreational, and paleontological resources which make it worthy of recognition and designation as a National Conservation Area, and portions of it as a Wilderness Area. An additional factor making these lands unique is their proximity to nearby urban centers including Grand Junction, Fruita and Palisade.

Central to the landscape as well as the legislation is the Colorado River. The legislation excludes, from both the Wilderness and the National Conservation Area, the area including the Colorado River up to the 100-year high water mark. The Wilderness and Conservation Area along the Colorado River abut the Colorado-Utah border, so any claims on the River or its water could have an extremely significant impact on water rights in Colorado. It is for that reason this land up to the 100-year high water mark of the Colorado River was excluded from the Conservation Area and Wilderness.

Also important to the area of the western State of Colorado and eastern State of Utah are traditional western uses of the land, in balance with other uses. Traditional western uses such as ranching are major economic and cultural contributors to western Colorado. The legislation demonstrates an underlying philosophy that a balance among all uses should be sought and can be achieved on the public lands covered by this legislation, and elsewhere on the public lands. As a result, there are several protections to allow reasonable grazing to continue in both the Conservation and Wilderness areas.

Along the mesas of the Black Ridge and Ruby Canyons, as well as in Rabbit Valley, are livestock grazing allotments that provide cattle forage during the late winter and early spring. With the cooperation of the ranchers and the Bureau of Land Management, grazing practices have been adjusted to better work with wildlife needs in the canyons. I stress that meaningful access to these allotments by the permittees ensures that the base ranches remain viable. Many of these base ranches are located in an area south of Black Ridge Canyons named Glade Park. Glade Park is an agricultural area, and as a viable ranching community has an integral part in the makeup of the local economy. If grazing in the Black Ridge Canyons Wilderness was to be curtailed, or meaningful access prohibited, the economic viability of the base ranches could suffer and potentially result in subdivision of these large open spaces of Glade Park into 35 acre ranchettes. There is no way for Mesa County to prevent the 35-acre subdivision under the law of the State of Colorado, so it is vitally important that reasonable access to the grazing allotments be continued to ensure that Glade Park may remain agricultural in nature. I think everyone agrees that it is not desirable for designation of wilderness to impact local land use planning in a way that promotes development where it is not desired.

As a result of the importance of the continued viability of ranching in the surrounding communities, language is included in this legislation to ensure that while the Black Ridge Canyons Wilderness is properly protected, so is the agricultural nature of the surrounding communities. Moreover, multiple use is preserved in appropriate areas included within the Colorado Canyons National Conservation Area such as Rabbit Valley.

H.R. 4275 is the result of intense work by the local community, the Bureau of Land Management, local cities, Mesa County and the State of Colorado and many others to produce a locally driven and locally supported proposal that recognizes the importance of the area as well as the importance of Colorado's land use priorities. Representative MCINNIS had the opportunity to discuss management of these land with representatives of the Department of the Interior, including the Secretary, on several occasions. Following significant work on a local level to develop a local consensus on the proposal, I introduced H.R. 4275 on April 13, 2000.

Secretary of the Interior Babbitt has indicated that if this legislation fails to be enacted before the Clinton Administration leaves office, he will recommend the President designate this area as a national monument under the Antiquities Act. I ask everyone to recognize that a far preferable alternative is the legislative process which affords everyone the opportunity to review the proposal and to work toward common purposes, in an open and public process.

I would like to make some comments about particular sections of the legislation:

Section 6(d) of the legislation limits off-highway vehicle use to roads and trails designated under the management plan in effect on the date of passage. This subsection allows continued use of motor vehicles in the Conservation Area for emergency and administrative purposes. It is my interpretation that reasonable access in the course of the management of wildlife by the relevant state wildlife officials within the National Conservation Area is an administrative purpose.

Section 6(g) on grazing directs that, in general and except as provided in paragraph (2), the Secretary shall issue and administer grazing leases or permits in the Conservation Area and Wilderness in the same manner as on other land under the jurisdiction of the Bureau of Land Management. Subsection (g)(2) directs the Secretary to administer grazing in the wilderness in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), and in accordance with the guidelines set forth in Appendix A of House Report 101–405, which sets out grazing guidelines for the Bureau of Land Management with respect to livestock grazing in wilderness areas. The language from House Report 101–405, H.R. 2570 Appendix A, clearly applies in the case of wilderness established under this Act. It is my expectation that the three permittees who currently use motorized vehicles within the Wilderness Study Area on an intermittent and infrequent basis would be able to continue these same uses at a frequency not exceeding the level established prior to the introduction of this bill. I would strongly request that the Bureau of Land Management would address this use of motorized vehicles in the terms and conditions of the permits held by the three involved permittees.

Section 6(j) permits acquisitions of land or interests in land depicted within the exterior boundary of the Conservation Area or Wilderness by purchase from a willing seller, exchange or donation. No land or interest inland may be acquired without the consent of the owner. Subsection (j)(2) sets out how land acquired under this subsection shall be managed. The boundaries of the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness were drawn so as to exclude private inholdings to the extent possible. Nonetheless, there are several private inholdings within the boundaries of the Conservation Area. Concerned about the potential for development on these lands, I would request that within 90 days after the date of enactment of this Act, the Bureau of Land Management should consult with each owner of non-federal lands within the Conservation Area and the Wilderness to determine which, if any, such owners desire to convey lands to the United States. If any such owner does desire to convey or exchange such lands, the Secretary should take all steps necessary or appropriate to complete the acquisition or exchange, supported by appropriate appraisals, of such lands as soon as possible. I expect that no later than one year after the date of enactment of this Act the BLM could provide Congress and me information regarding the status of its actions taken to acquire or exchange inholdings, together with any recommendations the BLM may wish to make for expediting the acquisition or exchange of inholdings within the Conservation Area.

Section 6(l) deals with water issues important to both Colorado and me. Within that section is important language under subsection (1)(5) which sets the boundaries of the Conservation Area and the Wilderness along the Colorado River at the 100-year high water mark. My intention of setting these borders back to the 100-year high water mark was to ensure that the designation of the Wilderness and the Conservation Area did not impact water rights in any way, including any water quality or instream flow impacts, along the mainstream of the Colorado River. Following concerns raised by some about potential for mining along the River, language was included to withdraw those lands owned by the Federal Government within the 100-year flood plain as designated on the legislation's Map from all forms of entry, appropriation, or disposal

under the public land laws, the mining laws and laws relating to mineral and geothermal leasing, subject to valid existing rights. The legislation includes language indicating it does not affect any authority the Secretary may or may not have to manage recreation on the Colorado River, except as any such authority is affected by the requirement that the Secretary follow Colorado procedural and substantive water law. There is nothing in the Act to indicate if and the extent to which the Secretary has authority to manage recreation on the Colorado River, nor should any language be read to establish or serve as a basis for any such authority. This bill was not intended to give the Secretary authority that he may very well not have to regulate recreation on the Colorado River.

Finally, Section 8 of the bill directs the Secretary of the Interior to establish a Colorado Canyon National Conservation Area Advisory Council to advise the Secretary with respect to the Conservation Area and the Wilderness. The Advisory Council's purpose will be to furnish advice and recommendation to the Secretary with respect to preparation and implementation of the management plan, including budgetary matters, for the Conservation Area and the Wilderness.

The ten council members would be appointed by the Secretary, one of which would be a member of or nominated by the Mesa County Commission, one of which would be nominated by the permittees holding grazing allotments within the Conservation Area or the Wilderness, and one of which would be a member of or nominated by the Northwest Resource Advisory Council. Other members of the Council, residing in or within a reasonable proximity to Mesa County, Colorado, would be named as well. It is my intent when drafting this bill that cities like Denver or Boulder, Colorado, for example, would not be considered to be within a reasonable proximity to Mesa County, although Rifle, Colorado or Grand County, Utah could be considered to be within a reasonable proximity to Mesa County.

Mr. Speaker, I would like to thank several people who have helped ensure swift passage of this legislation. First and foremost I would like to thank the gentleman from Alaska, Mr. DON YOUNG, Chairman of the Resources Committee. His action helped bring this bill to the floor. Alongside Chairman YOUNG is the gentleman from Utah, Mr. HANSEN, who worked with his staff on the National Parks and Public Lands Subcommittee to get this bill here today. His personal help allowed this bill to be so quickly considered on the Floor of the House. The gentleman from Utah, Mr. CANNON, also contributed enormously to this legislation, amending it in subcommittee to include the first BLM wilderness in Utah. I would also like to thank my colleagues from Colorado, Mr. HEFLEY and Mr. TANCREDO and Ms. DEGETTE, who cosponsored this bill. Finally, I would thank the gentleman from Colorado, Mr. MARK UDALL, for all his work with his side of the aisle to get this bill to the Floor.

I would like to close by thanking the Majority Leader, the gentleman from Texas, Mr. ARMEY. He helped with the scheduling of this bill on short notice, and I very much appreciate his work on behalf of the bill and people of western Colorado. I look forward to quick passage in the Senate with the help of Senator CAMPBELL, and signature by the President.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 4275, which will designate the Colorado Canyons National Conservation Area in Colorado and the Black Ridge Wilderness in both Colorado and Utah.

As my colleague, the gentleman from Colorado (Mr. MCINNIS), has pointed out, enactment of this measure will provide for appropriate, protective management of some very special lands in western Colorado that are managed by the Bureau of Land Management. It will also be, I think, by my count, the third bill passed in this Congress to designate additional wilderness in Colorado.

The President has already signed the bill to designate wilderness in and adjacent to the Black Canyon of the Gunnison National Park; and I am hopeful Congress will soon complete action, as I know my colleague, the gentleman from Colorado (Mr. MCINNIS), is as well, on the Spanish Peaks Wilderness Area in the San Isabel National Forest. We are continuing to make progress in Colorado, and I am proud to be a part of that.

I wanted to take a moment to talk about a number of amendments that were proposed by myself and that were adopted in the Committee on Resources. Taken together, these amendments embody the compromise with regard to the water provisions of the bill and also include a number of technical and conforming changes to reflect the agreements that were worked out among my colleague, the gentleman from Colorado (Mr. MCINNIS), the Department of Interior, and those of us on the committee.

□ 1615

First, my amendments added provisions regarding the headwaters nature of the Black Ridge lands to make clear the rationale for following the approach of the 1993 Colorado Wilderness Act by including an express disclaimer of a Federal reserved water right with respect to the wilderness area. Second, the amendments added language to make clear that the bill will not affect any existing water rights, including those of the United States. Third, the amendments revised the boundary of the NCA and the wilderness along the Colorado River which made it possible to omit language that had been proposed regarding issues that some felt might arise had the boundary been closer to the river itself. Fourth, my amendments added provisions to make clear that the boundary revision will not compromise the ability of the Secretary to properly manage recreational or other uses of public lands adjacent to the river. Finally, my amendments added a provision, similar to that included in the 1993 Colorado Wilderness Act, to prohibit new water projects in the wilderness area designated by this bill.

These changes addressed most if not all the major concerns of the various Colorado groups, both the environmental groups and those representing other points of view regarding these aspects of the bill. At the same time they left intact the basic balance of the bill with regard to the lands covered by the bill that are now used for livestock grazing.

I want to express my appreciation for the hard work and continued cooperation of the gentleman from Colorado (Mr. MCINNIS), as well as those of the Department of the Interior and both the majority and minority staff of the committee. Thanks to their efforts, I think the Committee on Resources has been able to achieve an acceptable bill that deserves the approval of the House even if it may not be everything that every party might have desired.

I urge passage of the bill.

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

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, the reason I came back up here again is I did not want to consume all of the time over on that side, but there are a couple of other people that I think it is very important to point out because without their help we would not have gotten this where it is. Their help was fundamental to the passage of this bill as well. That, of course, is the chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG). The gentleman from Alaska helped us schedule this thing. He called the committee hearing so that we could have this heard, so that we could meet and have this bill off the House floor and over to the Senate by the conclusion of the period of time in July. The second one, of course, is the gentleman from Texas (Mr. ARMEY), our majority leader. If it were not for his scheduling and his staff assistance, we would not be able to do this as well.

Finally, I do want to take one final moment and just say once again to the gentleman from Utah (Mr. HANSEN), we had spent a lot of time in his office talking about how important it was that as the country moves in the direction of taking a second look at the national parks and the national monuments, that it was absolutely critical that we put as a basic ingredient of any kind of new direction community input and that we go to the local community and that we do not go, as happened in the State of Utah, with the Grand Escalante.

They actually did not go into Utah. They made the announcement of Arizona and forced upon you something you did not even know was coming down the pike. As the gentleman said,

this is the way that it should be handled and it is the way. It is being handled on a bipartisan basis. As our colleagues in here can see, both Democrats and Republicans from Colorado and Wyoming and Alaska and Texas, we all got together to make this thing work. As much as I am proud of this and the compromise that we were able to engineer, I also want to again publicly knowledge the gentleman from Utah for his contributions and his leadership, frankly, to put together this team, this coalition to make this a successful bill.

Now I know that our colleague, Senator CAMPBELL, is anxiously awaiting to carry this bill through the Senate. He will do a terrific job, and we can all leave these Chambers very, very proud of this accomplishment. Thousands of generations to come will look back at the Colorado canyons and say, boy, whoever did that made a good decision.

Mr. UDALL of Colorado. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the great State of Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I thank the distinguished gentleman from Colorado (Mr. UDALL) for yielding me this time and a special thanks to my colleague to the West, the gentleman from Colorado (Mr. MCINNIS), for working diligently to make sure that this bill became a reality. This has been a real joint effort with the Colorado delegation. This bill is a very meaningful bill to the residents of Colorado. I just want to add my public thanks. It has been great.

Let me talk for a minute about what Black Ridge looks like, because I hiked Black Ridge last summer and was really stunned to see the sublime natural beauty. It is really some of the finest of Colorado's canyon country. Every year, thousands of hikers, hunters, and rafters enjoy the wild canyons, abundant wildlife, and the quiet float down the Colorado River. I have always steadfastly supported the strongest possible protections for the Black Ridge Canyons because they are an outstanding national example of deep sliprock canyons.

The area consists of three major canyon systems, innumerable spires and pinnacles, and the second greatest concentration of natural arches in the Southwest, second only to the beautiful arches, of course, in our neighbor to the West of Utah. Additionally, the Black Ridge Canyons' perennial streams and rich riparian vegetation provide critical wildlife habitat for a variety of species, including bighorn sheep, mountain lions, and bald eagles.

One of the critical reasons that we need to preserve Black Ridge as wilderness now is because of the impinging growth that we are seeing in Western Colorado. What struck me was, just a stone's throw away from Black Ridge, neighbors walk their dogs, people ride their bikes, and everyone is enjoying the beautiful natural beauty of Western Colorado. But if we do not act now, and why I am so glad my colleague to the west has brought this legislation forward now, we run the risk of having humanity overwhelm these beautiful natural canyons.

The thing that strikes me and the thing I think about a lot, while we have these growth pressures in Colorado and throughout the western United States, we also have many, many areas that still deserve wilderness protection in the West. Not every natural area, not every Federal land deserves protection; but there are many areas with unique wilderness characteristics like Black Ridge which still exist. That is why I was pleased last year when I announced the Colorado Wilderness Act, H.R. 829, to include Black Ridge and 48 other areas in Colorado as unique and deserving wilderness characteristics.

The lands on both sides of the Colorado River in the proposed national conservation area and the river itself as it goes through contain a wide array of unique natural features that deserve increased protection. The combination of the national conservation area and wilderness is appropriate in this bill, and I am pleased to see that H.R. 4275 includes the Colorado River and all lands within the 100-year flood plain to be managed as if they were in the NCA. I think it is critical that the river and sensitive riparian areas are managed in a manner that provides the utmost protection for this sensitive and heavily used area.

Additionally, Mr. Speaker, I am very pleased to see that the areas in Utah that are contiguous to this are also preserved in the bill.

I sincerely hope, in conclusion, that passage of this bill is the first step in a concentrated, unified effort of the delegation to protect all of the lands in Colorado which deserve wilderness protection.

This picture next to me is not the area we are talking about today, but it is the beautiful Gunnison Gorge Wilderness Study Area that is also included in my legislation. There are 47 other areas besides Black Ridge and Gunnison Gorge which we have in Colorado. While today's legislation provides protection for really the crown jewel of my wilderness bill, there are 48 other areas, beautiful canyons, many of them, that need and deserve protection. I urge Congress to act now. If we pass just one, two or even three of these areas every year, my 6-year-old daughter will be a grandmother by the time we protect all of these lands. More importantly and urgently, the growth that we are seeing in the West will begin to impinge on these critical areas.

Again, I thank my colleague. I think this is a critical step, and I thank him for all of the work he is doing for wilderness preservation in Colorado.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume. I wanted to echo the comments of my colleague from Colorado and also acknowledge that I am eager to work with the gentleman from Colorado (Mr. MCINNIS) and the rest of the Colorado delegation as we continue to decide with the input of the local people that the gentleman from Colorado (Mr. MCINNIS) has spoken so eloquently about how we might preserve and protect these lands for the future.

Mr. Speaker, I urge the passage of the bill.

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

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the great work that has gone into this by the gentleman from Colorado (Mr. MCINNIS) and our other colleagues from Colorado. It is an excellent piece of legislation.

It is a great privilege to have in our company Lou Stokes from Ohio, a man that we all have such great respect for and have served with in various positions. I do not know if people realize the many chairmanships that he had, especially the chairman of the Committee on Standards of Official Conduct. I feel great empathy for anybody who was chairman of that committee as long as he was.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4275, as amended.

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

A motion to reconsider was laid on the table.

ACQUISITION OF THE HUNT HOUSE IN WATERLOO, NEW YORK

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1910) to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

The Clerk read as follows:

S. 1910

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. ACQUISITION OF HUNT HOUSE.

(a) IN GENERAL.—Section 1601(d) of Public Law 96–607 (94 Stat. 3547; 16 U.S.C. 410ll(d)) is amended—

(1) in the first sentence—

(A) by inserting a period after ''park''; and

(B) by striking the remainder of the sentence; and

(2) by striking the last sentence.

(b) TECHNICAL CORRECTION.—Section 1601(c)(8) of Public Law 96–607 (94 Stat. 3547; 16 U.S.C. 410ll(c)(8)) is amended by striking ''Williams'' and inserting ''Main''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

S. 1910, sponsored by Senator DANIEL PATRICK MOYNIHAN from New York, authorizes fee simple acquisition of a dwelling called the Hunt House in the Women's Rights National Historical Park located in Seneca Falls and Waterloo, New York.

□ 1630

Companion legislation has been introduced by the gentleman from New York (Mr. REYNOLDS), our good friend.

The Women's Rights National Historical Park was designated in 1980 and commemorates and interprets women's struggles for equal rights which began in these locations in 1848. The historical park consists of nine different sites, including the home of Elizabeth Cady Stanton, the former Wesleyan Methodist chapel, and the Hunt House. However, when the law designating the historical park was passed, it contained a provision that prevented the Federal Government from acquiring these three structures by fee simple title.

This bill removes the provision, thereby clearing the way for the Federal Government to purchase this important site for this historical park.

Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, S. 1910 is a noncontroversial bill introduced by Senator MOYNIHAN, which passed the Senate in April of this year.

The legislation authorizes the Secretary of the Interior to acquire full title to the Hunt House in Waterloo, New York, for management as part of the Women's Rights National Historical Park. Hunt House is already within the boundaries of the park, but the park's enabling legislation restricted the Secretary to acquiring less than full title. S. 1910 would lift that restriction and correct that error.

Hunt House is currently owned by the National Trust for Historic Preservation. The trust intends to donate the house to the National Park Service. The National Park Service supports this acquisition, and we support it as well.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. REYNOLDS).

Mr. REYNOLDS. Mr. Speaker, I would like to thank the gentleman from Utah (Mr. HANSEN), the chairman of the Subcommittee on National Parks and Public Lands, as someone I look to for guidance and advice on a number of resource pieces of legislation that come through his committee. Also, I want to thank the gentleman from Alaska (Mr. YOUNG), the Committee on Resources chairman, and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for their hard work in bringing this important measure to the floor.

Mr. Speaker, S. 1910, a bill identical to the legislation I introduced last year, H.R. 3404, is a technical bill with enormous historic significance.

In a letter to John Adams, Thomas Jefferson wrote that ''a morsel of genuine history is a thing so rare as to be always valuable.''

In my congressional district, such a morsel of genuine history exists today, the Hunt House, birthplace of the women's rights movement. And its value to my community is measured by its significant contribution to American history, because the coming together of people and events behind the distinctive white pillars of this Federal style brick home forever changed American society.

On July 9, 1848, Jane and Richard Hunt hosted a tea at their home at 401 East Main Street in Waterloo, New York; and like another famous tea party, held 75 years earlier, this meeting sparked a new revolution for liberty and human rights.

It was at this gathering that Elizabeth Cady Stanton, Lucretia Mott, her sister Martha Wright, and Mary Ann M'Clintock planned the Nation's first women's rights convention.

Following this historic meeting, several of these women drafted the Declaration of Sentiments which was presented at the women's rights convention in Seneca Falls, New York, on July 19 and 20 in 1848.

Even before this seminal meeting, Quakers Richard and Jane Hunt were active reformers and abolitionists. Their holdings included the M'Clintock Home and Drug Store, where in-laws harbored fugitive slaves and hosted famous speakers, such as Frederick Douglass; and their home and business were likely stops in the underground railroad.

The Hunts' contributions to their community were tremendous, creating opportunity and fostering human rights. Richard Hunt provided educational opportunity by founding an academy at Waterloo in 1844 and actively worked for abolitionist causes.

The Hunt family network and personal wealth supported reform efforts throughout upstate New York, including the 1848 Seneca Falls women's rights convention.

Mr. Speaker, this legislation simply ensures that a valuable piece of history will be available and accessible to future generations. The bill authorizes the Secretary of the Interior to acquire without restriction the Hunt House as part of the Women's Rights National Historic Park.

When the Women's Right National Historical Park was established, the Hunt House was in private ownership and not open for public tours or special events. However, in 1999 the property was put up for sale.

The Trust for Public Land and the National Trust for Historical Preservation worked together and purchased the Hunt House to ensure that the property would be available for public use and enjoyment.

Currently, the National Trust for Historical Preservation is leasing the Hunt House to the Women's Rights National Historic Park for $1 a year. Their intent in acquiring the property was to hold it until such time as the National Park Service had the authority to acquire a fee simple title to the property and open it to the public as part of the Women's Rights National Historical Park.

The changes made by this bill are necessary and essentially technical in nature due to the number of errors that have been made over the years in amending Public Law 96–607.

Mr. Speaker, I urge my colleagues to support this important bill and support the preservation of American history.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1910.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

YUMA CROSSING NATIONAL HERITAGE AREA ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2833) to establish the Yuma Crossing National Heritage Area, as amended.

The Clerk read as follows:

H.R. 2833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Yuma Crossing National Heritage Area Act of 2000''.

(b) DEFINITIONS.—In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Yuma Crossing National Heritage Area established in section 3.

(2) MANAGEMENT ENTITY.—The term ''management entity'' shall mean the Yuma Crossing National Heritage Area Board of Directors referred to section 3(c).

(3) MANAGEMENT PLAN.—The term ''management plan'' shall mean the management plan for the Yuma Crossing National Heritage Area.

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

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Certain events that led to the establishment of the Yuma Crossing as a natural crossing place on the Colorado River and to its development as an important landmark in America's westward expansion during the mid-19th century are of national historic and cultural significance in terms of their contribution to the development of the new United States of America.

(2) It is in the national interest to promote, preserve, and protect physical remnants of a community with almost 500 years of recorded history which has outstanding cultural, historic, and architectural value for the education and benefit of present and future generations.

(3) The designation of the Yuma Crossing as a national heritage area would preserve Yuma's history and provide related educational opportunities, provide recreational opportunities, preserve natural resources, and improve the city and county of Yuma's ability to serve visitors and enhance the local economy through the completion of the major projects identified within the Yuma Crossing National Heritage Area.

(4) The Department of the Interior is responsible for protecting the Nation's cultural and historic resources. There are significant examples of these resources within the Yuma region to merit the involvement of the Federal Government in developing programs and projects, in cooperation with the Yuma Crossing National Heritage Area and other local and governmental bodies, to adequately conserve, protect, and interpret this heritage for future generations while providing opportunities for education, revitalization, and economic development.

(5) The city of Yuma, the Arizona State Parks Board, agencies of the Federal Government, corporate entities, and citizens have completed a study and master plan for the Yuma Crossing to determine the extent of its historic resources, preserve and interpret these historic resources, and assess the opportunities available to enhance the cultural experience for region's visitors and residents.

(6) The Yuma Crossing National Heritage Area Board of Directors would be an appropriate management entity for a heritage area established in the region.

(b) PURPOSE.—The objectives of the Yuma Crossing National Heritage Area are as follows:

(1) To recognize the role of the Yuma Crossing in the development of the United States, with particular emphasis on the roll of the crossing as an important landmark in the westward expansion during the mid-19th century.

(2) To promote, interpret, and develop the physical and recreational resources of the communities surrounding the Yuma Crossing, which has almost 500 years of recorded history and outstanding cultural, historic, and architectural assets, for the education and benefit of present and future generations.

(3) To foster a close working relationship with all levels of government, the private sector, and the local communities in the Yuma community and empower the community to conserve its heritage while continuing to pursue economic opportunities.

(4) To provide recreational opportunities for visitors to the Yuma Crossing and preserve natural resources within the Heritage Area.

(5) To improve the Yuma region's ability to serve visitors and enhance the local economy through the completion of the major projects identified within the Heritage Area.

SEC. 3. YUMA CROSSING NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Yuma Crossing National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of those portions of the Yuma region totaling approximately 21 square miles, encompassing over 150 identified historic, geologic, and cultural resources, and bounded—

(1) on the west, by the Colorado River (including the crossing point of the Army of the West);

(2) on the east, by Avenue 7E;

(3) on the north, by the Colorado River; and

(4) on the south, by the 12th Street alignment.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Yuma Crossing National Heritage Area Board of Directors which shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of the enactment of this Act.

SEC. 4. COMPACT.

(a) IN GENERAL.—To carry out the purposes of this Act, the Secretary of the Interior shall enter into a compact with the management entity.

(b) COMPONENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the Heritage Area, including each of the following:

(1) A discussion of the goals and objects of the Heritage Area.

(2) An explanation of the proposed approach to conservation and interpretation of the Heritage Area.

(3) A general outline of the protection measures to which the management entity commits.

SEC. 5. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF THE MANAGEMENT ENTITY.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available through this Act for the following:

(1) To make grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person.

(2) To hire and compensate staff.

(3) To enter into contracts for goods and services.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Taking into consideration existing State, county, and local plans, the management entity shall develop a management plan for the Heritage Area.

(2) CONTENTS.—The management plan required by this subsection shall include—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific existing and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its natural, cultural, historic, recreational, or scenic significance;

(E) a recommendation of policies for resource management which considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(F) a program for implementation of the management plan by the management entity, including plans for restoration and construction, and specific commitments of the identified partners for the first 5 years of operation;

(G) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(H) an interpretation plan for the Heritage Area.

(3) SUBMISSION TO SECRETARY.—The management entity shall submit the management plan to the Secretary for approval not later than 3 years after the date of enactment of this Act. If a management plan is not submitted to the Secretary as required within the specified time, the Heritage Area shall no longer qualify for Federal funding.

(c) DUTIES OF MANAGEMENT ENTITY.—In addition to its duties under subsection (b), the management entity shall—

(1) give priority to implementing actions set forth in the compact and management plan, including steps to assist units of government, regional planning organizations, and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government, regional planning organizations, and nonprofit organizations with—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the Heritage Area;

(D) restoring any historic building relating to the themes of the Heritage Area; and

(E) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area;

(3) encourage, by appropriate means, economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(6) conduct public meetings at least quarterly regarding the implementation of the management plan; and

(7) for any year in which Federal funds have been received under this Act, make available for audit all records pertaining to the expenditure of such funds and any matching funds, and require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

(d) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property. Nothing in this Act shall preclude any management entity from using Federal funds from other sources for their permitted purposes.

(e) SPENDING FOR NON-FEDERALLY OWNED PROPERTY.—The management entity may spend Federal funds directly on non-federally owned property to further the purposes of this Act, especially in assisting units of government in appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

SEC. 6. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan. In assisting the management entity, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historic, and cultural resources which support the themes of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with resources and associated values of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary, in consultation with the Yuma Crossing National Heritage Area Board of Directors, shall approve or disapprove the management plan submitted under this Act

not later than 90 days after receiving such management plan.

(c) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a submitted compact or management plan, the Secretary shall advise the management entity in writing of the reasons therefor and shall make recommendations for revisions in the management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(d) APPROVING AMENDMENTS.—The Secretary shall review substantial amendments to the management plan for the Heritage Area. Funds appropriated pursuant to this Act may not be expended to implement the changes made by such amendments until the Secretary approves the amendments.

(e) DOCUMENTATION.—Subject to the availability of funds, the Historic American Building Survey/Historic American Engineering Record shall conduct those studies necessary to document the cultural, historic, architectural, and natural resources of the Heritage Area.

SEC. 7. SUNSET.

The Secretary may not make any grant or provide any assistance under this Act after September 30, 2015.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated under this Act not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Heritage Area under this Act.

(b) 50 PERCENT MATCH.—Federal funding provided under this Act, after the designation of the Heritage Area, may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2833 sponsored by the gentleman from Arizona (Mr. PASTOR) authorizes the Secretary of the Interior to establish the Yuma Crossing National Heritage Area. This bill would serve to protect and conserve the historic elements located in the Yuma community.

Its purpose would be to further educational, recreational, and economic opportunities of the region. The bill also provides for measures which preserve the historic features of the Yuma Crossing.

The Yuma Crossing was the national crossing place for the Colorado River. This geographic feature eventually led Yuma to become the epicenter of America's westward expansion during the mid-19th century. The area hosts many cultural, historic, and architectural resources.

The management of the national heritage area is to be conducted by the Secretary and the management entity known as Yuma Crossing National Heritage Area Board of Directors. The management entity is to develop a comprehensive plan that supports the goals and operations of the heritage area and to work directly with the Secretary in the implementation of this plan. This is supported on a bipartisan basis, and I commend the gentleman from Arizona (Mr. PASTOR) for his efforts to preserve and enhance the Yuma area.

Mr. Speaker, I urge my colleagues to support H.R. 2833, as amended.

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

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 2833 introduced by the gentleman from Arizona (Mr. PASTOR), our friend and colleague, would establish the Yuma Crossing National Heritage Area in Yuma, Arizona. Yuma's location as a natural crossing point of the Colorado River has drawn man to the area since ancient times; and as such, there is a long history associated with the area.

At the hearing on the bill before the Committee on Resources, our colleague, the gentleman from Arizona (Mr. PASTOR), and the other supporters of the legislation spoke of the historical and cultural heritage of the Yuma area and of their enthusiasm and commitment to a heritage area designation.

While the legislation was similar in form to other bills the committee has considered regarding the designation of heritage areas, the National Park Service testified that several changes needed to be made to conform the bill to other heritage designations.

The Committee on Resources adopted an amendment that reflected the changes to the bill requested by the National Park Service. We believe those changes improve the legislation and support the bill, as amended.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, first of all, I want to thank the gentleman from Utah (Chairman HANSEN) and the gentleman from Puerto Rico (Mr. ROMERO-BARCELO), the ranking member; and the gentleman from Alaska (Chairman YOUNG), the full committee chairman; and the gentleman from California (Mr. GEORGE MILLER), the ranking member; for bringing this bill on the floor today.

Mr. Speaker, I rise in strong support of this legislation and ask that the House support the efforts of the entire Yuma community to designate the Yuma Crossing as a national heritage area. I want to assure this body that the entire area is united behind the principles of this legislation.

More than 60 years before the European settlement in Jamestown, Virginia, and more than 80 years, before the pilgrims landed at Plymouth Rock, Francisco Vasquez de Coronado marched across southeastern Arizona in search of the fabled Seven Cities of Gold. To supply Coronado's expedition, Captain Hernando de Alarcon commanded three ships through the Gulf of California into the mouth of the Colorado River.

The Spanish explorer Hernando de Alarcon became the first European to venture into what is now the southwest portions of the United States just below the confluence of the Colorado River and the Gila River. There they made use of a geological formation in the lower Colorado, consisting of two massive granite outcroppings known to us today as Yuma Crossing.

Alarcon's voyage is the first European discovery of the Colorado River, and the Crossing has become a natural bridge which played an important role in the western settlement of the United States.

Father Eusebio Francisco Kino mapped supply routes to California through the Yuma Crossing, a route that would be used in many other expeditions and used by many colonists. Using the knowledge pioneered by Father Kino, more than 200 settlers and herds of livestock crossed the treacherous Colorado River using the Yuma Crossing.

Anza, another famous Spanish explorer, crossed the Colorado at this point. He traveled westward to cross the desert to San Gabriel and then turned north and established the community of San Francisco in 1776.

Kit Carson traveled the Yuma Crossing as he carried dispatches between California and New Mexico to report on the United States' successful military conquest of California in the war with Mexico in 1846. It was during the war with Mexico that Lieutenant Colonel Phillip St. George Cooke used the Yuma Crossing to establish the Gila Trail, that became a passageway used by California's gold seekers, by pioneers, by ranchers, farmers, and the military.

Yuma Crossing quickly became a strategic military location following the Mexican war. Settlers and the Quechan Indians fought for the rights to hold ferry operations across the Colorado. In 1852, Fort Yuma was established to keep the peace between the settlers and the Quechans.

In addition to its importance, Yuma has become a major port town and transportation hub. Steamboats were used to freight supplies, as well as stagecoach and camel caravans were used to transport supplies. But as Yuma grew, more sophisticated modes of transportation were demanded, the outgrowth of which resulted in the development of the Southern Pacific Railroad. With the establishment of the Southern Pacific Railroad, Yuma established itself as a major connecting point in the westward expansion of our country.

Today, the city of Yuma has a population of 70,000 residents, the third largest city in Arizona. Along with its importance in the development of the West, there is a combination of arid desert landscapes, rugged mountains and wetlands that is the natural environment for this area which we want to preserve.

Designating Yuma Crossing as a national heritage area will preserve

Yuma's early heritage and highlight Yuma Crossing's importance to opening the American West to exploration and settlement.

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The designation will also serve to preserve and protect its vital wildlife habitats and wetland areas. Yuma Crossing is a vital link in our Nation's heritage, and it is for these reasons that I proudly introduce this legislation that will designate Yuma Crossing as a national heritage area. I urge the House to support preserving an important part of our Southwestern heritage.

Mr. UNDERWOOD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I compliment my friend from Arizona on the good work he has done on this bill to get it to this point. He has done a yeoman's job on it, and it is a good piece of legislation. I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2833, as amended.

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

A motion to reconsider was laid on the table.

GUAM OMNIBUS OPPORTUNITIES ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2462

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 ''Guam Omnibus Opportunities Act''.

SEC. 2. GUAM LAND RETURN ACT.

(a) SHORT TITLE.—This section may be cited as the ''Guam Land Return Act''.

(b) TRANSFER OF EXCESS REAL PROPERTY.—

(1) NOTICE OF AVAILABILITY.—Except as provided in subsection (e), before screening excess real property located on Guam for further Federal used under section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Administrator shall notify the Government of Guam that the property is available for transfer to the Government of Guam pursuant to this section.

(2) OPPORTUNITY FOR ACQUISITION BY GUAM.—If the Government of Guam, within 180 days after receiving notification under paragraph (1) with regard to certain real property, notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property to the Government of Guam in accordance with subsections (c) and (d). Otherwise, the Administrator shall dispose of the property in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) COMPENSATION.—A transfer of excess real property under subsection (b) to the Government of Guam for a public purpose shall be made without reimbursement or other compensation from the Government of Guam.

(d) CONDITIONS.—

(1) RESTRICTIVE COVENANTS.—All transfers of excess real property under subsection (b) to the Government of Guam shall be subject to such restrictive covenants as the Administrator determines to be necessary to ensure that—

(A) the use of the property is compatible with continued military activities on Guam;

(B) the use of the property is consistent with the environmental condition of the property;

(C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required;

(D) to the extent the property was transferred for a public purpose, the property is so used; and

(E) to the extent the property has been used by another Federal agency for a minimum of two years, the transfer to the Government of Guam is subject to the terms and conditions of those permit interests until the expiration of those permits.

(2) CONSULTATION.—In the case of real property reported excess by a military department and in all cases with respect to paragraph (1)(A), the Administrator shall consult with the Secretary of Defense regarding the restrictive covenants to be imposed on a transfer of the property.

(3) OTHER LAWS.—All transfers of excess real property under subsection (b) to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code. Any property that the Government of Guam has the opportunity to acquire under subsection (b) shall not be subject to section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(e) EXEMPTIONS.—Notwithstanding that real property located on Guam and described in this subsection may be excess real property, this section shall not apply—

(1) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred in accordance with subsection (f);

(2) to real property described in the Guam Excess Lands Act (Public Law 103–339, 108 Stat. 3116), which shall be disposed of in accordance with such Act; or

(3) to real property on Guam that is declared excess as a result of a base closure law.

(f) TREATMENT OF GUAM NATIONAL WILDLIFE REFUGE LANDS.—

(1) NOTIFICATION OF AVAILABILITY; NEGOTIATIONS.—The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that real property within the Guam National Wildlife Refuge has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of the real property.

(2) TRANSFER AND MANAGEMENT UNDER AGREEMENT.—If the parties reach an agreement under paragraph (1) within the 180-day period and the agreement is submitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives not less than 60 days prior to any transfer of the real property under the agreement, the property shall be transferred and managed in accordance with the agreement. Any such transfer shall be subject to the other provisions of this section.

(3) EFFECT OF LACK OF AGREEMENT.—If the parties do not reach an agreement under paragraph (1) within the 180-day period, the Administrator shall provide a report to Congress on the status of the discussions, together with recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the Secretary of the military department may transfer administrative control over the property to the General Services Administration. Absent an agreement on the future ownership and use of the property, the property may not be transferred to another Federal agency or out of Federal ownership except pursuant to an Act of Congress specifically identifying the property.

(4) EVENTUAL AGREEMENT.—If the parties come to an agreement prior to congressional action in response to a report under paragraph (3) and the agreement is submitted to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives not less than 60 days prior to any transfer of the real property under the agreement, the real property shall be transferred and managed in accordance with the agreement. Any such transfer shall be subject to the other provisions of this section.

(g) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

(h) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of Interior, may issue such regulations as the Administrator deems necessary to carry out this section.

(i) DEFINITIONS.—For the purposes of this section:

(1) The term ''Administrator'' means—

(A) the Administrator of General Services; or

(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

(2) The term ''base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), or similar base closure authority.

(3) The term ''excess real property'' means excess property (as that term is defined in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472)) that is real property and was acquired by the United States prior to the enactment of this section.

(4) The term ''Guam National Wildlife Refuge'' includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as Department of Defense lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the ''Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993'' to the extent that the Federal Government holds title to such lands.

(5) The term ''public purpose'' means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484), as implemented by the Federal Property Management Regulations (41 CFR 101–47) or other public benefit uses provided under the Guam Excess Lands Act (Public Law 103–339; 108 Stat. 3116).

SEC. 3. GUAM FOREIGN DIRECT INVESTMENT EQUITY ACT.

(a) SHORT TITLE.—This section may be cited as the ''Guam Foreign Direct Investment Equity Act''.

(b) IN GENERAL.—Subsection (d) of section 31 of the Organic Act of Guam (48 U.S.C. 1421i) is

amended by adding at the end the following new paragraph:

''(3) In applying as the Guam Territorial income tax the income-tax laws in force in Guam pursuant to subsection (a) of this section, the rate of tax under sections 871, 881, 884, 1441, 1442, 1443, 1445, and 1446 of the Internal Revenue Code of 1986 on any item of income from sources within Guam shall be the same as the rate which would apply with respect to such item were Guam treated as part of the United States for purposes of the treaty obligations of the United States.''.

(c) CERTAIN GUAM-BASED TRUSTS EXEMPT.—The provisions of this section shall not apply to any Guam-based trust formed pursuant to Division 2 of Title 11, Chapter 160, of the Guam Code Annotated.

(d) EFFECTIVE DATE.—The amendment made by subsection (b) shall apply to amounts paid after the date of the enactment of this Act.

SEC. 4. IMPORTATION OF BETEL NUTS (''ARECA NUTS'') FOR PERSONAL CONSUMPTION.

(a) IN GENERAL.—Notwithstanding any other provision of law (including sections 402 and 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342 and 381)), Guam shall be deemed to be within the customs territory of the United States in the case of importation from Guam into the United States of betel nuts (also known as ''areca nuts'') by an individual for personal consumption by the individual.

(b) DEFINITIONS.—In this section:

(1) BETEL NUTS.—The term ''betel nuts'' means husked betel nuts grown in Guam.

(2) CUSTOMS TERRITORY OF THE UNITED STATES.—The term ''customs territory of the United States'' has the meaning given the term in general note 2 of the Harmonized Tariff Schedule of the United States.

SEC. 5. COMPACT IMPACT REPORTS.

Paragraph 104(e)(2) of Public Law 99–239 (99 Stat. 1770, 1788) is amended by deleting ''President shall report to the Congress with respect to the impact of the Compact on the United States territories and commonwealths and on the State of Hawaii.'' and inserting in lieu thereof the following: ''Governor of any of the United States territories or commonwealths or the State of Hawaii may report to the Secretary of the Interior by February 1 of each year with respect to the financial and social impacts of the compacts of free association on the Governor's respective jurisdiction. The Secretary of the Interior shall review and forward any such reports to the Congress with the comments and recommendations of the Administration. The Secretary of the Interior shall, either directly or, subject to available technical assistance funds, through a grant to the affected jurisdiction, provide for a census of Micronesians at intervals no greater than five years from each decennial United States census using generally acceptable statistical methodologies for each of the impact jurisdictions where the Governor requests such assistance, except that the total expenditures to carry out this sentence may not exceed $300,000 in any year.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Guam Omnibus Opportunities Act, H.R. 2462, introduced by the gentleman from Guam (Mr. UNDERWOOD) has been developed on a bipartisan basis and contains four provisions affecting our territory in the Western Pacific.

The bill proposes to, one, provide Guam the right of first refusal for the return of future lands currently in possession of the Federal Government; two, allows the government to lower the withholding tax rates imposed on foreign investors to equal that of the treatment of States under U.S. treaties with other nations; three, provides a narrow interpretation for Guam to be included in the U.S. Customs Zone for the purpose of importing betel nuts by an individual for personal consumption; and, four, authorizes the governors of the territories and the State of Hawaii to report to the Secretary of the Interior Department on the financial and social impacts of the Compacts of Free Association on their respective jurisdictions.

Mr. Speaker, I would like to add that our staff person, Manase Mansur, this is the last bill that he has worked on. He has done us a great job on the committee, and we wish him well in his future endeavors.

I urge the support of Members for this measure.

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

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, as you may understand, this bill is very important to me and to the people of Guam. I certainly want to thank all of those involved, especially the staff on both sides; the gentleman from Alaska (Chairman YOUNG); and the ranking member, the gentleman from California (Mr. GEORGE MILLER). I thank the gentleman for the words of support, and I also want to publicly thank the staff for their work, on both sides, including Manase Mansur. This is shocking news to me, that he is departing the scene.

But, in any event, as indicated, H.R. 2462 is omnibus legislation that is comprised of four distinct sections to address issues relevant to my home island. The legislation provides Guam the right of first refusal for the return of future lands currently in the possession of the Federal Government; allows the government to lower the withholding tax rates imposed on foreign investors in order to equal it to the treatment of States under U.S. treaties with other nations; provides a narrow interpretation for Guam to be included in the U.S. Customs Zone for the purpose of importing betel nuts for personal consumption; and authorizes the governors of the territories and the State of Hawaii to report to the Secretary of Interior on the financial and social impacts of the Compacts of Free Association on their respective jurisdictions.

Mr. Speaker, as you can imagine, one of the most valuable resources to an island is land. For smaller islands, such as Guam, whose land mass is approximately 212 square miles, land is highly valued and highly treasured. For Guam, much of our treasure was obtained by the Federal Government in the years following World War II to assist in the defense of our nation.

Nearly one-third of Guam, or roughly 44,000 acres, was kept by the U.S. for use by our military. It is easy to understand why this would be the case, because of Guam's strategic location to Asia, and it is understandable that our military continued to retain this property throughout the Cold War. But the Cold War is now over, and although we still have some genuine concerns over the instability of some Asian countries, excess Federal property on Guam should be returned to Guam, and we have worked this very closely with the Department of Defense.

In the 103rd Congress I was successful in getting legislation passed in Congress to return 3,200 acres of Federal land to the Government of Guam for public benefit, and I am pleased to acknowledge the work of our good friend the gentleman from Utah (Mr. HANSEN) on that particular bill, and I am pleased that 900 acres were deeded over to the Government of Guam just last month, and I am anxious for the return of more property.

H.R. 2462 builds on this policy of returning excess Federal property on Guam to the Government of Guam before it is offered to other Federal agencies or organizations. This legislation establishes a process where the Government of Guam is notified that Federal land is excess, and the island then has the opportunity to acquire it at no cost for public benefit purposes.

H.R. 2462 also provides for a process for the Government of Guam and the U.S. Fish and Wildlife Service to engage in negotiations on the ownership and management of declared Federal excess lands within the Guam National Wildlife Refuge. The administration, in discussion on this particular section of the bill, has raised some concerns on this part of the bill; and I assured them I will work with them to make sure that land is returned and used for a clear public purpose.

H.R. 2462 also addresses an issue that could have great economic potential for Guam. The Organic Act of Guam authorized the local Government to implement a mirror image tax system the same as the U.S. Internal Revenue Code. The Internal Revenue Code, unfortunately, imposes a withholding tax of 30 percent on foreign investors, except that in the case of the rest of the United States these rates have been adjusted according to treaty obligations negotiated by the United States with foreign countries. However, Guam is not included in those tax treaties.

This section simply asks that Guam be treated the same as every other jurisdiction in the United States for purposes of withholding tax for foreign investors. This omission has cost us some foreign investment, and this is a very critical time for our island. We are suffering over 15 percent unemployment due to the downturn in Asia. We think

that this will give us an opportunity to recover some of our economic success we had earlier in the 1990s.

A third section of H.R. 2462 has received a lot of attention in Guam, not a lot of attention here, and it is humorous for many of our constituents. My people chew the betel nut. The betel nut in a mature form is a hard nut which has been banned from movement across the Customs Zone. Because Guam is outside the Customs Zone, we are sometimes treated as foreigners for this particular purpose. What this bill does is it does not allow it to be brought in for agricultural problems, it just says if it is for personal consumption, then it should be allowed to go through the Customs Zone.

The last section of the bill is equally of great concern, not only for Guam, but other U.S. areas like the Commonwealth of the Northern Marianas and the State of Hawaii. This authorizes the governors of those areas to submit a report and requires the Department of Interior to respond relative to the impact of the right of citizens of three new States, three new independent nations, to freely migrate into the United States.

This is good sense legislation. I want to again thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER) for working with me to address concerns raised by the administration during the full committee hearing. We did make some changes that addressed those concerns. I understand there may still remain some issues, but I am sure we can work with them as this legislation moves through the Senate.

Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA). I am proud to say I am probably the only person who pronounces his name right.

Mr. FALEOMAVAEGA. Mr. Speaker, I do want to commend the gentleman from Guam for pronouncing my name properly, and you yourself, you did very well. Sometimes I wish maybe my colleagues should call me John Wayne just for he the sense of making it a little more clear.

Mr. Speaker, I do want to express my strong support of H.R. 2462, the Guam Omnibus Opportunities Act, chiefly sponsored by my good friend and colleague, the gentleman from Guam (Mr. UNDERWOOD). I want to commend the gentleman, who also serves as the Chairman of the Asian-Pacific Congressional Caucus. I also want to thank the gentleman from Utah (Mr. HANSEN) for his management of this legislation, and certainly want to commend him for his assistance.

Mr. Speaker, the return of Federal excess land to the people of Guam is an issue that has been under discussion for far too long. While the policy of offering Federal land to other Federal agencies when it is no longer needed by one agency is sound for most land in the continental United States, the history of these lands is often different in insular areas, and the Territory of Guam is an example.

In Guam, one-third of the land on the island is owned by the Federal Government and was taken, in most cases, for military purposes. Perhaps our colleagues are not aware of the fact that we currently have about a $10 billion presence of military bases, military equipment and personnel currently now on the island of Guam.

Now that the land is no longer needed, it should be returned to its previous owners, or, at a minimum, as it is done in this bill, give the local Government the option of acquiring it. I note in the last Congress, Mr. Speaker, the Senate passed a similar piece of legislation, and I hope that we can get this provision through both houses of the Congress this year.

Mr. Speaker, it is unfortunate that Guam has to come to Congress every time it wants to amend the Tax Code applicable to its own residents. As has been noted, current law mandates a 30 percent withholding tax on foreign investors, yet it is lower than that for most foreign investors who invest in the 50 States. This is an obvious disincentive for investment in the Territory of Guam, and I am glad to see we are alleviating this burden today.

I know this issue of betel nut consumption by the people of Guam has been an issue for some time. This bill addresses this problem by treating Guam as being within the U.S. customs territory for the purpose of importing betel nuts from Guam to the United States by an individual for personal consumption. While not important to most Americans, I guess, it is of cultural significance to many of the people of Guam, and I suspect also my friends from the other islands of Micronesia. I certainly support this change in the law.

Mr. Speaker, this legislation also addresses the continued problem caused by the migration of citizens from the freely associated States, the Federated States of Micronesia, the Republic of Palau and the Republic of the Marshall Islands. The residents from these entities migrate to Guam and other Pacific jurisdictions in the United States. Now, while Guam and Hawaii need more than a report to assist them with the impact of this migration, I do hope the report will provide the basis upon which substantial assistance can and will be provided, not only to Guam, but to all the affected Pacific jurisdictions.

Again, Mr. Speaker, I want to commend the gentleman from Alaska (Chairman YOUNG) and our ranking Democrat, the gentleman from California (Mr. GEORGE MILLER), for their efforts in working with all the parties involved, and to get this legislation to the House, especially I want to commend the gentleman from Guam (Mr. UNDERWOOD), for his leadership in bringing this important bill to the floor. I urge my colleagues to support this legislation.

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from American Samoa for his kinds words.

Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank the gentleman for yielding me time.

I too rise in strong support of H.R. 2462, and I want to congratulate and commend my good friend from Guam (Mr. UNDERWOOD) for his tireless efforts and hard work over the several years it took to get this bill to this point today.

As a cosponsor of H.R. 2462, I support the efforts of the gentleman from Guam (Mr. UNDERWOOD) to return land that was taken by the U.S. Government from the people of Guam during World War II. H.R. 2462 will address this issue by providing a process for the Government of Guam to receive lands from the U.S. Government for specified public purposes by giving Guam the right of first refusal of declared Federal excess lands by the General Services administrator prior to it being made available to any other Federal agency.

□ 1700

Mr. Speaker, the people of Guam have suffered greatly because of their love for this country. Guamanians have been under U.S. sovereignty since 1898. During World War II, Japanese forces invaded and took control of Guam for 32 months. The people of Guam suffered atrocities, including executions, rapes, beatings, imprisonment, forced labor and forced marches, primarily due to their continued loyalty to the United States.

Mr. Speaker, the people of Guam have been seeking to have the issues of the return of Guam lands and restitution to Guamanians who suffered atrocities in World War II addressed for more than a decade now. It is time that they be resolved. How much longer must we make the people of Guam wait? As for myself, I pledge to do all that I can to assist the gentleman from Guam (Mr. UNDERWOOD) in finding a resolution to these issues that is acceptable to the people of Guam.

I ask my colleagues to also support the people of Guam and to support this legislation.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to again thank everyone who worked hard with the staffs of both sides, my own staff, Nick Minella, who is also leaving. With that, I want to thank the gentleman from Utah (Mr. HANSEN) for his support and kind words. I would like to thank again the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Alaska (Mr. YOUNG) for their support on this effort.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of H.R. 2462—the Guam Omnibus Opportunities Act—of which I

am a cosponsor along with the Chairman of the Resources Committee. I recognize and congratulate our colleague from Guam, Mr. UNDERWOOD, for his hard work and collaboration with the staff of the Committee to craft legislation which addresses some very complex issues facing the people of Guam. Some may not realize how difficult a job it is for the delegates from the territories to move legislation through the Congress and I, for one, am glad that we are considering Mr. UNDERWOOD's legislation today.

The Guam Omnibus Opportunities Act is legislation which, among other things, addresses two very important issues for the people of Guam—the future return of federal excess lands on Guam and the expansion of the island's economy. H.R. 2462 puts into place, a process wherein the government of Guam is given first consideration in the return of federal excess land. As chairman of the Resources Committee during the 103rd Congress, we passed legislation, authored by Mr. UNDERWOOD, which identified 3,200 acres of federal excess lands no longer needed by the federal government for return to the government of Guam to benefit the people of Guam. This was the first step in helping to address the very unique circumstances of Guam's history and the federal acquisition of 1/3 of the island after WWII for purposes of national defense. Currently, the return of excess federal land is governed by the General Service Administration's land return process which can completely prevent Guam from regaining the land, in favor of other federal interests. H.R. 2462 builds upon the success of our work during the 103rd Congress and establishes a process in which federal property no longer necessary for the continuing operations of the defense of our nation is returned to the government of Guam for uses consistent with benefitting the island's community.

H.R. 2462 also contains a novel approach to increase investment into Guam by allowing the government to match the withholding tax rates of foreign investors to equal the same rate offered in U.S. treaties for foreign investors doing business in the 50 states. Guam's U.S. ''mirror image'' tax system was instituted with the passage of its organic act in 1950. The Internal Revenue Code requires a withholding tax rate of 30 percent on foreign investors with the exception of withholding tax rates negotiated in U.S. treaties with foreign nations. These rates are often lowered to encourage foreign investment into the United States. It is often the case, however, that the definition of the United States does not include Guam or the other U.S. territories. The exclusion of the territories, has for better or worse, penalized Guam in this instance since the majority of their private sector development has come from foreign sources. Amending Guam's Organic Act to equal the withholding tax rate under U.S. treaties will boost their attraction to foreign investors and benefit the island's long-term private sector diversification.

I am mindful that over the past several years, the economy of Guam has spiraled downwards due to decreased military presence and the slumping economies in Asia. I am happy that we are attempting to address these issues in terms of making future excess federal land available to the island government for public benefit uses and the lifting of restrictive taxes on foreign investors. I thank Mr. UNDERWOOD again for his legislation and urge my colleagues to support H.R. 2462—the Guam Omnibus Opportunities Act.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2462, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 2919, S. 1629, H.R. 3676, H.R. 4275, S. 1910, H.R. 2833, and H.R. 2462, the last seven bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

USE OF WEBER BASIN PROJECT FACILITIES FOR NONPROJECT WATER

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3236) to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, as amended.

The Clerk read as follows:

H.R. 3236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF WEBER BASIN PROJECT FACILITIES FOR NONPROJECT WATER.

The Secretary of the Interior may enter into contracts with the Weber Basin Water Conservancy District or any of its member unit contractors under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using facilities associated with the Weber Basin Project, Utah; and

(2) the exchange of water among Weber Basin Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Weber Basin Project, Utah.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material therein, on H.R. 3236.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be discussing H.R. 3236, which I introduced with my colleague, the gentleman from Utah (Mr. HANSEN). This legislation authorizes the Secretary of Interior, through the Bureau of Reclamation, to enter into contracts with the Weber Basin Water Conservancy District to allow the delivery of non-Federal project water for domestic, municipal, industrial, and other beneficial purposes using facilities associated with the Weber Basin Project.

Such congressional authorization is required by the Warren Act and there are a number of Western reclamation projects which have already been given such authority including the Central Utah Project. The Weber Basin Conservancy District constructed the Smith Morehouse Dam and Reservoir in the early 1980s with local Weber Basin funding resources creating a supply of non-Federal project water.

There is now a need to deliver approximately 5,000 acre feet of this non-Federal Smith Morehouse water supply along with approximately 5,000 acre feet of Federal Weber Basin Project water utilizing some federally built project facilities to the Snyderville Basin Area of Summit County and to Park City. These are rapidly growing areas of my congressional district.

The Weber Basin Water Conservancy District entered into a memorandum of understanding and agreement in 1996 to deliver this water approximately 14 miles from Weber Basin Weber River sources upon the execution of an interlocal agreement with Park City and Summit County. The Warren Act requires that legislation be enacted to enable the district to move ahead with this agreement with the county and Park City to deliver the water utilizing Bureau-built Weber Basin Project facilities.

The Utah State Engineer last year stopped approval of new groundwater sources in the area. We do not have any more wells that we can drill there. This, along with the tremendous growth in the area, due in part to the 2002 Olympics, has led to an immediate need to import water to the area. The area to be served is within the taxing area of the Weber Basin District, and there is a definite need for a public entity to build a project to supply an adequate, reliable, and cost-effective water delivery project to meet future demands.

I hope we can pass this legislation to enable the District to expeditiously construct this project.

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

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 3236 authorizes the Secretary of the Interior to enter into Warren Act contracts for water from the Weber Basin project in Utah. These contracts are an important water management tool in the Western United States where there is an opportunity to use a nearby Bureau of Reclamation project to transport local water supplies for municipal or other uses.

We support the legislation, and we congratulate the gentleman from Utah (Mr. CANNON) on his effort.

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

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just once again state this legislation is needed to continue the development of much-needed water resources in the Weber Basin Water Conservancy District. I urge my colleagues to join me in supporting this necessary legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3236, as amended.

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

A motion to reconsider was laid on the table.

DUCHESNE CITY WATER RIGHTS CONVEYANCE ACT

Mr. CANNON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3468) to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah, as amended.

The Clerk read as follows:

H.R. 3468

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 ''Duchesne City Water Rights Conveyance Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1861, President Lincoln established the Uintah Valley Reservation by Executive order. The Congress confirmed the Executive order in 1864 (13 Stat. 63), and additional lands were added to form the Uintah Indian Reservation (now known as the Uintah and Ouray Indian Reservation).

(2) Pursuant to subsequent Acts of Congress, lands were allotted to the Indians of the reservation, and unallotted lands were restored to the public domain to be disposed of under homestead and townsite laws.

(3) In July 1905, President Theodore Roosevelt reserved lands for the townsite for Duchesne, Utah, by Presidential proclamation and pursuant to the applicable townsite laws.

(4) In July 1905, the United States, through the Acting United States Indian Agent in Behalf of the Indians of the Uintah Indian Reservation, Utah, filed 2 applications, 43–180 and 43–203, under the laws of the State of Utah to appropriate certain waters.

(5) The stated purposes of the water appropriation applications were, respectively, ''for irrigation and domestic supply for townsite purposes in the lands herein described'', and ''for the purpose of irrigating Indian allotments on the Uintah Indian Reservation, Utah, . . . and for an irrigating and domestic water supply for townsite purposes in the lands herein described''.

(6) The United States subsequently filed change applications which provided that the entire appropriation would be used for municipal and domestic purposes in the town of Duchesne, Utah.

(7) The State Engineer of Utah approved the change applications, and the State of Utah issued water right certificates, identified as Certificate Numbers 1034 and 1056, in the name of the United States Indian Service in 1921, pursuant to the applications filed, for domestic and municipal uses in the town of Duchesne.

(8) Non-Indians settled the town of Duchesne, and the inhabitants have utilized the waters appropriated by the United States for townsite purposes.

(9) Pursuant to title V of Public Law 102–575, Congress ratified the quantification of the reserved waters rights of the Ute Indian Tribe, subject to reratification of the water compact by the State of Utah and the Tribe.

(10) The Ute Indian Tribe does not oppose legislation that will convey the water rights appropriated by the United States in 1905 to the city of Duchesne because the appropriations do not serve the purposes, rights, or interests of the Tribe or its members, because the full amount of the reserved water rights of the Tribe will be quantified in other proceedings, and because the Tribe and its members will receive substantial benefits through such legislation.

(11) The Secretary of the Interior requires additional authority in order to convey title to those appropriations made by the United States in 1905 in order for the city of Duchesne to continue to enjoy the use of those water rights and to provide additional benefits to the Ute Indian Tribe and its members as originally envisioned by the 1905 appropriations.

SEC. 3. CONVEYANCE OF WATER RIGHTS TO DUCHESNE CITY, UTAH.

(a) CONVEYANCE.—The Secretary of the Interior, as soon as practicable after the date of enactment of this Act, and in accordance with all applicable law, shall convey to Duchesne City, Utah, or a water district created by Duchesne City, all right, title, and interest of the United States in and to those water rights appropriated under the laws of the State of Utah by the Department of the Interior's United States Indian Service and identified as Water Rights Nos. 43–180 (Certificate No. 1034) and 43–203 (Certificate No. 1056) in the records of the State Engineer of Utah.

(b) REQUIRED TERMS.—

(1) IN GENERAL.—As terms of any conveyance under subsection (a), the Secretary shall require that Duchesne City—

(A) shall allow the Ute Indian Tribe of the Uintah and Ouray Reservation, its members, and any person leasing or utilizing land that is held in trust for the Tribe by the United States and is located within the Duchesne City water service area (as such area may be adjusted from time to time), to connect to the Duchesne City municipal water system;

(B) shall not require such tribe, members, or person to pay any water impact, connection, or similar fee for such connection; and

(C) shall not require such tribe, members, or person to deliver or transfer any water or water rights for such connection.

(2) LIMITATION.—Paragraph (1) shall not be construed to prohibit Duchesne City from charging any person that connects to the Duchesne City municipal water system pursuant to paragraph (1) reasonable, customary, and nondiscriminatory fees to recover costs of the operation and maintenance of the water system to treat, transport, and deliver water to the person.

SEC. 4. WATER RIGHTS.

(a) NO RELINQUISHMENT OR REDUCTION.—Except as provided in section 3, nothing in this Act may be construed as a relinquishment or reduction of any water rights reserved, appropriated, or otherwise secured by the United States in the State of Utah on or before the date of enactment of this Act.

(b) NO PRECEDENT.—Nothing in this Act may be construed as establishing a precedent for conveying or otherwise transferring water rights held by the United States.

SEC. 5. TRIBAL RIGHTS.

Nothing in this Act may be construed to affect or modify any treaty or other right of the Ute Indian Tribe or any other Indian tribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CANNON) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. CANNON).

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material therein, on H.R. 3468.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to have the opportunity to discuss H.R. 3468, the Duchesne City Water Rights Conveyance Act on the House floor. This legislation gives the city of Duchesne rights to water owned by the United States Indian Service. Duchesne is currently using this water and has used it since the city was established.

Since this law corrects a legal anomaly, some historical background may be helpful. When the Uintah Indian Reservation was opened for settlement in 1905, land was auctioned to the highest bidder under the Township Act and the City of Duchesne was created. The acting Indian agent of the reservation filed two applications to appropriate water with the Utah State Engineer.

These applications were intended for irrigation and domestic supply in the City of Duchesne under the township provisions. For many years now, attempts to place the water rights in the name of Duchesne City have failed despite acknowledgments by all interested parties that the water rights were meant for Duchesne City exclusively.

Since the United States Indian Service no longer exists, there is no way to

transfer these water rights without legislation. In fact, this bill is at the request of the Utah State Engineer.

Mr. Speaker, Utah is an arid State and water is a valuable resource. The very nature of water rights ownership can be contentious.

For this reason, the legislation is urgent and necessary. The City of Duchesne and the Ute Indian Tribe have worked hard on this legislation, and they hope to transfer these water rights during this session of Congress.

The Ute Indian Tribe will benefit by this proposal, being able to connect to the Duchesne City Municipal Water System without any water impact or connection fee. Furthermore, no members of the tribe connecting to the municipal water system will be required to give up rights to water or water rights that they hold in addition to the municipal water.

The version of the bill that is before us today includes language worked out between the Department of the Interior, the Ute Indian Tribe, and the City of Duchesne. We now include findings that ensure that the full history of these water rights is known.

Additionally, there is language that would ensure that tribal rights and current water rights are protected.

I would like to thank all those who have worked on this bill. Mayor Kim Hamlin, Councilman Paul Tanner from Duchesne, and CRAIG SMITH, special counsel on water have worked hard to coordinate with the Department of the Interior and have come up with the compromise language that we now have before us.

Again, Mr. Speaker, I am grateful for the opportunity to bring this before the House of Representatives. I look forward to resolving this problem for the City of Duchesne.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UNDERWOOD asked and was given permission to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, H.R. 3468 would convey to Duchesne City, Utah, certain water rights now held in trust by the Secretary of the Interior. The bill would allow the Ute Indian Tribe to connect to the municipal water system of Duchesne City, Utah, without payment of customary impact and connection fees. It is my understanding that the concerns raised by the Department of the Interior have been satisfactorily resolved. We support the legislation and congratulate the gentleman from Utah (Mr. CANNON) on his efforts.

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

Mr. CANNON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I would just like to reiterate that this bill simply corrects a legal anomaly. The City of Duchesne is using this water and should bear title to it. I urge my colleagues to join with me in supporting this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CANNON) that the House suspend the rules and pass the bill, H.R. 3468, as amended.

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

A motion to reconsider was laid on the table.

□ 1715

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1651, to concur in the Senate amendment, by the yeas and nays;

H.R. 2919, by the yeas and nays;

S. 1910, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

FISHERMEN'S PROTECTIVE ACT AMENDMENTS OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 1651.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1651, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 265, nays 154, not voting 15, as follows:

[Roll No. 433]

YEAS—265

Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cramer
Crane
Cunningham
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hobson
Hoekstra
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Johnson (CT)
Johnson, Sam
Kelly
Kind (WI)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Larson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Manzullo
Markey
Martinez
McCrery
McDermott
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Metcalf
Mica
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pease
Pelosi
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Saxton
Scarborough
Schakowsky
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stark
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—154

Abercrombie
Ackerman
Baca
Baird
Barcia
Bateman
Becerra
Bentsen
Berkley
Blagojevich
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Carson
Clay
Clement
Clyburn
Condit
Conyers
Cook
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Deutsch
Dingell
Dixon
Doyle
Duncan
Engel
Etheridge
Evans
Fattah
Filner
Forbes
Frank (MA)
Frost
Gephardt
Gonzalez
Goode
Goodlatte
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinojosa
Hoeffel
Holden
Inslee
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
Lee
Levin
Lipinski
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, Gary
Moakley
Mollohan
Murtha

Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Royce
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schaffer
Scott
Sensenbrenner
Shows
Sisisky
Skelton
Slaughter
Spratt
Stabenow
Stearns
Strickland
Stupak
Thompson (MS)
Thurman
Towns
Turner
Udall (NM)
Velazquez
Visclosky
Wamp
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Wynn

NOT VOTING—15

Barton
Cubin
Edwards
Ewing
Franks (NJ)
Gilman
Jenkins
Lazio
McCollum
McIntosh
Menendez
Ros-Lehtinen
Smith (WA)
Thomas
Vento

□ 1741

Messrs. CROWLEY, BLAGOJEVICH, COOK, WAMP, VISCLOSKY, LANTOS, KING, CONYERS, SCHAFFER, PAYNE and JONES of North Carolina and Ms. BERKLEY changed their vote from ''yea'' to ''nay''.

Messrs. STARK, JACKSON of Illinois, STUMP, MORAN of Virginia, NADLER, CAMPBELL, MINGE, LEWIS of Georgia, CRAMER, HINCHEY, DICKS, DEFAZIO, MCNULTY, ROTHMAN, SHERMAN, LARSON, SMITH of Michigan, COX, MARKEY and MEEHAN and Mrs. LOWEY, Mrs. CLAYTON, Ms. HOOLEY of Oregon and Ms. DELAURO changed their vote from ''nay'' to ''yea''.

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2919, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2919, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 11, answered ''present'' 2, not voting 17, as follows:

[Roll No. 434]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—11

Chenoweth-Hage
Coble
Coburn
Jones (NC)
Largent
Norwood
Paul
Sanford
Schaffer
Sensenbrenner
Stump

ANSWERED ''PRESENT''—2

Bateman
Spence

NOT VOTING—17

Barton
Berman
Cubin
Edwards
Ewing
Franks (NJ)
Gilman
Hutchinson
Jenkins
Lazio
Martinez
McCollum
McIntosh
Menendez
Ros-Lehtinen
Smith (WA)
Vento

□ 1749

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ACQUISITION OF THE HUNT HOUSE IN WATERLOO, NEW YORK

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question of suspending the rules and passing the Senate bill, S. 1910.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1910.

The vote was taken by electronic device, and there were—yeas 404, nays 9, answered ''present'' 1, not voting 20, as follows:

[Roll No. 435]

YEAS—404

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer

Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—9

Chenoweth-Hage
Coburn
Jones (NC)
Largent
Norwood
Paul
Sanford
Schaffer
Sensenbrenner

ANSWERED ''PRESENT''—1

Bateman

NOT VOTING—20

Bachus
Barrett (NE)
Barton
Burton
Cannon
Cubin
Dickey
Edwards
Ewing
Franks (NJ)
Gilman
Jenkins
Lazio
McCollum
McIntosh
Menendez
Pryce (OH)
Ros-Lehtinen
Smith (WA)
Vento

□ 1758

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, I was unavoidably detained for rollcall No. 435. Had I been present, I would have voted "yea".

PREPAREDNESS AGAINST TERRORISM ACT OF 2000

Mrs. FOWLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4210) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Preparedness Against Terrorism Act of 2000''.

(b) REFERENCES.—Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the President should strengthen Federal interagency emergency planning by the Federal Emergency Management Agency and other appropriate Federal, State, and local agencies for development of a capability for early detection and warning of and response to potential domestic terrorist attacks involving weapons of mass destruction; and

(2) Federal efforts to assist State and local emergency preparedness and response personnel in preparation for domestic terrorist attacks should be coordinated so as to eliminate duplicative Federal programs.

(b) PURPOSES.—The purposes of this Act include—

(1) coordinating and making more effective Federal efforts to assist State and local emergency preparedness and response personnel in preparation for domestic terrorist attacks;

(2) designating a lead entity to coordinate such Federal efforts; and

(3) updating Federal authorities to reflect the increased risk of terrorist attacks.

SEC. 3. DEFINITION OF MAJOR DISASTER.

Section 102(2) (42 U.S.C. 5122(2)) is amended to read as follows:

''(2) MAJOR DISASTER.—'Major disaster' means any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, snow drought, or drought), or, regardless of cause, any fire, flood, explosion, act of terrorism, or other catastrophic event in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.''.

SEC. 4. ADMINISTRATION OF EMERGENCY PREPAREDNESS PROGRAMS BY THE PRESIDENT.

Title VI (42 U.S.C. 5195 et seq.) is amended—

(1) by striking ''Director'' each place it appears (other than in sections 602(a)(7) and 603) and inserting ''President'';

(2) in section 603 by striking ''Director of the Federal Emergency Management Agency'' and inserting ''President'';

(3) in section 611(c)—

(A) by striking ''With the approval of the President, the'' and inserting ''The''; and

(B) by striking ''responsibilities and review'' and inserting ''responsibilities. The President shall review'';

(4) in section 621(g) by striking the second sentence;

(5) in section 623—

(A) by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (2) (as so redesignated) by striking ''unless'' and all that follows through ''approval of the President,'' and inserting ''unless the President''; and

(6) in section 624 by striking ''to the President and Congress'' and inserting ''to Congress''.

SEC. 5. DEFINITIONS.

(a) HAZARD.—Section 602(a)(1)(B) (42 U.S.C. 5195a(a)(1)(B)) is amended by striking the period at the end and inserting '', including a domestic terrorist attack involving a weapon of mass destruction.''.

(b) NATURAL DISASTER.—Section 602(a)(2) (42 U.S.C. 5195a(a)(2)) is amended to read as follows:

''(2) NATURAL DISASTER.—The term 'natural disaster' means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, snow drought, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.''.

(c) EMERGENCY PREPAREDNESS.—Section 602(a)(3)(A) (42 U.S.C. 5195a(a)(3)(A)) is amended by inserting ''the predeployment of these and other essential resources (including personnel),'' before ''the provision of suitable warning systems,''.

(d) DIRECTOR.—Section 602(a) (42 U.S.C. 5195a(a)) is amended by striking paragraph (7) and redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(e) WEAPON OF MASS DESTRUCTION.—Section 602 (42 U.S.C. 5195a) is amended by adding at the end the following:

''(10) WEAPON OF MASS DESTRUCTION.—The term 'weapon of mass destruction' means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

''(A) toxic or poisonous chemicals or their precursors;

''(B) a disease organism; or

''(C) radiation or radioactivity.''.

SEC. 6. DETAILED FUNCTIONS OF ADMINISTRATION.

(a) FEDERAL EMERGENCY RESPONSE PLANS AND PROGRAMS.—Section 611(b) (42 U.S.C. 5196(b)) is amended—

(1) by striking ''may prepare'' and inserting ''shall prepare''; and

(2) by adding at the end the following: ''In accordance with section 313, the President shall ensure that Federal response plans and programs are adequate to respond to the consequences of terrorism directed against a target in the United States, including terrorism involving weapons of mass destruction.''.

(b) EMERGENCY PREPAREDNESS MEASURES.—Section 611(e) (42 U.S.C. 5196(e)) is amended—

(1) in paragraph (1) by inserting ''preventing and'' before ''treating'';

(2) in paragraph (2) by striking ''developing shelter designs'' and inserting ''development of shelter designs, equipment, clothing,''; and

(3) in paragraph (3) by striking ''developing'' and all that follows through ''thereof'' and inserting ''development and standardization of equipment and facilities''.

(c) TRAINING AND EXERCISE PROGRAMS.—Section 611(f) (42 U.S.C. 5196(f)) is amended—

(1) in the subsection heading by inserting ''AND EXERCISE'' after ''TRAINING'';

(2) in paragraph (1)(A) by inserting ''and exercise'' after ''training'';

(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(4) by inserting after paragraph (1) the following:

''(2) The President shall establish priorities among training and exercise programs for preparedness against terrorist attacks based on an assessment of the existing threats, capabilities, and objectives.''.

SEC. 7. REPEALS.

(a) USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.—Section 615 (42 U.S.C. 5196d) is repealed.

(b) SECURITY REGULATIONS.—Section 622 (42 U.S.C. 5197a) is repealed.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 626 (42 U.S.C. 5197e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) PRIORITIES.—Amounts appropriated pursuant to this section for training and exercise programs for preparedness against terrorist attacks shall be used in a manner consistent with the priorities established under section 611(f)(2).''.

SEC. 9. PRESIDENT'S COUNCIL ON DOMESTIC TERRORISM PREPAREDNESS.

Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.) is amended by adding at the end the following:

"Subtitle C—President's Council on Domestic Terrorism Preparedness

"SEC. 651. ESTABLISHMENT OF COUNCIL.

''(a) IN GENERAL.—There is established a council to be known as the President's Council on Domestic Terrorism Preparedness (in this subtitle referred to as the 'Council').

''(b) MEMBERSHIP.—The Council shall be composed of the following members:

''(1) The President.

''(2) The Director of the Federal Emergency Management Agency.

''(3) The Attorney General.

''(4) The Secretary of Defense.

''(5) The Director of the Office of Management and Budget.

''(6) The Assistant to the President for National Security Affairs.

''(7) Any additional members appointed by the President.

''(c) CHAIRMAN.—

''(1) IN GENERAL.—The President shall serve as the chairman of the Council.

''(2) EXECUTIVE CHAIRMAN.—The President may appoint an Executive Chairman of the Council (in this subtitle referred to as the 'Executive Chairman'). The Executive Chairman shall represent the President as chairman of the Council, including in communications with Congress and State Governors.

''(3) SENATE CONFIRMATION.—An individual selected to be the Executive Chairman under paragraph (2) shall be appointed by and with the advice and consent of the Senate, except that Senate confirmation shall not be required if, on the date of appointment, the individual holds a position for which Senate confirmation was required.

''(d) FIRST MEETING.—The first meeting of the Council shall be held not later than 90 days after the date of enactment of this Act.

"SEC. 652. DUTIES OF COUNCIL.

''The Council shall carry out the following duties:

''(1) Establish the policies, objectives, and priorities of the Federal Government for enhancing the capabilities of State and local emergency preparedness and response personnel in early detection and warning of and response to all domestic terrorist attacks, including attacks involving weapons of mass destruction.

''(2) Publish a Domestic Terrorism Preparedness Plan and an annual strategy for carrying out the plan in accordance with section 653, including the end state of preparedness for emergency responders established under section 653(b)(1)(D).

''(3) To the extent practicable, rely on existing resources (including planning documents, equipment lists, and program inventories) in the execution of its duties.

''(4) Consult with and utilize existing interagency boards and committees, existing governmental entities, and non-governmental organizations in the execution of its duties.

''(5) Ensure that a biennial review of the terrorist attack preparedness programs of State and local governmental entities is conducted and provide recommendations to the entities based on the reviews.

''(6) Provide for the creation of a State and local advisory group for the Council, to be composed of individuals involved in State and local emergency preparedness and response to terrorist attacks.

''(7) Provide for the establishment by the Council's State and local advisory group of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities in accordance with section 655.

''(8) Designate a Federal entity to consult with, and serve as a contact for, State and local governmental entities implementing terrorist attack preparedness programs.

''(9) Coordinate and oversee the implementation by Federal departments and agencies of the policies, objectives, and priorities established under paragraph (1) and the fulfillment of the responsibilities of such departments and agencies under the Domestic Terrorism Preparedness Plan.

''(10) Make recommendations to the heads of appropriate Federal departments and agencies regarding—

''(A) changes in the organization, management, and resource allocations of the departments and agencies; and

''(B) the allocation of personnel to and within the departments and agencies,

to implement the Domestic Terrorism Preparedness Plan.

''(11) Assess all Federal terrorism preparedness programs and ensure that each program complies with the Domestic Terrorism Preparedness Plan.

''(12) Identify duplication, fragmentation, and overlap within Federal terrorism preparedness programs and eliminate such duplication, fragmentation and overlap.

''(13) Evaluate Federal emergency response assets and make recommendations regarding the organization, need, and geographic location of such assets.

''(14) Establish general policies regarding financial assistance to States based on potential risk and threat, response capabilities, and ability to achieve the end state of preparedness for emergency responders established under section 653(b)(1)(D).

''(15) Notify a Federal department or agency in writing if the Council finds that its policies are not in compliance with its responsibilities under the Domestic Terrorism Preparedness Plan.

"SEC. 653. DOMESTIC TERRORISM PREPAREDNESS PLAN AND ANNUAL STRATEGY

''(a) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of the first meeting of the Council, the Council shall develop a Domestic Terrorism Preparedness Plan and transmit a copy of the plan to Congress.

''(b) CONTENTS.—

''(1) IN GENERAL.—The Domestic Terrorism Preparedness Plan shall include the following:

''(A) A statement of the policies, objectives, and priorities established by the Council under section 652(1).

''(B) A plan for implementing such policies, objectives, and priorities that is based on a threat, risk, and capability assessment and includes measurable objectives to be achieved in each of the following 5 years for enhancing domestic preparedness against a terrorist attack.

''(C) A description of the specific role of each Federal department and agency, and the roles of State and local governmental entities, under the plan developed under subparagraph (B).

''(D) A definition of an end state of preparedness for emergency responders that sets forth measurable, minimum standards of acceptability for preparedness.

''(2) EVALUATION OF FEDERAL RESPONSE TEAMS.—In preparing the description under paragraph (1)(C), the Council shall evaluate each Federal response team and the assistance that the team offers to State and local emergency personnel when responding to a terrorist attack. The evaluation shall include an assessment of how the Federal response team will assist State and local emergency personnel after the personnel has achieved the end state of preparedness for emergency responders established under paragraph (1)(D).

''(c) ANNUAL STRATEGY.—

''(1) IN GENERAL.—The Council shall develop and transmit to Congress, on the date of transmittal of the Domestic Terrorism Preparedness Plan and, in each of the succeeding 4 fiscal years, on the date that the President submits an annual budget to Congress in accordance with section 1105(a) of title 31, United States Code, an annual strategy for carrying out the Domestic Terrorism Preparedness Plan in the fiscal year following the fiscal year in which the strategy is submitted.

''(2) CONTENTS.—The annual strategy for a fiscal year shall include the following:

''(A) An inventory of Federal training and exercise programs, response teams, grant programs, and other programs and activities related to domestic preparedness against a terrorist attack conducted in the preceding fiscal year and a determination as to whether any of such programs or activities may be duplicative. The inventory shall consist of a complete description of each such program and activity, including the funding level and purpose of and goal to be achieved by the program or activity.

''(B) If the Council determines under subparagraph (A) that certain programs and activities are duplicative, a detailed plan for consolidating, eliminating, or modifying the programs and activities.

''(C) An inventory of Federal training and exercise programs, grant programs, response teams, and other programs and activities to be conducted in such fiscal year under the Domestic Terrorism Preparedness Plan and measurable objectives to be achieved in such fiscal year for enhancing domestic preparedness against a terrorist attack. The inventory shall provide for implementation of any plan developed under subparagraph (B), relating to duplicative programs and activities.

''(D) A complete assessment of how resource allocation recommendations developed under section 654(a) are intended to implement the annual strategy.

''(d) CONSULTATION.—

''(1) IN GENERAL.—In developing the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall consult with—

''(A) the head of each Federal department and agency that will have responsibilities under the Domestic Terrorism Preparedness Plan or annual strategy;

''(B) Congress;

''(C) State and local officials;

''(D) congressionally authorized panels; and

''(E) emergency preparedness organizations with memberships that include State and local emergency responders.

''(2) REPORTS.—As part of the Domestic Terrorism Preparedness Plan and each annual strategy for carrying out the plan, the Council shall include a written statement indicating the persons consulted under this subsection and the recommendations made by such persons.

''(e) TRANSMISSION OF CLASSIFIED INFORMATION.—Any part of the Domestic Terrorism Preparedness Plan or an annual strategy for carrying out the plan that involves information properly classified under criteria established by an Executive order shall be presented to Congress separately.

''(f) RISK OF TERRORIST ATTACKS AGAINST TRANSPORTATION FACILITIES.—

''(1) IN GENERAL.—In developing the plan and risk assessment under subsection (b), the Council shall designate an entity to assess the risk of terrorist attacks against transportation facilities, personnel, and passengers.

''(2) CONTENTS.—In developing the plan and risk assessment under subsection (b), the Council shall ensure that the following 3 tasks are accomplished:

''(A) An examination of the extent to which transportation facilities, personnel, and passengers have been the target of terrorist attacks and the extent to which such facilities, personnel, and passengers are vulnerable to such attacks.

''(B) An evaluation of Federal laws that can be used to combat terrorist attacks against transportation facilities, personnel, and passengers, and the extent to which such laws are enforced. The evaluation may also include a review of applicable State laws.

''(C) An evaluation of available technologies and practices to determine the best means of protecting transportation facilities, personnel, and passengers against terrorist attacks.

''(3) CONSULTATION.—In developing the plan and risk assessment under subsection (b), the Council shall consult with the Secretary of Transportation, representatives of persons providing transportation, and representatives of employees of such persons.

''(g) MONITORING.—The Council, with the assistance of the Inspector General of the relevant Federal department or agency as needed, shall monitor the implementation of the Domestic Terrorism Preparedness Plan, including conducting program and performance audits and evaluations.

''SEC. 654. NATIONAL DOMESTIC PREPAREDNESS BUDGET.

''(a) RECOMMENDATIONS REGARDING RESOURCE ALLOCATIONS.—

''(1) TRANSMITTAL TO COUNCIL.—Each Federal Government program manager, agency head, and department head with responsibilities under the Domestic Terrorism Preparedness Plan shall transmit to the Council for each fiscal year recommended resource allocations for programs and activities relating to such responsibilities on or before the earlier of—

''(A) the 45th day before the date of the budget submission of the department or agency to the Director of the Office of Management and Budget for the fiscal year; or

''(B) August 15 of the fiscal year preceding the fiscal year for which the recommendations are being made.

''(2) TRANSMITTAL TO THE OFFICE OF MANAGEMENT AND BUDGET.—The Council shall develop for each fiscal year recommendations regarding resource allocations for each program and activity identified in the annual strategy completed under section 653 for the fiscal year. Such recommendations shall be submitted to the relevant departments and agencies and to the Director of the Office of Management and Budget. The Director of the Office of Management and Budget shall consider such recommendations in formulating the annual budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, and shall provide to the Council a written explanation in any case in which the Director does not accept such a recommendation.

''(3) RECORDS.—The Council shall maintain records regarding recommendations made and written explanations received under paragraph (2) and shall provide such records to Congress upon request. The Council may not fulfill such a request before the date of submission of the relevant annual budget of the President to Congress under section 1105(a) of title 31, United States Code.

''(4) NEW PROGRAMS OR REALLOCATION OF RESOURCES.—The head of a Federal department or agency shall consult with the Council before acting to enhance the capabilities of State and local emergency preparedness and response personnel with respect to terrorist attacks by—

''(A) establishing a new program or office; or

''(B) reallocating resources, including Federal response teams.

''SEC. 655. VOLUNTARY GUIDELINES FOR STATE AND LOCAL PROGRAMS.

''The Council shall provide for the establishment of voluntary guidelines for the terrorist attack preparedness programs of State and local governmental entities for the purpose of providing guidance in the development and implementation of such programs. The guidelines shall address equipment, exercises, and training and shall establish a desired threshold level of preparedness for State and local emergency responders.

''SEC. 656. POWERS OF COUNCIL.

''In carrying out this subtitle, the Council may—

''(1) direct, with the concurrence of the Secretary of a department or head of an agency, the temporary reassignment within the Federal Government of personnel employed by such department or agency;

''(2) use for administrative purposes, on a reimbursable basis, the available services, equipment, personnel, and facilities of Federal, State, and local agencies;

''(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to appointments in the Federal Service, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable for GS–18 of the General Schedule under section 5332 of title 5, United States Code;

''(4) accept and use donations of property from Federal, State, and local government agencies;

''(5) use the mails in the same manner as any other department or agency of the executive branch; and

''(6) request the assistance of the Inspector General of a Federal department or agency in conducting audits and evaluations under section 653(g).

''SEC. 657. ROLE OF COUNCIL IN NATIONAL SECURITY COUNCIL EFFORTS.

''The Council may, in the Council's role as principal adviser to the National Security Council on Federal efforts to assist State and local governmental entities in domestic terrorist attack preparedness matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council. The Council may, subject to the direction of the President, participate in the National Security Council's working group structure.

''SEC. 658. EXECUTIVE DIRECTOR AND STAFF OF COUNCIL.

''(a) EXECUTIVE DIRECTOR.—The Council shall have an Executive Director who shall be appointed by the President.

''(b) STAFF.—The Executive Director may appoint such personnel as the Executive Director considers appropriate. Such personnel shall be assigned to the Council on a full-time basis and shall report to the Executive Director.

''(c) ADMINISTRATIVE SUPPORT SERVICES.—The Executive Office of the President shall provide to the Council, on a reimbursable basis, such administrative support services, including office space, as the Council may request.

"SEC. 659. COORDINATION WITH EXECUTIVE BRANCH DEPARTMENTS AND AGENCIES.

''(a) REQUESTS FOR ASSISTANCE.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall cooperate with the Council and, subject to laws governing disclosure of information, provide such assistance, information, and advice as the Council may request.

''(b) CERTIFICATION OF POLICY CHANGES BY COUNCIL.—

''(1) IN GENERAL.—The head of each Federal department and agency with responsibilities under the Domestic Terrorism Preparedness Plan shall, unless exigent circumstances require otherwise, notify the Council in writing regarding any proposed change in policies relating to the activities of such department or agency under the Domestic Terrorism Preparedness Plan prior to implementation of such change. The Council shall promptly review such proposed change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

''(2) NOTICE IN EXIGENT CIRCUMSTANCES.—If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Council as soon as practicable. The Council shall review such change and certify to the department or agency head in writing whether such change is consistent with the Domestic Terrorism Preparedness Plan.

"SEC. 660. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subtitle $9,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2005. Such sums shall remain available until expended.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Mrs. FOWLER) and a Member of the minority each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. FOWLER).

□ 1800

Mrs. FOWLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to thank the gentleman from Ohio (Mr. TRAFICANT) the subcommittee ranking member for his work on the bill. I also want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking minority member of the full committee, for their support and help, as well.

The gentleman from Minnesota (Mr. OBERSTAR) and I have worked long and hard these past several weeks on this, and I really deeply appreciate all of his advice and support on this.

Mr. Speaker, it was a brisk April morning 5 years ago that America was awakened with horror to the frightening reality that we live in a world where our main streets are no longer immune from the terror that lurks around the world.

The two posters that are here in front are illustrations from that time in Oklahoma. The pictures of that awful day are a sobering reminder of the new threats of evil that Americans face, but they also remind us of how grossly unprepared our Nation was and still is to respond to such a disaster.

Mr. Speaker, tonight we have a tremendous opportunity to tackle this lingering threat to our national security that grows deeper each day. Right now our terrorism preparedness efforts are floundering without a national strategy and real authority to support it. Over 40 departments and agencies are involved in the Federal effort with a $9 billion price tag.

Unfortunately, this effort has been tainted by bureaucrats bickering and battling over money and control, all under the guise of protecting and preparing Americans for a terrorist attack.

For more than 2 years, this administration has fostered an unworkable system and has, until last week, opposed any measure to fix the problem. Federal agencies have been playing politics with the lives of our friends and neighbors.

But this is not a partisan political issue by evidence of the support of my good friends and colleagues from across the aisle.

We have heard from the men and women in communities across the Nation who are our emergency responders, whether they be police, firefighters or emergency personnel, no one knows who to turn to for help.

These local responders know our preparedness programs have been independent and uncoordinated, resulting in overlapping and repetitive mistakes. It is an embarrassing alphabet soup.

But the Council on Terrorist Preparedness, which is proposed in this bill, would eliminate these problems. It brings with it the authority of the President of the United States and requires the creation of a national strategy.

H.R. 4210 eliminates the duplication of our Federal efforts and it strengthens our response capabilities. We are not attempting to reinvent the wheel by eliminating existing programs. This council will merely make our efforts more effective and better coordinated.

Without these changes, our Federal effort remains a dysfunctional family full of bickering siblings looking to get the upper hand while endangering the lives of our loved ones.

Let me be clear, the threat to our families is real. Just last week, the FBI arrested a group who apparently used the cover of night in a quiet North Carolina neighborhood to funnel funds to the terrorist group Hezbollah.

This bill will not prevent us from a terrorist attack. However, it will help us prepare for the inevitable and ensure that our emergency personnel have the right training and equipment to save lives.

The American people are depending on us. We must not fail them in this solemn responsibility.

I encourage my colleagues to support H.R. 4210.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Preparedness Against Terrorism Act 2000 and want to offer my highest congratulations to the gentlewoman from Florida (Mrs. FOWLER) on the splendid work that she has done, the persistence that she has demonstrated, and the determination to achieve something of everlasting value and significance to the country.

I appreciate the support that the gentleman from Pennsylvania (Chairman SHUSTER) has given to the gentlewoman from Florida (Mrs. FOWLER) and our side, and I appreciate very greatly the steadfastness of the ranking member of the subcommittee, the gentleman from Ohio (Mr. TRAFICANT) who has devoted considerable time and effort and talent to the achievement of this legislation.

But I also express my appreciation to the Office of Management and Budget, which from the very outset has not only had reservations about the bill but at various points said they were steadfastly opposed to the legislation.

I had felt all along from the time that this issue was raised at the very outset that there was a problem that needed to be addressed, that we needed to have the right vehicle, and if we could work together on both sides of the aisle, we could accomplish something good and lasting. And I think we are at that point.

In response to terrorist attacks in the United States already cited by the chairwoman, the World Trade Center bombings in 1993, the Murrah Federal Building in Oklahoma City in 1995, the Federal Government has increased efforts across the board to establish preparedness against terrorist attacks.

We in the Congress have enacted legislation to increase funding for preparedness to deal with terrorism. The President has issued Presidential Decision Directives, PDDs, to coordinate those efforts.

The funding for Federal counterterrorism programs has almost doubled from $6.5 billion in fiscal year 1998 to over $11 billion for the coming fiscal year.

That is all well and good. The problem is that these Federal programs were established without having an overarching national strategy. That led to programs being created independently of each other without coordination amongst the programs and with fragmentation and overlapping efforts and duplicative programs.

There are more than 90 terrorism preparedness training courses offered by such agencies as the Federal Emergency Management Administration, Department of Defense, Department of Justice, the Environmental Protection Agency, and many others.

Many of these courses have similar content, but they often have different program criteria. As Members of Congress, we, our colleagues in this body, are approached by local government officials saying, ''we just do not know

where to turn. We get the run-around. Do not see us, see some other agency.''

And then there are some parts of the country and some communities and local units of government that get no training whatever for a variety of reasons, not turning to the right place, not putting the right application in, not phrasing it in the right way.

So the subcommittee, to the great credit of the gentlewoman from Florida (Mrs. FOWLER) and our ranking member, the gentleman from Ohio (Mr. TRAFICANT), held three hearings on emergency preparedness against terrorism attacks and confirmed in the process of those hearings the lack of a structured, coordinated Federal effort. State and local emergency responders testified that the current framework is a complex structure of uncoordinated and duplicative programs.

Now, to address this matter, the administration, to their credit, created a National Domestic Preparedness Office within the FBI for the purpose of offering one-stop shopping information on preparedness programs. But the hearings have shown that this office has fallen far short of expectations.

The General Accounting Office analyzed the issue. The panel created by Congress, a very long name, Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, we cannot even put that in an acronym, we do not do very well ourselves, but both entities analyzed and reported to the committee the importance of establishing a national terrorism preparedness strategy to clearly define the end goal of preparedness for State and local responders.

That is what this legislation is all about, to ensure the development and the implementation of a coordinated, effective program to support State and local efforts.

The central entity here after a lot of compromise, a lot of discussion between the chairwoman, the ranking member of the subcommittee, myself, our staff, and the Office of Management and Budget, resulted in the establishment in this bill of the President's Council on Domestic Terrorism Preparedness.

The first objective of this council is to establish coordination at a very high policy level. I believe that is the core. I think that is the most critical issue, and I say that based on my experience as a member of the Presidential Commission on Aviation Security and Terrorism.

What we found, in the aftermath of Pan Am 103, after a year inquiry into the causes of that tragedy and the splintered governmental response, was that, at the very highest policy levels of government, the assistant secretary of one entity would not talk to the director of an agency. The director of an agency could not communicate with an ambassador overseas.

Now, that is just nonsense. We need information to flow rapidly to the people who are in a policy position to make decisions that will have effect. And that was the concern of our commission on Pan Am 103. We recommended a central coordinating force that would operate as a clearinghouse and a coordinating force within and amongst the key domestic government agencies and those that do our work overseas, such as the CIA and the Defense Intelligence Agency and the State Department Intelligence Office.

Well, that is what we are going to do with this council, to coordinate and implement new efforts, eliminate duplication, eliminate overlapping, and assure that State and local emergency responders get all the assistance they need clearly, directly in a coordinated and focused manner.

And the council can then turn and advise Congress on recommendations for allocating the resources, rationalizing government-wide budgets on terrorism preparedness, and help the Congress monitor the efforts to assure that we are developing and putting in place a defined, effective, national strategy, one that is centrally directed and that will be effective nationwide.

That is the objective of this legislation. I think it moves in the right direction. There will be a few other issues to overcome, relatively minor ones in my opinion, but I think that we can overcome those issues working together as we have done up to this point.

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

Mrs. FOWLER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON) who is a member of the subcommittee and who has worked very diligently with us on this legislation.

Mr. ISAKSON. Mr. Speaker, I want to thank the gentlewoman from Florida (Mrs. Fowler) for her tremendous work on this legislation and the gentleman from Ohio (Mr. TRAFICANT) the ranking member of the subcommittee.

Mr. Speaker, on a warm summer evening in 1996, in my home of Atlanta, Georgia, my daughter Julie and her friend from Washington, D.C., attended the Olympic Festival with tens of thousands of Americans and foreign visitors from all over the world.

On the same night, a terrorist bomb blew up, a U.S. citizen from Albany, Georgia, a foreign correspondent from Turkey were killed, and hundreds of Atlantans and others were injured.

The story the next day was more about the chaos of coordination, or lack thereof; and the Federal Government and all our resources, as well as State and local, were there.

□ 1815

Because of Oklahoma City, because of the trade center in New York, because of the subway in Tokyo, and because of my hometown of Atlanta, we know that terrorism and its attacks are a reality. And because of the hearings that the gentlewoman from Florida held and the ranking member held, we also came, I came, to a reasonable conclusion: those with the evil in their heart prepared to execute a terrorist act probably are better prepared to execute than we are to respond.

This bill changes that matrix. It coordinates the multiplicity and multiple levels of authority. It pulls us together with a common goal to be ready to respond and in fact ready to retard a terroristic act on the soil of our country and an international terroristic act beyond. We have no higher priority in the 21st century than the protection of our citizens, than to give them the coordination to protect them against the most dangerous and threatening threat of the 21st century. I commend the gentlewoman.

Mr. OBERSTAR. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. TRAFICANT), the ranking member of the subcommittee.

Mr. TRAFICANT. Mr. Speaker, I want to compliment the gentlewoman from Florida (Mrs. FOWLER), the gentleman from Pennsylvania (Mr. SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR). I want to compliment the staff, and I want to pay tribute to the entire Committee on Transportation and Infrastructure. There is a lot of talk about dealing with terrorism, but while everybody is talking the talk, our committee has walked the walk.

I am a little bit disappointed in this legislation; but I am going to support it because the original concept that I believe is the proper concept would have created the Office of Terrorism Preparedness in the Executive Office of the President with a director appointed similar to the powers of the drug czar. This has been watered down. But I congratulate the gentlewoman from Florida (Mrs. FOWLER) because a half a loaf is better than no loaf at all.

Let us talk about the Committee on Transportation and Infrastructure. We have passed through this Congress H.R. 809, the very first step to tackling domestic terrorism. H.R. 809 reforms the Federal Protective Service. Be advised at the time of the bombing of the Murrah Building out in Oklahoma City, there was one guard guarding three buildings; and that guard, not to demean the contract guards, but was not even a full-time FPS guard. We passed that. We are having problems with the other body to some degree and the administration on it, and that bill should be passed expeditiously because it sets the foundation and the framework for a domestic preparedness strategy.

But that is what this bill is all about. The bottom line, the entity that was created to coordinate these programs, the FBI's national domestic preparedness office, has not done the job. They have not done the job. They do not coordinate. In addition, to make that point, the General Accounting Office after an extensive review and the congressionally commissioned Advisory

Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, which the gentleman from Minnesota (Mr. OBERSTAR) so eloquently alluded to, we have already commissioned these things; but we commission so many things and do not follow through.

That is why the gentlewoman from Florida is to be commended. The bottom line is this is not rocket science, folks. This council on domestic terrorism preparedness within the Executive Office of the President will do those coordinative efforts, will make those contacts, will bring the State and local communities into a coordinated national Federal strategy. And it is not going to end there. I think in talking about a half a loaf that we should make these incremental gains toward a better program of domestic antiterrorism measures, but we should not stop there.

There was a recent article printed that said our borders are so wide open a nuclear device could be slipped across any part of our border and literally launched at one of our cities from within our own territory. I believe that was USA Today. My God, what is happening here? I think the White House should be listening. I think the other body should pay strict attention to H.R. 809 and now to this finely crafted bill. The Committee on Transportation and Infrastructure under the chairmanship of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) I think has done a tremendous job in bringing that to the attention of the American people and developing a legislative criteria to promulgate these programs and place them into some practical action. That is what we need.

So although I am not totally satisfied, I do support the bill. I hope that it has resounding numbers and that it will have and reach success in the other body and be signed into law, that along with H.R. 809, the reform of the Federal Protective Service, which I think is so very important.

Mrs. FOWLER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST), a member of the full committee who has been working closely with us on the development of this legislation.

Mr. GILCHREST. Mr. Speaker, I thank the gentlewoman from Florida for yielding me this time. When we consider the size of the United States, the diversity of this great Nation, the range of our population and the configuration of the potential danger throughout the world, the United States above all countries should have the kind of strategy, the kind of policy, the kind of coordination, the kind of vision to protect our citizens. Up to this point, that strategy and that policy has been fragmented.

With this particular bill, the gentlewoman from Florida (Mrs. Fowler) and the members of the committee that have come together and their staff to coordinate this activity, that fragmentation will no longer exist, the policy will be straightforward; and America will be safer.

I urge my colleagues to vote for the bill.

Mr. OBERSTAR. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in yielding me this time.

Domestic terrorism is one of the most fundamental threats to the liveability of our community. I have greatly enjoyed working with the gentlewoman from Florida (Mrs. FOWLER) and the leadership of our committee on the Preparedness Against Terrorism Act. It is providing important coordination as has been detailed by the preceding speakers, and I want to add my strong support and am proud to be a cosponsor.

But I would like to focus, if I could, for just 2 minutes on one particular aspect that I appreciate the subcommittee adding into the effort and that deals with the critical area of transportation. Providing safe and accessible transportation choices for all members of the community is a critical role for the functioning of that community. There are 350,000 Americans who work every day in providing public transportation services that allow our communities to work. And there are more than 6 million Americans a day who ride transportation services to work, to school, and to other functions in their community. Ensuring their safety from acts of terrorism is a critical step toward the larger goal of providing a safe working environment and safe transportation.

The Preparedness Against Terrorism Act adds an important launching point toward meeting this goal. It includes critical provisions for the first time in Federal statute for studying the threats from terrorism on our Nation's transportation systems and strategies for improving our ability to prepare, prevent, and respond to these potential attacks.

We had demonstrated and our colleague from Georgia mentioned a few moments ago the release of the poisonous gas in 1995 on the Japanese subway system. We saw how it faced the unique and increasing potential threat from terrorist attack given the difficulty in monitoring, identifying and responding to threats of this nature.

When accidents or crime occur on buses or rail, they often capture the news headlines. Despite the high profile given to such instances, transit, of course, remains one of the safest modes of transportation; but sometimes you would not know that through the headlines.

Sadly, in recent years there have been a series of events across the country. In Washington, D.C., and California, Wisconsin and Texas, bus drivers have been attacked, threatened and injured. In several instances passengers as well have been injured as a result of these attacks. When these types of tragedies occur, we have real problems in terms of making sure that people use the system. For the thousands of men and women who work as bus drivers, rail or ferry operators, we need to highlight the important job they perform and recognize the responsibility they take on with each passenger they carry.

I appreciate the provisions in this bill that have the director develop in its annual preparedness plan and risk assessment looking at what happens for transportation. But I hope that this will serve as a springboard for our doing a better job for the entire transportation system to deal with the needs of passengers and transportation workers.

I have enjoyed working with the gentlewoman from Florida (Mrs. FOWLER) and the transit union to include these provisions in the bill, but I hope this tip of the iceberg is something we can work on in our committee to extend these provisions because every day Americans deserve maximum safety and security when they use the transportation systems. I appreciate the work here, and I hope we will be able to follow up on it.

Mrs. FOWLER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KUYKENDALL), a member of the full committee, who has been working very closely with us on this legislation.

Mr. KUYKENDALL. Mr. Speaker, I thank the gentlewoman from Florida for yielding time. In my previous life I was a city councilman and sat on the Los Angeles County emergency preparedness commission.

In Los Angeles County, we have got about 10 million people. That is a little nation all by itself. We dealt with many of these risks that we are looking at here from a national perspective. We are a high-profile location in Los Angeles. We have subways and we have LAX Airport. We have the Ports of Los Angeles and Long Beach, targets to terrorists that would be immense if they wanted to successfully attack one of them.

I came to Congress, and I found myself sitting in the House Committee on Armed Services as a member of that committee and finding out in a recent study we just received that the greatest threat for loss of life to Americans in the next decade is acts of terrorism within the boundaries of our Nation. Not to our military forces deployed in Kosovo or in the Middle East, but the greatest threat for loss of life to Americans in the next decade is to civilians principally within the boundaries of the United States.

If you put high-profile targets, and that is the greatest threat for the next 10 years, it seems only understandable that you would want to coordinate a Federal exercise so that you could get the benefits of their expertise. We have had over 40 agencies spend $9 billion

last year. In 2 years one city got eight training programs from three different agencies. We have had 12 States that did not get any training. In addition to that, there are 100 Federal terrorism response teams, but there is no plan on how they should all coordinate their effort.

This bill fixes that. This bill takes a giant step toward protecting American civilians, Americans who are going to be the most likely targets in this next decade. Although it seems relatively small in stature when you stack it up to the bills we take on every day, I think this could have an immense amount of impact on our personal lives over the next decade.

I urge Members' support of the bill.

Mrs. FOWLER. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), who is chairman of the Subcommittee on National Security for the Committee on Government Reform and has been working very diligently on this issue this year.

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for yielding me this time. As we work on this very important bill, I rise with some disappointment that she will not be here next year to continue her excellent work.

I rise in support of the Preparedness Against Terrorism Act because I think it is an outstanding bill that addresses some real concerns. The Subcommittee on National Security of the Committee on Government Reform held eight hearings on terrorism in this Congress. The issues we looked at included the need for integrated foreign and domestic threat assessments, better coordination of Federal programs to combat terrorism, and a clearer focus on the needs of local and State first responders.

□ 1830

The bill we are considering this evening would address the concerns that my subcommittee has heard expressed in testimony. With more than 40 Federal agencies and programs involved, and no clear national strategy to guide program spending, current policy is clearly confused, and there is no way to know if money is being targeted effectively.

Currently, only a coordinator on the National Security Council has any responsibility, but no authority over Federal counterterrorism programs. Some have been calling for appointment of a terrorism czar on the model of the Office of National Drug Control Policy.

Mr. Speaker, I think this bill strikes the right balance between those options by making one person in the Executive Office of the President responsible to coordinate Federal spending to combat terrorism while keeping the emphasis on the primary response role of the Federal Emergency Management Agency, FEMA, and local police, fire, medical, and National Guard units.

This is an outstanding bill, it will do important things, and I urge my colleagues to support this legislation. And I, again, thank the gentlewoman from Florida (Mrs. FOWLER) for her fine work on this legislation.

Mrs. FOWLER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me thank the gentlewoman from Florida (Chairwoman FOWLER) for her leadership on this bill, as well as the gentleman from Minnesota (Mr. OBERSTAR).

Let me give my colleagues a little relation to disaster when it occurs, how difficult it is for communities, and while I make no comparison between terrorism and hurricanes, I was in the Florida Senate when Hurricane Andrew struck; and I was asked to chair a committee that would dole out the necessary resources to communities to dig ourselves out, if you will, of Hurricane Andrew.

The one thing that struck me was the lack of preparedness on behalf of all agencies. Everyone was scrambling, everyone was trying to provide and do good things, but everybody seemed to be in each other's way, because nobody had a template as to how to do it. When we look at the sheer fright and disaster that would accompany a domestic terrorism incident, we recognize firsthand this is so important, proactive legislation, in order to avoid the chaos that ensued after Hurricane Andrew.

We went through Oklahoma. We have seen other instances where potentially the United States could be a target of terrorist activities, the Hamas, other groups. Hizbollah we know are reportedly organizing and raising funds in America. We know Osama bin Laden has perpetrated tremendous acts of violence against citizens in our embassies in countries.

Now we recognize we have an opportunity here with this great bill, a bipartisan bill, to make America the leader both of hopefully preventing terrorism, because one thing I realize about Washington, people say why did we do that, one reason we do it is to be proactive, to put in place the necessary structure in order to not only signal to terrorists that we are serious, we are investigating your activities and we are going to thwart and stop your activities, but God forbid they occur, that at least we have a proper coordinated response in order to assist our citizens in bringing about some semblance of order to the communities.

I pray because of the proactivity of both Members of Congress and the committee, we will not only send a message to every terrorist worldwide, we are not only watching you, we are prepared to respond to you, and we will stop you before your deathly deeds are done.

Mrs. FOWLER. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentleman from Minnesota (Mr. OBERSTAR) for the purposes of a colloquy.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman from Florida (Mrs. FOWLER), the Chair of the subcommittee, for yielding to me.

Is it our intention that the legislation not conflict with existing Presidential decision directives, specifically PDD62, that this bill is, indeed, intended to create an entity to work within PDD62's working group structure?

Mrs. FOWLER. Reclaiming my time, yes, that is correct. Section 657 of this important legislation enables the council to participate in the National Security Council's working group structure. Our intention is to make the existing preparedness subgroups more effective.

Mr. OBERSTAR. If the gentlewoman would yield further, subsection 14 of section 653 states that the council shall establish general policies regarding financial assistance to States. It is my understanding, I think our understanding, that these policies are not intended to specifically direct where grants should go or to micromanage the agency programs.

Mrs. FOWLER. That is correct. The council should issue general policies for the purpose of implementing the overall plan. The council should provide assistance to agencies in identifying what types of projects or areas are consistent with the overall plan and should be priorities for funding.

Mr. OBERSTAR. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, I do so just for the purpose of correcting what I think is a mischaracterization of the bill by my good friend, the ranking member of the subcommittee. This is not a half a loaf. This is virtually the whole loaf. To be sure, it does not include the original language of the bill to establish within the Executive Office of the President an entity to coordinate, but neither did we achieve that objective in the Aviation Security Legislation of 1990 after the report of our Presidential commission established by President Bush.

When we reported to the President the recommendation to establish within the Department of Transportation a new office, a new assistant Secretary, the President's response was that is really the prerogative, the privilege of the executive branch to establish such new authorities.

We acknowledge that is the prerogative of the executive. When the Office of Management and Budget in this context raised the same question, what we did was get together and ask how can we achieve the same objective and not transgress into what is appropriately executive branch prerogatives.

I think this coordinating council which we have established here and a precedent for which is a coordinating council that was established also in the Bush administration to deal with a plethora of transportation programs when the subcommittee that I chaired at the time found 137 different transportation programs in multiple departments of government, none of them being coordinated.

Then the Bush Administration's Office of Management and Budget came and said, we agree with your idea to have a coordinating council, and we are here to support it. That initiative has worked very well, as I anticipate this coordinating council will work very well.

Again, I compliment the gentlewoman from Florida (Mrs. FOWLER) on her initiative for being so stick-to-itive on this matter and bringing it to a very successful conclusion.

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

Mrs. FOWLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to just thank the gentleman from Minnesota (Mr. OBERSTAR), the ranking member. I think the work that we have done on this legislation is an example of how this legislative process is supposed to work.

When we see a problem and we work together to develop what is going to be the best solution for that problem, and it evolves over time, that is what has happened with this legislation, that it has been a work in progress for several months now. I think the project that we have produced today is an excellent product.

It is not half a loaf as the gentleman said, it is the whole loaf, because the point of this all along was to establish an entity within the Executive Office of the President; and that is what we are doing, establishing this council within the executive office that will be able to coordinate and oversee and eliminate the duplication that occurs right now in these programs throughout our Federal Government. So it really has been an example of how we should work on every piece of legislation in this body together.

I also just wanted to point out, Mr. Speaker, that this legislation has been endorsed by the National League of Cities, the National Emergency Management Association, and the International Association of Fire Chiefs. These three groups have worked very closely with us, and we have taken their input as we have crafted this bill.

Mr. Speaker, I include for the RECORD the following letters:

JULY 25, 2000.

Hon. TILLIE K. FOWLER,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE FOWLER: We are writing on behalf of our members to express support for H.R. 4210, the ''Preparedness Against Terrorism Act of 2000.'' This legislation will help address our concerns about a coordinated system of federal resources to communities throughout this country.

Local fire, police, and emergency medical services personnel are the first responders to the scene of a terrorist threat or attack. It is crucial that the federal government develop and implement a comprehensive national domestic preparedness plan as provided for in H.R. 4210.

Our organizations urge the swift adoption of this bill in the House of Representatives.

Sincerely,

NATIONAL LEAGUE OF CITIES.

NATIONAL EMERGENCY MANAGEMENT ASSOCIATION,
July 25, 2000.

Hon. TILLIE K. FOWLER,
U.S. House of Representatives,
Washington, DC.

The National Emergency Management Association (NEMA) represents the state directors of emergency management who are responsible for protecting lives and property from natural disasters and man-made events such as domestic terrorism. State emergency management serves as the central coordination point for all state agency resources during an incident and provides interface with federal agencies when assistance is needed.

NEMA supports the concepts embodied in H.R. 4210 that strive to improve federal coordination efforts for domestic preparedness including the development of a national strategy. We support provisions in the bill that require budget and program reviews for federal agencies involved with domestic preparedness and that they are aligned with the goals and objectives identified in the national strategy. NEMA would like to see the greatest possible authority provided to the President's Council to affect real change in how federal agencies coordinate with each other and with states on this critical issue. State and local emergency management and responder input to the Council is extremely important as they are the ones who will respond to and manage the event for the first several hours. H.R. 4210 includes a provision that establishes a State and local advisory group.

NEMA commends you for your efforts to improve our nation's domestic preparedness program and we look forward to continuing to work with you to ensure H.R. 4210 meets its intended goal of enhancing preparedness and response capabilities among all levels of government.

Sincerely,

JOSEPH F. MYERS,
NEMA President.

Mr. Speaker, as stated earlier, this is an excellent bill. This is an important bill, because what we are doing here is ensuring that each and every community in our country will be better prepared when, and if, a terrorist act does occur.

American lives are at stake here, and we cannot waste any more time. We need to work together to make sure that those emergency responders that are the first ones on call when an instance occurs that they have the training, they have the resources, they have the equipment that they need to respond. Again, I urge my colleagues to support this bill.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 4210, the Preparedness Against Terrorism Act. Domestic terrorism has affected my life profoundly. I said to myself after the death of 169 innocent men, women, and children in the 1995 Oklahoma City bombing that I would lend my support and endeavor indefatigably to do everything possible to ensure that when terrorism touches America again, we will be as prepared as possible to deal with the consequences. However, today, the truth is the American government is just not able to properly deal with a massive biological/chemical/nuclear terrorist attack.

In 1998, the Attorney General created the National Domestic Preparedness Office (NDPO) within the FBI to coordinate federal terrorism preparedness programs. Prior to this switch, the Department of Defense was the lead body. The NDPO's mission is to coordinate the more than forty federal departments and agencies with programs to assist state and local emergency responders—firefighters, police, and ER workers—with planning, training, equipment, and exercise drills necessary to respond to a conventional or non-conventional weapon of mass destruction (WMD) terrorist incident. Unfortunately, the NDPO has not been able to perform as proposed due to funding shortfalls and a lack of authority necessary to execute its duties. I think that it is inexcusable that the Clinton/Gore administration has decided to set their priorities elsewhere without dealing with the defense of this nation and its citizens first, but don't take my word for it.

A recent congressionally mandated study preformed by the ''Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving WMD'' chaired by Governor James Gilmore and researched by RAND came to the same conclusion. Their report stated ''that the complex nature of current Federal organizations and programs makes it very difficult for state and local authorities to obtain Federal information, assistance, funding, and support.'' In addition, the Panel concluded ''the concept behind'' the NDPO is sound, but it just was not doing what it was meant to do. Surely, the current administration has not done enough. I congratulate Ms. Fowler for her intrepid work on this and her steps to get the vital issue of improving our homeland defense addressed.

As the days in this Congress wind down, I promise to make my voice heard and leadership known in ensuring that Americans are as protected as possible against biological/chemical/nuclear terrorist attacks in the next Congress. I am going to fight to maintain and increase America's prevention and consequence management abilities. The federal government spends billions of dollars on fighting terrorism, but the American people need to know that their funds are not wasted and go to the most relevant programs to ensure their security.

Mrs. FOWLER. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentlewoman from Florida (Mrs. FOWLER) that the House suspend the rules and pass the bill, H.R. 4210, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. FOWLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4210, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

CARL ELLIOTT FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the

bill (H.R. 4806) to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the ''Carl Elliott Federal Building''.

The Clerk read as follows:

H.R. 4806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 1710 Alabama Avenue in Jasper, Alabama, shall be known and designated as the ''Carl Elliott Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Carl Elliott Federal Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4806 designates the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the Carl Elliott Federal building. This legislation was favorably reported out of the Subcommittee on Economic Development, American Public Buildings, Hazardous Materials and Pipeline Transportation this morning.

Carl Elliott was born in Vina, Franklin County, Alabama, in 1913. He graduated from the University of Alabama Law School, and he was admitted to the Alabama Bar in 1936.

Later that same year, Congressman Elliott established a law practice in Russellville, Alabama, before relocating it to the city of Jasper. Congressman Elliott bravely served the United States of America during the course of World War II. After returning from the war, he was elected to the 81st Congress. During Congressman Elliott's 8 terms in office, he championed educational issues, including providing educational opportunities in rural communities.

While serving on the Committee on Rules, Congressman Elliott supported moderate social issues to provide opportunities for all Americans. After leaving office, Congressman Elliott served on President Lyndon Johnson's Library Commission in 1967 and in 1968. He also served under President Johnson and President Nixon's Public Evaluation Committee, Office of State Technical Services, and as a member of the Technical Advisory Board in the Department of Commerce.

Congressman Elliott passed away January 9 of last year. This is fitting tribute to a former Member. I support the bill and encourage my colleagues to join in support.

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

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation will designate the Federal building in Jasper, Alabama, as the Carl Elliott Federal building. The Member whom we honor represented the 7th district of Alabama for 16 years. He was born in 1913 to a family of very modest means in Franklin County, Alabama.

He graduated from the University of Alabama in 1933 and from its law school in 1936. He practiced law in Russellville, and later moved to Jasper. He was a World War II veteran. He came back to Jasper and got involved in civic activities and was elected to Congress 2 years after my predecessor, John Blatnik, with whom he was a very close friend. John Blatnik, Bob Jones, and Carl Elliott, a Northern Minnesota, but Northern Minnesotan and these two Alabamians, were very, very close friends.

I served as administrative assistant for John Blatnik for 12 years and got to know Carl Elliott and Bob Jones very well. Congressman Elliott lost his seat in the House for an act of courage. He wrote a book entitled ''The Cost of Courage, the Journey of an American Congressman.''

The forward to that book says: ''I am not a man who shows much emotion. I can't remember crying too many times in my life. I cried when my son died. I cried when my wife died, but I don't show a lot of personal feelings. So all of those folks up in Boston probably didn't know how I felt when they brought me out in front of that crowd on a rainy Tuesday morning in the spring of 1990 to give me the first John F. Kennedy Profile in Courage award.''

□ 1845

And he thinks back through time, saying, ''It has been a long time since those farmers and miners sent me to Congress in 1948, where I spent 16 years doing all I could for them, getting dams put up, libraries built, roads cut, mail delivered, doing as much as I could for the Nation; working 10 years to build and finally give birth to the National Defense Education Act,'' and he was the author of that education legislation, ''which opened college doors to millions of students who, without it, never could have afforded the education that change their lives. A long time since I rode the crest of a progressive liberal wave in Congress, spearheaded by my contemporaries from Alabama, Senators Lister Hill, John Sparkman, Congressman Bob Jones, Albert Raines, Ken Roberts and others, to a spot on the Rules Committee, working arm-in-arm with Sam Rayburn and the new President, John F. Kennedy. The world was in our hands. So much of it seemed to be changing for the better. And all of a sudden it came apart. George Wallace was elected Governor of Alabama in '62, Kennedy shot in '63, the tide of segregation and racism cresting, swamping the South in hatred and driving me out of Congress in 1964. It was a long time since I gathered to make a stand against that tide, to face the forces of Wallace, to fight the Klan and the Birchers, the gunfire and smears and hysteria that all became a part of the Alabama governor's race of 1966, a campaign the likes of which my State and this Nation had never seen before, and I pray will never see again.

''That race was 25 years ago, the last time a man seriously stood up to George Wallace in this State, and I paid for it. I paid in dollars, cashing in my pension fund to help finance that campaign, and watching debt follow debt in years to come. I paid in dignity, going to colleges I helped build asking to be hired to teach politics or history. I paid in friendship, seeing many who stood by my side suddenly turn away as they were swept up by the same forces that left me behind. I paid in reputation, still hearing people tell me today that I purely and simply had been a fool, that everything would be fine if I had just played the game, not to commit political and financial suicide for a cause that was hopeless.

''They were higher prices, these were, than I ever imagined. I am 77 now, and I am still paying those prices, but we have all paid the price when the walls of segregation began crumbling across America. The torment, the pain, the push and the passion on both sides of the civil rights movement nearly tore the country apart. America, especially the South, paid a high price then, and is still paying today. The force I faced 25 years ago, a pointed power of racial hatred and sullen resistance, is far from dead in this Nation. To fail to see this, to neglect to continue to do all that we can to resist and rise above it, is to pay a higher price than any of us can afford.''

In his speech at the John F. Kennedy Profile in Courage Award, he said, ''There were those who said I was ahead of my time. But they were wrong. I believe that I was always behind the times that ought to be. The thing that I cherish more than any award or honor is the National Defense Education Act. It is still putting equipment into schools, training teachers, giving good students an opportunity to go to college. More than 20 million students have taken that opportunity. I consider them my family. When everything is said and done, when all the shouting and the hullabaloo are over, and there are no postscripts left to write, all you have got is yourself and the way you lived your life, the things you stood for, or didn't stand for. If you can live with that, you are all right, and, me, I can live with that.''

I think we can all live with the Carl Elliott Federal Building.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I always learn a great deal when I listen to the gentleman from Minnesota (Mr. OBERSTAR) talk, it does not matter what the subject.

The gentleman has more knowledge, institutional and otherwise, than any Member of the House.

I did not know that Mr. Elliott was the author of the NDEA. And if it had not been for the NDEA, I would not have had the opportunity to afford to go to college. So I am doubly pleased to be bringing the bill to the floor today.

Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. ADERHOLT), the author of the legislation before us.

(Mr. ADERHOLT asked and was given permission to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, it has already been stated tonight and it has been stated very eloquently some things about Congressman Carl Elliott, who served as an outstanding representative for Alabama and our Nation throughout his life.

He was born to Will and Nora Massey Elliott of Vina, in Franklin County, Alabama, in 1913, and he tirelessly devoted himself to serving others. He was a 1936 graduate of the University of Alabama Law School and he was admitted to the practice in Alabama under the Alabama State Bar the same year. He also set up his law practice in Russellville, Alabama, in 1936 and later moved that practice to Jasper, Alabama, where he later served as judge of the Recorders Court.

In June of 1940, Carl Elliott married Jane Hamilton, who remained his wife until her death in 1985. Through their years together, the couple raised four children, Carl, Jr., Martha, John and Lenora.

Following military service in the Second World War, Carl Elliott rose quickly in public life and was elected to the 81st and seven succeeding Congresses beginning in 1948.

From the first day he came to Washington, Carl Elliott began working on a bill for Federal aid for education. In every Congressional session from 1949 to 1958, Carl Elliott introduced some form of a student aid act, knowing that under the seniority system, his legislation might take years to get a hearing. Despite these challenges, Carl Elliott was undeterred in his strong desire to improve the quality of our Nation's education system, from the elementary and secondary level through higher education in our Nation's colleges and universities. This persistence paid off when he was appointed to the House Committee on Education and Labor in October of 1951, the committee on which Elliott is known for having done his greatest work in the House.

But Carl Elliott knew it was not always politically popular for a Congressman to be a champion of our Nation's educational system. In his autobiography, The Cost of Courage, the Journey of an American Congressman, Elliott wrote that ''By stepping into the arena of the fight for Federal aid to education, I was entering a battleground littered with nearly two centuries of corpses. Only twice in America's history had the Federal Government been able to pass laws that significantly and directly provided aid to the Nation's schools. The first was the passage of the Northwest Ordinance in 1787, which set aside public lands for elementary and secondary schools. The second came in 1962, when Abraham Lincoln signed the Morrill Act, which provided land grants for state universities.''

As chairman of the Education and Labor Subcommittee on Special Education, Carl Elliott saw that wherever he went, he was told the same thing that he had already known for quite some time, that something needed to be done to strengthen our educational system, particularly in the fields of science and technology. This need became dramatically clear in our Nation when Sputnik I was launched by the Soviet Union in October of 1957. With its strange beeping sound heard by millions of Americans as it orbited the Earth that month, Americans realized that there was a tremendous need to increase our scientific and technical knowledge base to win the space race and eventually win the Cold War.

When the House convened in 1958, Carl Elliott's number one priority was passage of his bill, the National Defense Education Act. This historic legislation established loans to students at our Nation's colleges and universities, and provided financial assistance for strengthening education by authorizing Federal grants to States to purchase equipment for science and mathematics instruction.

The National Defense Education Act helped to strengthen math and science instruction at a critical time in our Nation's race to the Moon and our eventual victory in the Cold War under Presidents Reagan and Bush.

Carl Elliott was also responsible for the Library Services Act, which brought libraries to rural communities, and even now provides millions of dollars in Federal assistance for low-income elementary, secondary and college level students.

As a member of the House Committee on Rules, Elliott worked for progressive social legislation and took a stand on racial issues during a time in the South when such a stand was anything but popular.

Despite his Congressional defeat in 1964, Carl Elliott continued his career in public life, serving as a member of President Johnson's Library Commission in 1967 and 1968. He also served under Presidents Johnson and Nixon as Chairman of the Public Evaluation Committee, Office of Technical Services, and a member of the Technical Advisory Board within the Department of Commerce.

Although elected and appointed to high office throughout his career, Elliott never forgot his roots, resuming his law practice in Jasper until his death on January 9 of last year. Two of Elliott's children, Martha Elliott Russell and Lenora Russell Cannon, who currently live in Jasper, are still living today, and also I just found out today that his grandson, William Russell, is working now on Capitol Hill.

In 1990, Carl Elliott was given what is perhaps the greatest honor of his career when he was named the first recipient of the John F. Kennedy Profile in Courage Award. Created by the John F. Kennedy Library Foundation to encourage elected officials to show courage in their political leadership, more than 5,000 people were nominated, but only one person was chosen, and that was Carl Elliott.

In his autobiography, Carl Elliott himself best summed it up, and, as the gentleman from Minnesota (Mr. OBERSTAR) eloquently put it tonight and it is the way he said it best in his book in the Profile in Courage speech, ''There were those who said that I was ahead of my time. But they were wrong. I believe that I always was behind the times that ought to be.''

To honor Carl Elliott's long and distinguished career, I am proud to introduce H.R. 4806 to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the Carl Elliott Federal Building. I urge my colleagues to join me in supporting this legislation. I believe it will serve as a fitting tribute to a great leader who truly made a difference in making the lives of Americans in his era and in our own better than they would have been without his leadership.

I had an opportunity to personally know Carl Elliott. As a college student I was working on a term paper and I went to see the former Congressman to discuss the topic that I was working on, the history of Winston County. He sat down with me, he was helpful, he was sincere, and he took time to help a student who needed his help.

It is only fitting and proper that we honor Carl Elliott through this legislation.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, while Mr. ADERHOLT was speaking, I was talking to the excellent staff director of our subcommittee, Rick Barnett, and he informed me he also was the recipient of an NDEA loan.

While I am on that subject, the members of the subcommittee today as we marked up this piece of legislation were stunned to find out that our staff director, Mr. Barnett, is leaving us and going into private service, and I would be happy to yield some time to the ranking member of the full committee when I finish these remarks.

I have been lucky enough to be on this subcommittee for the last 6 years since I came to the Congress in 1995. It is one of the best kept secrets in the United States Congress, this particular subcommittee. It goes through a lot of permutations. But the one constant

during my tenure on the subcommittee has been the staff director, Rick Barnett.

Anyone who is here for any period of time at all, Mr. Speaker, recognizes that while we get to stand in front of the C–SPAN cameras, it is the staff that is the oil and grease and everything else that makes this place go.

Rick Barnett has provided professional service to not only the members of the subcommittee, but to the members of the full committee, and I could not have done my job and I know the chairman of our subcommittee, the gentleman from New Jersey (Mr. FRANKS), could not have done his job without him. As a matter of fact, during my three terms, we have had three chairmen, the gentleman from Maryland (Mr. GILCHREST), Mr. Kim, and now we have had the gentleman from New Jersey (Mr. FRANKS), and Mr. Barnett has been the one constant that has made sure all of the ''t's'' were crossed and ''i's'' were dotted.

Mr. Barnett, I will miss you very much.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. LATOURETTE. I yield to the gentleman from Minnesota, the distinguished ranking member.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding, and especially thank him for taking time to pay tribute to Mr. Barnett. I also appreciate the gentleman's kind words about my previous remarks on the Elliott bill.

Mr. Speaker, I am quite surprised that our colleague on the subcommittee is leaving. I have memos in my files going back to the early 1990s when Mr. Barnett began service on the committee and our side had the majority. His memos were a model of rectitude and thoroughness then, as they are today. He has provided great service.

He is a thoroughgoing professional, a gentleman in the fullest sense of that term, but especially a bicyclist. It is not well known that he is a superb competition-level bicyclist, and the only solace I can take in his leaving the committee is that I will now probably be the strongest bicyclist on the committee among members or staff, either side of the aisle. That is the only consolation we take.

□ 1900

We regret greatly Mr. Barnett's departure from the committee and wish him success in all that he undertakes. Wherever he lands, he will be a success because he has demonstrated his professionalism here and his objectivity and thorough pursuit of the highest goal of public service. My congratulations.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished ranking member of the full committee; and I would just mention to him, if I am his only competition in cycling, he is going to be way, way ahead of any threat.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST), who was the first chairman that I served under on this wonderful subcommittee.

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) for yielding me this time.

Mr. Speaker, I would like to make a comment about Mr. Barnett's service on the committee. It was my first time as chairman of the committee and Rick ensured that the stability, the consistency, and the professionalism of that committee was carried out in an efficient, prompt manner.

I would also like to say something above Rick Barnett's ability to ride a bicycle. He is also a good horseback rider. In fact, on the day of the tragedy in Oklahoma, when the Murrah Building was bombed, Rick and I were riding horses in Kennedyville, Maryland, on the Eastern Shore when we came back to the House and saw that tragedy unfold. From that point on, Rick made sure that our committee was fully engaged in the healing process and the legislative process to ensure that that type of terrorist activity would not happen again.

So I salute Mr. Barnett in his future career.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think from comments of the gentleman from Maryland (Mr. GILCHREST), we now see Mr. Barnett embodies the intermodalism we are so proud of on the Committee on Transportation and Infrastructure. I would urge passage of the bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4806.

The question was taken.

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4806, the measure just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EXPRESSING SENSE OF CONGRESS REGARDING HISTORIC SIGNIFICANCE OF 210TH ANNIVERSARY OF ESTABLISHMENT OF COAST GUARD

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 372) expressing the sense of the Congress regarding the historic significance of the 210th anniversary of the establishment of the Coast Guard, and for other purposes.

The Clerk read as follows:

H. CON. RES. 372

Whereas the Revenue Cutter Service was established in 1790 under the jurisdiction of the Treasury Department;

Whereas the Revenue Cutter Service and the United States Life-Saving Service were combined in 1915 to form the Coast Guard;

Whereas in April 1967, the Coast Guard was transferred to the Department of Transportation where it remains today (except when operating as a service in the Navy in times of war);

Whereas the Coast Guard is comprised of nearly 35,000 active personnel and 28,000 reserve personnel;

Whereas the Coast Guard is supported by approximately 35,000 volunteers of the Coast Guard Auxiliary;

Whereas the Coast Guard is the Nation's premier military, multimission, maritime service that provides unique, nonredundant, complimentary capabilities to safeguard United States national security interests;

Whereas the Coast Guard provides unique services and benefits to the United States through a distinctive blend of humanitarian, law enforcement, diplomatic, and military capabilities;

Whereas the 5 operating roles of the Coast Guard are maritime safety, maritime security, protection of natural resources, maritime mobility, and national defense;

Whereas each year the Coast Guard conducts on average more than 65,000 search and rescue missions, saving over 5,000 lives and $1,400,000,000 in property;

Whereas each year the Coast Guard, through its drug interdiction efforts, keeps more than $3,000,000,000 worth of drugs off United States streets;

Whereas the Coast Guard safeguards ocean resources from degradation by pollution and overuse through marine environmental protection and fisheries enforcement programs;

Whereas each year the Coast Guard responds to more than 11,600 hazardous waste spills, inspects approximately 34,000 United States vessels and 19,400 foreign vessels, and investigates over 7,400 marine accidents;

Whereas the Coast Guard maintains the largest system of aids to navigation in the world, with more than 50,000 buoys, fixed markers, and lighthouses;

Whereas the Coast Guard provides critical ice breaking services for the Nation's inland waterways and shipping channels;

Whereas the Coast Guard is responsible for approximately 18,000 highway and railroad bridges that span navigable waterways throughout the Nation;

Whereas the Coast Guard plays a leading role in the Nation's undocumented migrant interdiction activities;

Whereas the Coast Guard is a military service and a branch of the Armed Forces, and plays a crucial role in the President's strategy of international engagement;

Whereas Coast Guard personnel have fought in every major military conflict since its inception in 1790; and

Whereas the men and women serving in the Coast Guard embody a rich tradition of

honor, devotion to duty, and dedication to service during times of peace and war: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the historic significance of the 210th anniversary of the establishment of the Coast Guard and the indelible contributions of the Coast Guard to the United States;

(2) commends—

(A) the Coast Guard's effectiveness in protecting the public, the environment, and United States economic and security interests in the Nation's ports and inland waterways, along the Nation's coasts, on international waters, and in any maritime region in which United States interests may be at risk; and

(B) the men and women serving in the Coast Guard who risk their lives to save others in danger at sea, enforce the Nation's treaties and other laws, protect the marine environment, ensure a safe and efficient marine transportation system, and support diplomatic and national defense interests of the United States worldwide; and

(3) supports the Coast Guard in its efforts to remain ''Semper Paratus''—Always Ready—as it moves forward to meet the demands of the 21st century.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. COBLE).

(Mr. COBLE asked and was given permission to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, I thank the gentleman from Maryland (Mr. GILCHREST) for yielding me this time.

Mr. Speaker, as was said, this resolution honors the United States Coast Guard on its 210th birthday which will occur on August 4.

Many people, Mr. Speaker, say to me, well, what does the Coast Guard do? Never heard of the Coast Guard.

Well, the Coast Guard does not do too much. All they did since 1994 was rescue and save over 90,000 lives. All they did last year was establish a new record for cocaine seizures; the same Service that performed with dignity and courage under pressure in response to the numerous aviation accidents and natural disasters.

An Independent Government Performance Project recently completed its second report card rating the performance of Federal agencies. The good news, Mr. Speaker, is that out of 20 Federal agencies rated only the Coast Guard and the Social Security Administration received an overall grade of A for their performance. That is the good news for those two agencies.

How was the Coast Guard able to achieve a grade that eluded 18 other Federal entities? The answer, at least according to the Independent Government Performance Project, is innovation resulting from constant budgetary and operational pressure.

The Coast Guard, Mr. Speaker, receives an appropriation of about $4 billion a year, about the same amount that the Social Security Administration spends every 4 days, to do everything from rescuing endangered boaters, protecting fisheries, stopping illegal immigrants, and interdicting drugs.

In fact, the street value of the drugs seized by the Coast Guard exceeds the value of its entire budget.

As indicated in a recent GAO report during the 1990s, the Coast Guard has been assigned vastly increased responsibilities while shrinking its workforce by 10 percent and operating within a budget that has risen by only 1 percent in actual dollars. The time has come for us, it seems, Mr. Speaker, to reward the hard-working men and women of the United States Coast Guard by providing them with the necessary equipment and resources that will allow them to continue their excellent service to this country well into the 21st century.

At many Veterans' Day and Memorial Day services across this country, it is not uncommon for speakers to refer to our four Armed Services, the Army, Navy, Air Force and Marine Corps. Time and again I have heard that. The Coast Guard is significantly omitted. Mr. Speaker, I do not think there is any ill intent involved in that. I think it is omitted because the Coast Guard is the only armed service, as we perhaps know, that is not a Member of the Department of Defense.

I attended a Veterans' Day service in a school, Mr. Speaker, in my district. It has been 5 or 6 years ago. The local band honored the military services by playing their respective hymns. And guess what? The Coast Guard's marching hymn, Semper Paratus, was omitted. I almost knocked the table down to get to the music director. I asked her why it was omitted. She said, we did not have the music.

I said to her, it is the most beautiful and most stirring marching hymn of the armed services. She said next year if I get her the music she will play it. Next year the band did, in fact, play that hymn.

Mr. Speaker, there is a current movie that is just doing tremendously on box office receipts that portrays the Coast Guard in its proper role, and I think that many Americans take very casually what the Coast Guard members do day in and day out. It is indeed an unsung service. I call it oft times the blue collar service. I call them the buoy tenders. They are clearly the blue collar, the Coast Guard, but I think the Coast Guard is the blue collar armed service of this country and they serve us well.

Mr. Speaker, in closing I would just like to wish all of our Coasties and our men and women throughout the Coast Guard from sea to sea, ocean to ocean, and express our thanks to them on behalf of the country for giving us the opportunity to be here and to wish them a very happy 210th birthday.

I want to acknowledge the gentleman from Maryland (Mr. GILCHREST). He has done a tremendous job chairing the Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure. The Coast Guardsmen tell me that from the commandant on down. I commend him for that. Happy birth, Coasties. Semper Paratus.

Mr. Speaker, I rise today in support of this resolution honoring the United States Coast Guard on its 210th birthday which will occur on August 4. As many in this body already know, the U.S. Coast Guard is our nation's oldest maritime service. What many of you may not realize, however, is that the U.S. Coast Guard is also the seventh largest naval service in the world and operates with the second oldest fleet. Yes, that's right, our Coast Guard—the one that's saved over 90,000 lives since 1994, the one that set a record for cocaine seizures last year, and the same service that performed with dignity and courage under the pressure of numerous aviation accidents and natural disasters—operates with the second oldest fleet in the world.

While operating with the second oldest fleet in the world, the U.S. Coast Guard was one of only two federal agencies to earn an ''A'' from the independent government performance project for operating with unusual efficiency and effectiveness. How was the Coast Guard able to achieve a grade of ''A'' that eluded 18 other federal agencies? The answer, at least according to the independent government performance project, is innovation resulting from constant budgetary and operational pressure.

If the Coast Guard can get an ''A'' operating under these dire conditions, imagine what they could do with better equipment and well-compensated people.

Along these same lines, the Interagency Task Force on Coast Guard Roles and Missions recently reported that a healthy Coast Guard is vital to protect and promote many of our nation's important safety, economic and national security interests. The men and women of the Coast Guard—with a force smaller than the New York City Police Department—carry out these vital missions in this country's ports and waterways, along its 47,000 miles of coastline, lakes and rivers, on international waters or in any maritime region as required to support national security.

As exhibited by this laundry list of assignments, the Coast Guard has been spread far too thin in recent years. A recent GAO report found that the Coast Guard has been assigned vastly increased responsibilities while shrinking its workforce by 10 percent and operating within a budget that has risen by only one percent in actual dollars. Mr. Speaker, the time has come for this Congress to stop expanding the scope of the Coast Guard's operations without providing them with the necessary resources. Despite the Coast Guard's outstanding performance record, asking them to continue to do more with less jeopardizes the Coast Guard's core duties—which are matters of life and death.

The time has come for us to reward the hardworking men and women of the Coast Guard by providing them with the necessary equipment and resources that will allow them to continue their excellent service to this country well into the 21st Century.

To the men and women of the U.S. Coast Guard—thank you for your service to our country and for giving us the opportunity to

wish the Coast Guard a Happy 210th Birthday. We would not be here today without your dedication and sacrifice. Happy Birthday Coasties and Semper Paratus!

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend our committee chairman, the gentleman from Pennsylvania (Mr. SHUSTER), our subcommittee chairman, the gentleman from Maryland (Mr. GILCHREST), our ranking member on our side, the gentleman from Oregon (Mr. DEFAZIO), on combining forces to salute the Coast Guard on its 210th anniversary.

Our committee, arguably with the Committee on Ways and Means, is the oldest committee in the House of Representatives. We passed the very first legislation in the first Congress in 1789 to establish a lighthouse, the Cape Henry Lighthouse. Concurrently with that action, the Secretary of the Treasury, Alexander Hamilton, approached the Congress to establish a service to enforce our tariff laws.

The Congress responded with the authorization to construct 10 cutters needed to patrol the coast along the northern States and enforce our revenue laws. They had to be larger than any previously built. They had to be heavier for winter conditions. They had to be faster than anything we had had before, to collect tariffs on imported goods.

Ironically, these ships ended up costing as much as $500 more than the $1,000 each appropriated. All of the ships were built, but it is not clear from historical records where Secretary Hamilton found the money to complete the task.

With that action, the Revenue Cutter Service was established, the forerunner of what we know today as the U.S. Coast Guard. The Coast Guard is an amalgamation of five Federal agencies that also have their origins at the beginning of our country. The Steamboat Inspection Service, the Bureau of Navigation, the Lifesaving Service, and a very special service, the Lighthouse Service. As I said, the very first action of our committee was to establish a lighthouse.

The Coast Guard over the years has served our country in military conflict from the war with France in 1799 to actions today when they lead border parties to enforce the Naval blockade in Bosnia or Iraq or in World War II when they drove landing craft on to the beaches of Normandy or in Vietnam where they patrolled the rivers and bays to protect our soldiers.

Over the years, the Congress, seeing a need to provide service to the American public and protection for water travelers, has authorized new and ever more far-reaching and more challenging missions for the Coast Guard: search and rescue; maintain thousands of aids to navigation; break ice in the Arctic and Antarctic; and on the Great Lakes and the East Coast: protect the environment, the cleaning up of oil spills and hazardous material spills; safeguard our ports by inspecting ships to ensure that they are safe when they are entering our ports; to manage the protection of our fishery stocks out to our 200-mile exclusive economic protection zone; and to protect our borders from drug smugglers and illegal immigrants.

Every year the Coast Guard intercepts drugs and other illegal shipments destined for our shores, whose value is at least as great and in some years greater than the entire Coast Guard budget.

I particularly pay tribute to those Coast Guardsmen and women of the Ninth District that covers over 296,000 square miles of the Great Lakes, spanning from Alexandria Bay in New York, to depending on your persective, either the western terminus or the western beginning point of the Saint Lawrence Seaway, Duluth, Minnesota. The 92 Coast Guard units that cover this area protect some and serve some 2.3 million recreational boaters. They keep the lanes and harbors open with icebreakers to ensure that the iron ore from my district gets down lake to the Lower Lake steel mills, and that small East Coast communities receive their winter heating oil.

In the 1996/1997 winter season, icebreakers on the Great Lakes paved the way and broke ice for 16 million tons of iron ore, coal, stone and cement to be transported to Lower Lake ports and from the Lower Lakes to the Upper Lakes Region of Minnesota and Wisconsin.

The Coast Guard every year undertakes missions to save 5,000 lives and over 65,000 search and rescue missions. Every year, their actions protect over $1.5 billion in private and public property.

There is an old saying in the Coast Guard, ''You have to go out but you do not have to come back.''

□ 1915

Every year that they go out, every day that they go out on mission, our Coast Guard men and women know that they may never come back to their families. They risk their lives, but they do so in a thorough, professional manner that is in the highest tradition of this Nation.

They deserve this tribute and much more. They deserve to be fully funded and adequately funded. There was a year in the mid-1980s when, on another committee on which I served, the Committee on the Merchant Marine and Fisheries which had jurisdiction over the Coast Guard before it was transferred to the Committee on Transportation and Infrastructure, the Coast Guard budget had been pared back so far that we called it ''Semi Paratus,'' but resolved that never again should that happen.

Mr. Speaker, when we take time as we do today to pay tribute to the men and women of the U.S. Coast Guard for the service they render all Americans, we shall always have a Coast Guard that is Semper Paratus.

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

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, August 4 will mark the 210th anniversary of the U.S. Coast Guard. Since 1790, the men and women of the Coast Guard have demonstrated that they are always ready, Semper Paratus, to carry out their critical duties.

Today's Coast Guard has primary responsibility for the promotion of safety of life and property at sea. That is easy to say and difficult to do, because there are days when the seas are calm and there are days when the seas are stormy. There are evenings when the stars are out, and the twilight is beautiful. And there are evenings when the storm rages, the icebreakers are out there, and the storm ensures that the hours the Coast Guard is on duty will be very, very dangerous.

But, Mr. Speaker, they do their job in spite of all that. The Coast Guard is responsible for enforcing all Federal laws, at sea and under the sea, in all of the United States' waters and the United States' territories.

They maintain the aids to navigation, which is something we almost never think of until we are in a boat and we do not want to run aground. As a result of that, as a result of the Coast Guard's professional, efficient, persistent adherence to those aids of navigation, the mariners, whether they are on the high seas, in our coastal waters, or in our rivers, they are safe.

The protection of the marine environment, which is one of the major responsibilities exclusively designated to the U.S. Coast Guard. Under all circumstances, in all weather, in all seas, throughout the entire many thousands of miles of the U.S. coastline. And the U.S. citizens are protected from the vast array of problems surrounding pollution, including oil pollution from the vast array of oil tankers and cruise ships that navigate through our waters.

Domestic and international icebreaking activities from the North Sea to the majestic Great Lakes, to the Arctic Circle, to the Antarctic Circle, and to the jewel of estuaries, the Chesapeake Bay. Those waters are protected. They are navigable in all weather to ensure that schoolchildren, if they live on an island like Smith Island in the Chesapeake, that they can get to school in spite of the ice. They might not be disappointed, but because of the Coast Guard they ensure that they get their education. Or to all the barges and the ships that travel throughout the Nation's waters, and especially in the Antarctic or the Arctic, the U.S. Coast Guard icebreakers are on duty 24 hours a day. Sometimes in the Antarctic, they are cutting through ice that is 12 feet thick. It is a lonely duty. But the courageous Coast Guard people ensure that it is done.

The safety and security of vessels, ports, waterways and facilities are all

ensured by the Coast Guard. And the gentleman from Minnesota (Mr. OBERSTAR) mentioned the fisheries out 200 miles, the exclusive economic zone as it is called, is constantly under siege by the foreign fishing vessel fleet. And who is out there to protect the economics and the marine ecosystem but the U.S. Coast Guard.

As a military service and a branch of the Armed Forces, the Coast Guard also maintains a readiness to operate as a specialized service with the Navy upon the declaration of war, whenever the President directs. And we do not have to wait for a declaration of war. We know that there are very often illegal immigrants that go on tramp steamers, go on a number of vessels.

Mr. Speaker, recently in the Caribbean I was on a Coast Guard cutter that was directed to intervene in any vessel that they thought there were illegal immigrants. In one incident, there was a, what we might call a tramp steamer, a merchant marine fishing vessel from an Asian country filled with over 50 illegal, hostile immigrants. A small group of Coast Guard people, led by an officer who was a professional young woman, boarded that tramp steamer, arrested those illegal immigrants without incident, and assured that they were taken into custody.

The Coast Guard is a mighty fine outfit. And during all the wars that they were involved in, including Vietnam, and I was in Vietnam in the mid-1960s with the Marine Corps. And I have to say that the Marine Corps has a beautiful hymn. The gentleman from North Carolina said the Coast Guard, their song is a beautiful song, and it is. I would give a vote that the most beautiful song is the Marine Corps hymn, but the second most beautiful would be the Coast Guard hymn. But the Coast Guard served its Nation in Vietnam. And sometimes, yes, those young Coasties had barbecues on the back of those Coast Guard cutters in safe waters. But more often than not, the Coast Guard gave up those barbecues for dangerous patrols to protect American interests and the interests of the democratic process.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 372 to honor the U.S. Coast Guard on its 210th anniversary.

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

Mr. OBERSTAR. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO), the author of the legislation.

Mr. CAPUANO. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 372, and I want to thank the gentleman from Pennsylvania (Chairman SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR), our ranking member; for bringing this bill to the floor so quickly so we can have it done in time.

I would also like to thank the gentleman from Maryland (Mr. GILCHREST), chairman of the Subcommittee on the Coast Guard and Maritime Transportation, and the gentleman from Oregon (Mr. DEFAZIO), the ranking member, for their guidance and leadership on such a relatively important bill.I would also like to thank the gentleman from Guam (Mr. UNDERWOOD), the gentleman from North Carolina (Mr. COBLE), the gentleman from North Carolina (Mr. JONES), the gentleman from Florida (Mr. GOSS), and the gentleman from Alabama (Mr. CALLAHAN) for their support on this legislation.

Mr. Speaker, we have all heard the history of the Coast Guard and what it is all about and why we are here. But I want to just bring a little bit more of a personal note to it. A few years ago, my family and I were enjoying a nice summer day out in the Boston Harbor and we had the misfortune of stumbling across an inebriated recreational boater. In his disoriented state, he did not have the slightest idea what he was doing and he proceeded to ram the boat that contained my wife, my child, my brother-in-law and his wife, several times.

Mr. Speaker, if it were not for the Coast Guard, I have no doubt that my family would have suffered serious injury. And if it were not for the Coast Guard's actions after the incident, I know that my family would have suffered more trauma than they deserved. They were there when we needed them. They were there after the incident to walk us through the process on how to prosecute this individual and what our rights and obligations were. They did it with a humane face.

To me, that is what the Coast Guard really is. They do a thousand things a day that the average American never sees. But they do 10,000 things a day that every average American, whoever steps 1 inch onto the oceans or the inland seas of this country, sees regularly.

They save us and they protect us every day. Every year, they save over 5,000 lives. Every year, they save over a billion dollars worth of property. Every year, they are there to ensure our safety and security on the oceans and on the inland lakes.

Mr. Speaker, I rise today to say ''thank you'' for my family, for my constituents, and a happy birthday and a happy anniversary to the Coast Guard. It has had 210 years; may they have another 210-plus.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today in strong support of this House Concurrent Resolution 372, because I too am proud to recognize the 210 years and the 210th anniversary of the United States Coast Guard.

Mr. Speaker, I have to tell my colleagues that I have confessed to Admiral Loy, the Commandant of our Coast Guard, that I have a crush on every man and woman in the Coast Guard. I so admire what they do and what they provide to our country and how well they do it and what a proud group of individuals that they are.

I am especially supportive of this resolution because I have the only Coast Guard training center on the West Coast in my district, the Two Rock Coast Guard Training Center.

We know firsthand what good neighbors Two Rock Coast Guard training center is, how much they participate in our community, what wonderful neighbors they are, and what an important role they play in protecting our country and making sure that people are safe and saved when they have accidents out in the waters.

Mr. Speaker, through my time in this Congress, I have supported the efforts to modernize and maintain this important Two Rock Training Center. We have received strong community support in doing that because my community is proud that these Coasties live in our community, work in our community, and participate in our community and serve our Nation so well.

I am proud that we are taking the time tonight to thank all of the members of the Coast Guard who have continued to dedicate their lives to making our country a safer and cleaner place. Let us continue our commitment to supporting the Coast Guard. Let us say happy birthday on their 210th anniversary, and I urge my colleagues to vote for H. Con. Res. 372.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

Mr. Speaker, I rise today to honor the United States Coast Guard and the men and women who serve in this great organization. The Coast Guard has a demanding mission which has evolved far beyond its roots as the Revenue Cutter Service when it was created 210 years ago.

Today, the Coast Guard responsibilities cover many critical facets of American commerce and defense. We rely on the Coast Guard for maritime safety and mobility, law enforcement, and interdiction of drugs, environmental protection and response, and national defense.

The Coast Guard, as many people do not probably recognize, is an esteemed leader in modern management techniques. Indeed, they offer an excellent management model for other Federal agencies to follow.

Mr. Speaker, in my district which borders the Great Lakes, there are more than 1,500 miles of coastline in my Great Lakes district. I am pleased to have more than 500 Coast Guard personnel serving on 14 bases and ships in my district, such as the search and rescue helicopters in Traverse City or the Icebreaker *Mackinaw* docked at Cheboygan, just to name a few.

The United States Coast Guard is a fine progressive organization, Semper Paratus, always ready, and we have never needed them more than we do today. I join my colleagues in wishing the Coast Guard happy 210th birthday, and there will be many many more. We rely on them day and night.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Michigan (Mr. STUPAK) for that splendid statement and congratulate him on his close working relationship with the Coast Guard over many years.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

□ 1930

Mr. GEJDENSON. Mr. Speaker, I thank the ranking member for yielding. Let me say, ever since my wife was a sponsor of the Coast Guard ship in New London, she took a particular interest and responsibility for the Coast Guard.

Several weeks ago, we went to see a new movie that a friend's wife was a producer, and Gail Katz helped produce The Perfect Storm. When she came away from that movie, my wife was furious that the people in the Coast Guard were asked to take such risks in such dangerous conditions, particularly they she thought sometimes when people did not use the best of judgment.

So when we were at OpSail and had the privilege to be with the Coast Guard, head of the Coast Guard Academy, which is in New London, Connecticut, she expressed her concern. I think she was taken aback to a degree with the calmness that the head of the Coast Guard Academy responded by simply accepting the responsibility, no matter what the decisions of the yachtsmen or others that are out there that have put American Coast Guard personnel at risk, they are ready to take that responsibility.

We in this Congress have put tremendous burdens on them with drug fighting, with controlling the flow of ships. A country cannot go to war when necessary without the Coast Guard operating in the ports of our Nation.

We need to make sure we do more than just commend them. We need to make sure they have the resources to have the very best equipment and the best pay for the people who take these risks to really help America in all times.

All our branches of the service are tremendously important to the country, but the Coast Guard is there every day of the year, every week of the year. Whether there is war or peace, they are out there taking risks. Whether it is for a pleasure boater who has found themselves in difficult conditions, a commercial fisherman who may be caught with bad equipment or a storm, interdicting drugs, protecting our shores, the Coast Guard takes tremendous risks.

One of the great privileges I have is representing the Coast Guard Academy. I want to publicly thank them for what they have done, their participation in OpSail in New London. No one was prouder than the people of Eastern Connecticut when we saw in New York Harbor before they came to New London Harbor, the Eagle, the Coast Guard ship, followed by the Amistad, by the way, into New York Harbor.

Mr. Speaker, I thank the ranking member for the time, and I urge support of the resolution.

Mr. OBERSTAR. Mr. Speaker, does the gentleman from Maryland (Mr. GILCHREST) have his speakers?

Mr. GILCHREST. Mr. Speaker, we have no more speakers.

Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. OBERSTAR), ranking member, and the gentleman from Maryland (Chairman GILCHREST) for their work on this issue.

The Coast Guard's ninth district has a substantial presence in Cleveland, Ohio; and they serve, of course, the Great Lakes. I want to tell my colleagues what a great job they do in our area providing for safety as well as for the movement of commerce, particularly during bad weather. When it is snowing, the icebreaker has become legendary for helping to keep the commerce of the lake moving.

We rely on our Coast Guard in the greater Cleveland area, and all of Lake Erie is so grateful, all the cities along that lake were so grateful to have a Coast Guard which pays such careful attention to safety on the lake which has, in so many cases, saved people's lives and which enforces the laws which need to be enforced on our waterways.

I want to join in the effort here to salute the Coast Guard and to let the Coast Guard know in that area how proud we are of the work that they do. They are such an important part of this country.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume to make some concluding remarks.

Mr. Speaker, another reason we, on the Great Lakes, have to celebrate this 210th anniversary of the Coast Guard is that, at long last, the Congress not only has, through our committee, provided the authorization but through the appropriation process provided the funding to build the first new replacement icebreaker for the *Mackinaw*, which has kept the lanes open, the shipping lanes in the winter months and in the early spring months to move the iron ore down lake and coal down lake as well as limestone and gravel and rock upstream.

We desperately need a new icebreaker. The Coast Guard is now in the process of design and build. We are very grateful to see a replacement coming for the venerable *Mackinaw* that has provided such stellar service.

I mentioned earlier that the Coast Guard is a very special service. The remarks of the gentleman from Connecticut (Mr. GEJDENSON) about christening call to mind that my wife, Jean, had the privilege of christening the William J. Tate, a buoy tender built at the Marinette Marine Shipbuilding Company on the Great Lakes. Captain William J. Tate was a member of the U.S. Lighthouse Service and a man of action who is a pioneer in many ways. My wife was truly honored and thrilled to have christened the Tate and to be a part in our family of that very special tradition of the U.S. Coast Guard.

In 1998, the Coast Guard seized $2.6 billion in illegal drugs attempting to enter this country. It is ironic to note that, in that year, the Coast Guard's operating budget was $2.8 billion. Every year we get more in our investment back from the U.S. Coast Guard.

Finally, it was a very good friend of mine who was Commandant of the Ninth Coast Guard District and later Commandant of the U.S. Coast Guard, Admiral Jim Gracey, who said; ''It takes a very special person to wear this color blue, and we are all proud to wear it.'' We in the Congress are all proud that the men and women of the U.S. Coast Guard day in and day out wear that color blue and serve our Nation so well.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just to reiterate what the gentleman from Minnesota (Mr. OBERSTAR) said, we are also collectively, as a body, proud of the Coast Guard blue. I say to the gentleman from Minnesota (Mr. OBERSTAR), my daughter, when she was 15, some years ago christened a class of buoy tender called the Busal with a bottle of champagne, and she smacked it and broke it on the first try. She was a little worried about it, but she went and did it. So I understand the sense of pride that his family has in taking part of that celebration.

So, Mr. Speaker, we wish the Coast Guard Semper Paratus and happy birthday.

Mr. THOMPSON of California. Mr. Speaker, on this, the occasion of the 210th anniversary of the United States Coast Guard, it is fitting to acknowledge the outstanding contributions made to the residents of California's First Congressional District by Coast Guard Group Humboldt Bay. The sacrifices made over the years by these dedicated men and women are worthy of appreciation and recognition.

The Humboldt Bay Group has a long history on California's North Coast. As early as 1854, D.M. Pearce was appointed the first Keeper of Humboldt Harbor. In 1856, the Battery Point Lighthouse became the first lighthouse on the North Coast, aiding sailors along what is one of the stormiest coastlines in the nation. At the height of maritime travel, six lighthouses operated along this stretch of coastline.

Coast Guard Air Station Humboldt Bay was commissioned on June 24, 1977 as Air Station Arcata and redesignated Air Station Humboldt Bay in May 1982. Its commissioning completed a long process begun by local residents

and fishermen wanting a year-round aviation Search and Rescue (SAR) facility for Northern California. The Station is also home to modern Lighthouse Keepers, who maintain navigation aids and lighthouses from Crescent City to Point Arena.

Group Humboldt Bay's area of responsibility extends from the Mendocino/Sonoma County line north to the California/Oregon border. Six units under the Groups' command patrol more than 250 miles of rugged, sparsely populated coastline. In carrying out its missions, Group Humboldt Bay's personnel operate 24 hours a day, seven days a week, 365 days a year. They are ready to respond at a moment's notice to ocean emergencies, and they remain constantly vigilant in the fight against drug smuggling, illegal fishing, and illegal migration.

It is an honor today, as the nation commemorates the 210th anniversary of the Coast Guard, to recognize and commend these dedicated men and women who selflessly serve and protect.

Semper Paratus!

Mr. UNDERWOOD. Mr. Speaker, I rise today in emphatic support of H. Con. Res. 372. I want to thank my colleagues who helped make this resolution possible: My fellow co-sponsor Congressman MIKE CAUPUANO as well as Congressmen SHUSTER and GILCHREST from the Transportation Committee, and the House Leadership for bringing this to the floor in expedited fashion.

As a proud member of the Congressional Coast Guard Caucus, I am in awe of the U.S. Coast Guard and all the hard work that each and every member selflessly gives each day to our nation. The United States Coast Guard is this nation's oldest and its premier maritime agency. Indeed, this year we will celebrate the 210th anniversary of the creation of this August service.

The history of the Service is historic and multifaceted. It is the amalgamation of five Federal agencies—the Revenue Cutter Service, the Lighthouse Service, the Steamboat Inspection Service, the Bureau of Navigation, and the Lifesaving Service, which were originally independent agencies with overlapping authorities. They sometimes received new names, and they were all finally united under the umbrella of the Coast Guard. The multiple missions and responsibilities of the modern Service are directly tied to this diverse heritage and the magnificent achievements of all of these agencies.

The Coast Guard, through its previous agencies, is the oldest continuous seagoing service and has fought in almost every war since the Constitution became the law of the land in 1789. The Coast Guard has traditionally performed two roles in wartime. The first has been to augment the Navy with men and cutters. The second has been to undertake special missions, for which peacetime experiences have prepared the Service with unique skills. Today the Coast Guard is engaged on many open sea patrols in the war on drugs throughout the vast oceans and seas of the world.

The Coast Guard has been dedicated to protecting the environment for over 150 years. In 1822 the Congress created a timber reserve for the Navy and authorized the President to use whatever forces necessary to prevent the cutting of live-oak on public lands. The shallow-draft cutters were well-suited to this service and were used extensively. Today, the current framework for the Coast Guard's Marine Environmental Protection program is the Federal Water Pollution Control Act of 1972.

In 1973, the Coast Guard created a National Strike Force to combat oil spills. There are three teams, a Pacific unit based near San Francisco, a Gulf team at Mobile, Alabama, and an Atlantic Strike team stationed in Elizabeth City, North Carolina. Since the creation of the force, the teams have been deployed worldwide to hundreds of potential and actual spill sites, bringing with them a vast array of sophisticated equipment.

The 200-mile zone created by the Fishery Conservation and Management Act of 1976 quadrupled the offshore fishing area controlled by the United States. The Coast Guard has the responsibility of enforcing this law.

The Coast Guard additionally has the major responsibility for conducting and coordinating Search and Rescue operations and licensing and regulating safety and commercial boating rules. This enormous task is performed day in and day out by the dedicated men and women of the Coast Guard.

As you may be able to tell, the Coast Guard performs a complex but necessary array of missions that effect the very life blood of this nation in the areas of national defense, commerce, the environment, and lifesaving.

Mr. Speaker, I would like to particularly highlight one essential mission that the Coast Guard is performing right now in America's westernmost frontier—my home district on the island of Guam. During the past several years, Guam has experienced a significant influx of Chinese illegal immigrants. Chinese crime syndicates organize boatloads of indigent Chinese citizens to illegally enter the United States for an exorbitant fee of $8,000–$10,000 per person. After undergoing an arduous journey under fetid, unsanitary conditions, the Chinese reach Guam dehydrated, hungry, disease-ridden and sometimes beaten. Upon arrival, the smuggled Chinese become indentured servants as they attempt to pay their passage to America.

Guam's geographic proximity and asylum acceptance regulations make it a prime target for Chinese crime syndicates. According to the INS in 1998 about 900 illegal Chinese immigrants were apprehended by the Coast Guard, INS and local Guam officials. In 1999, approximately 700 had been apprehended and this year alone approximately 400 have been apprehended. The Coast Guard remains standing by as we speak, ever vigilant in their efforts to mitigate the influx of illegal migrants to Guam.

Mr. Speaker, Chinese crime syndicates have exploited Immigration and Nationality Act (INA) asylum regulations. Because Guam, through INA directives, has to accept asylum applications, Guam becomes a cheap and attractive location for shipment of smuggled Chinese.

The Marianas section of the Coast Guard, stationed out in Guam has been tasked to interdict, when possible, these wretched Chinese vessels that are transporting these illegal migrants. The local command, which is currently undermanned and over extended, is doing the impossible under such circumstances.

In recent months there has been much discussion the high level of OPSTEMPO and PERSTEMPO to describe the state of over-extension of manpower and the drain on resources within our military. Without a doubt, these discussions equally apply to the dedicated men and women of the Coast Guard.

To sum up the U.S. Coast Guard's concerns, an increased level of activity in maritime safety, Exclusive Economic Zone monitoring, and illegal immigration apprehension on Guam are collectively creating tremendous operational burdens on the beleaguered men and women of the Coast Guard. Coupled with very real concerns over modernization and procurement, the U.S. Coast Guard is being forced to do more with less—the less, of course, being older and inadequate equipment—in order to complete their mission requirements.

The Commandant of the Coast Guard, Admiral James M. Loy is truly to be commended for his leadership and dedication to the men and women of the Coast Guard. Admiral Loy also needs to be praised for his vision in stewarding the Deepwater Project and explaining the vital importance of this modernization effort to both Congress and the Administration. To be sure, Congress and the Administration need to seriously review their national security priorities to find some additional resources for our beleaguered Coast Guard and relieve the high level of OPSTEMPO faced by these men and women. We are all very proud of the incredible work that the men and women of the Coast Guard do every day. With that Mr. Speaker, I urge swift and overwhelming passage of this resolution.

Mr. DEFAZIO. Mr. Speaker, I rise in strong support of House Concurrent Resolution 372, recognizing the 210th anniversary of the United States Coast Guard.

Mr. Speaker, the U.S. Coast Guard is the premier maritime safety agency in the world. Its broad array of missions protect our coastlines and our communities. These missions include inspecting commercial vessels for compliance with all safety requirements; search and rescue; oil pollution prevention and response; maintaining all of the Federal aids-to-navigation on our navigable waterways; icebreaking in the Arctic, Antarctic, and domestic waterways; drug and migrant interdiction; and enforcing the fisheries laws in our 200 mile Exclusive Economic Zone.

For 210 years, the Coast Guard has defended our Nation in wars and armed conflicts—whether protecting our ships from pirates in the 1800's to landing on the beaches of Normandy on D–Day. The men and women of the Coast Guard have driven their ships and aircraft through hurricanes to save mariners in distress, and directed the clean-up efforts of the disasters involving the *Exxon Valdez* and *New Carissa*.

The people of the United States owe a debt of gratitude to the men and women of the Coast Guard. While most Americans sleep soundly in their beds, the members of the Coast Guard are risking their lives to save ours. The Coast Guard conducts over 65,000 search and rescue missions annually, saving more than 5,000 lives, and $1.4 billion in property. Therefore, it is entirely appropriate for the Congress of the United States, as representatives of

the people, to express our gratitude to the Coast Guard by passage of House Concurrent Resolution 372.

Therefore, Mr. Speaker, I urge my colleagues to strongly support passage of House Concurrent Resolution 372, commemorating the 210th anniversary of the establishment of the United States Coast Guard.

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

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 372.

The question was taken.

Mr. GILCHREST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 372.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2000

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4868) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4868

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 ''Miscellaneous Trade and Technical Corrections Act of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. HIV/AIDS drugs.
Sec. 1102. HIV/AIDS drugs.
Sec. 1103. Triacetoneamine.
Sec. 1104. Instant print film in rolls.
Sec. 1105. Color instant print film.
Sec. 1106. Mixtures of sennosides and mixtures of sennosides and their salts.
Sec. 1107. Cibacron Red LS–B HC.
Sec. 1108. Cibacron Brilliant Blue FN–G.
Sec. 1109. Cibacron Scarlet LS–2G HC.
Sec. 1110. MUB 738 INT.
Sec. 1111. Fenbuconazole.
Sec. 1112. 2,6-dichlorotoluene.
Sec. 1113. 3-amino-3-methyl-1-pentyne.
Sec. 1114. Triazamate.
Sec. 1115. Methoxyfenozide.
Sec. 1116. 1-fluoro-2-nitro benzene.
Sec. 1117. PHBA.
Sec. 1118. THQ (toluhydroquinone).
Sec. 1119. Certain chemical compounds.
Sec. 1120. Certain compound optical microscopes.
Sec. 1121. Certain cathode-ray tubes.
Sec. 1122. Other cathode-ray tubes.
Sec. 1123. Certain categories of raw cotton.
Sec. 1124. Rhinovirus drugs.
Sec. 1125. Butralin.
Sec. 1126. Branched dodecylbenzene.
Sec. 1127. A certain fluorinated compound.
Sec. 1128. A certain light absorbing photo dye.
Sec. 1129. Filter blue green photo dye.
Sec. 1130. Certain light absorbing photo dyes.
Sec. 1131. 4,4′-difluorobenzophenone.
Sec. 1132. A certain fluorinated compound.
Sec. 1133. DiTMP.
Sec. 1134. EBP.
Sec. 1135. HPA.
Sec. 1136. APE.
Sec. 1137. TMPDE.
Sec. 1138. TMPME.
Sec. 1139. Tungsten concentrates.
Sec. 1140. 2 chloro amino toluene.
Sec. 1141. Certain ion-exchange resin.
Sec. 1142. 11-aminoundecanoic acid.
Sec. 1143. Dimethoxy butanone (dmb).
Sec. 1144. Dichloro aniline (dca).
Sec. 1145. Diphenyl sulfide.
Sec. 1146. Trifluralin.
Sec. 1147. Diethyl imidazolidinnone (dmi).
Sec. 1148. Ethalfluralin.
Sec. 1149. Benfluralin.
Sec. 1150. 3-amino-5-mercapto-1,2,4–triazole (amt).
Sec. 1151. Diethyl phosphorochoridothiate (depct).
Sec. 1152. Refined quinoline.
Sec. 1153. DMDS.
Sec. 1154. Vision inspection systems.
Sec. 1155. Anode presses.
Sec. 1156. Trim and form.
Sec. 1157. Certain assembly machines.
Sec. 1158. Thionyl chloride.
Sec. 1159. Benzyl carbazate (dt–291).
Sec. 1160. Tralkoxydim formulated (''achieve'').
Sec. 1161. KN002.
Sec. 1162. KL084.
Sec. 1163. IN–N5297.
Sec. 1164. Azoxystrobin formulated.
Sec. 1165. Fungaflor 500 EC.
Sec. 1166. NORBLOC 7966.
Sec. 1167. IMAZALIL.
Sec. 1168. 1,5- dichloroanthraquinone.
Sec. 1169. Ultraviolet dye.
Sec. 1170. Vinclozolin.
Sec. 1171. Tepraloxydim.
Sec. 1172. Pyridaben.
Sec. 1173. 2-acetylnicotinic acid.
Sec. 1174. SAMe.
Sec. 1175. Procion Crimson H-EXL.
Sec. 1176. Dispersol Crimson SF Grains.
Sec. 1177. Procion Navy H-EXL.
Sec. 1178. Procion Yellow H-EXL.
Sec. 1179. Ortho-phenyl phenol (''OPP'').
Sec. 1180. 2-methoxypropene.
Sec. 1181. 3,5-difluroaniline.
Sec. 1182. Quinclorac.
Sec. 1183. Dispersol Black XF Grains.
Sec. 1184. Fluroxypyr 1-methylheptyl ester (FME).
Sec. 1185. Solsperse 17260.
Sec. 1186. Solsperse 17000.
Sec. 1187. Solsperse 5000.
Sec. 1188. Certain taed chemicals.
Sec. 1189. Isobornyl acetate.
Sec. 1190. Solvent Blue 124.
Sec. 1191. Solvent Blue 104.
Sec. 1192. Pro-jet magenta 364 stage.
Sec. 1193. Benzenesulfonamide,4-amino-2,5-dimethoxy-*n*-phenyl.
Sec. 1194. Undecylenic acid.
Sec. 1195. 2-methyl-4-chlorophenoxyacetic acid.
Sec. 1196. Iminodisuccinate.
Sec. 1197. Iminodisuccinate salts and aqueous solutions.
Sec. 1198. Poly (vinylchloride) (PVC) self-adhesive sheets.
Sec. 1199. BEPD 2-butyl-2-ethylpropanediol.
Sec. 1200. Cyclohexade-8-en-1-one.
Sec. 1201. A paint additive chemical.
Sec. 1202. Ortho-cumyl-octylphenol (OCOP).
Sec. 1203. Certain polyamides.
Sec. 1204. Mesamoll.
Sec. 1205. Vulkalent E/C.
Sec. 1206. Baytron M.
Sec. 1207. Baytron C–R.
Sec. 1208. Baytron P.
Sec. 1209. Dimethyl dicarbonate.
Sec. 1210. KN001 (a hydrochloride).
Sec. 1211. Methyl thioglycolate.
Sec. 1212. KL540.
Sec. 1213. DPC 083.
Sec. 1214. DPC 961.
Sec. 1215. Sodium petroleum sulfonate.
Sec. 1216. Pro-Jet Cyan 1 Press Paste.
Sec. 1217. Pro-Jet Black Alc Powder.
Sec. 1218. Pro-Jet Fast Yellow 2 RO Feed.
Sec. 1219. Solvent Yellow 145.
Sec. 1220. Pro-Jet Fast Magenta 2 RO Feed.
Sec. 1221. Pro-Jet Fast Cyan 2 Stage.
Sec. 1222. Pro-Jet Cyan 485 Stage.
Sec. 1223. Triflusulfuron methyl formulated product.
Sec. 1224. Pro-Jet Fast Cyan 3 Stage.
Sec. 1225. Pro-Jet Cyan 1 RO Feed.
Sec. 1226. Pro-Jet Fast Black 287 NA Paste/Liquid Feed.
Sec. 1227. 4-(Cyclopropyl-α-hydroxy-methylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester.
Sec. 1228. 4'-epimethylamino-4'-deoxyavermectin b1a and b1b benozates.
Sec. 1229. Formulations containing 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester.
Sec. 1230. Certain end-use products containing benzenesulfonamide, 2-(2-chloro- ethoxy)n-[[4methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]- and 3,6-dichloro-2-methoxybenzoic acid.
Sec. 1231. Methyl (e, e)-a-(methoxyimino)-2-[[[[1- [3- (trifluoromethyl) phenyl] ethylidene] oxy] methyl] benzeneacetate.
Sec. 1232. Formulations containing sulfur.
Sec. 1233. Formulations containing 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloro-ethoxy)-phenylsulfonyl]-urea.
Sec. 1234. Formulations containing 4-cyclopropyl-6-methyl-n-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile.
Sec. 1235. (r)-2-[2,6-dimethylphenyl)-methoxyacetyl-amino]-propionic acid methyl ester.
Sec. 1236. Formulations containing benzothialdiazole-7-carbothioic acid *S*-methyl ester.
Sec. 1237. Benzothialdiazole-7-carbothioic acid *S*-methyl ester.
Sec. 1238. O-(4-bromo-2-chlorophenyl)-o-ethyl-s-propyl phosphorothioate.

Sec. 1239. 1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl] methyl]-1*H*-1,2,4-triazole.
Sec. 1240. Tetrahydro-3-methyl-n-nitro-5[[2-phenylthio)-5-thiazolyl]-4-h-1,3,5-oxadiazin-4-imine.
Sec. 1241. 1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea.
Sec. 1242. 1,2,4-triazin-3(2*H*)one, 4,5-dihydro-6-methyl-4-[(3-pyridinyl methylene)amino].
Sec. 1243. 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile.
Sec. 1244. Nicosulfuron formulated product (''accent'').
Sec. 1245. Fipronil technical.
Sec. 1246. Monochrome glass envelopes.
Sec. 1247. Ceramic coater.
Sec. 1248. Pro-jet black 263 stage.
Sec. 1249. Pro-jet fast black 286 paste.
Sec. 1250. Certain steam or other vapor generating boilers used in nuclear facilities.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1301. Extension of certain existing duty suspensions and reductions.
Sec. 1302. Extension of, and other modifications to, existing duty reductions.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1401. Certain telephone systems.
Sec. 1402. Color television receiver entries.
Sec. 1403. Copper and brass sheet and strip.
Sec. 1404. Antifriction bearings.
Sec. 1405. Other antifriction bearings.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

Sec. 1411. Short title.
Sec. 1412. Findings; purpose.
Sec. 1413. Amendments to Harmonized Tariff Schedule of the United States.
Sec. 1414. Entry procedures.
Sec. 1415. Effective date.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

Sec. 1421. Short title.
Sec. 1422. Findings and purposes.
Sec. 1423. Prohibition on importation of products made with dog or cat fur.

CHAPTER 4—MISCELLANEOUS PROVISIONS

Sec. 1431. Alternative mid-point interest accounting methodology for underpayment of duties and fees.
Sec. 1432. Exception from making report of arrival and formal entry for certain vessels.
Sec. 1433. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1434. International travel merchandise.
Sec. 1435. Change in rate of duty of goods returned to the United States by travelers.
Sec. 1436. Treatment of personal effects of participants in international athletic events.
Sec. 1437. Collection of fees for Customs services for arrival of certain ferries.
Sec. 1438. Establishment of drawback based on commercial interchangeability for certain rubber vulcanization accelerators.
Sec. 1439. Exemption from import prohibition.
Sec. 1440. Cargo inspection.
Sec. 1441. Treatment of certain multiple entries of merchandise as single entry.
Sec. 1442. Report on Customs procedures.

Subtitle C—Effective Date

Sec. 1451. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Trade adjustment assistance for certain workers affected by environmental remediation or closure of a copper mining facility.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE.

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 chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. HIV/AIDS DRUGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.98	[4R- [3(2S*,3S*), 4R*]]-3-[2-Hydroxy-3-[(3-hydroxy-2-methyl benzoyl)amino]-1-oxo-4-phenylbutyl]-5,5-dimethyl-N-[(2-methylphenyl)methyl]-4-thiazolidine-carboxamide (CAS No. 186538–00–1) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1102. HIV/AIDS DRUGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.99	5-[(3,5-Dichlorophenyl)-thio]-4-(1-methylethyl)-1-(4-pyridinylmethyl)-1*H*-imidazole-2-methanol carbamate (CAS No. 178979–85–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1103. TRIACETONEAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.32.80	2,2,6,6- Tetramethyl-4-piperidinone 2,2,6,6 (CAS No. 826–36–8) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2003	''.

SEC. 1104. INSTANT PRINT FILM IN ROLLS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.37.02	Instant print film in rolls (provided for in subheading 3702.20.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1105. COLOR INSTANT PRINT FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.37.01	Instant print film of a kind used for color photography (provided for in subheading 3701.20.00)	2.8%	No change	No change	On or before 12/31/2003	''.

SEC. 1106. MIXTURES OF SENNOSIDES AND MIXTURES OF SENNOSIDES AND THEIR SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.29.75	Mixtures of sennosides and mixtures of sennosides and their salts (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	''.

SEC. 1107. CIBACRON RED LS–B HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.04	Reactive red 270 (CAS No. 155522–05–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1108. CIBACRON BRILLIANT BLUE FN–G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.88	6,13-Dichloro-3,10-bis[[2-[[4-fluoro-6-[(2-sulfonyl)amino]-1,3,5-triazin-2-yl]amino]propyl]-amino]4,11-triphenodioxazine-disulfonic acid, lithium sodium salt (CAS No. 163062–28–0) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1109. CIBACRON SCARLET LS–2G HC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.86	Reactive re 268 (CAS No. 152397–21–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1110. MUB 738 INT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.91	2-Amino-4(4-aminobenzoylamino)-benzenesulfonic Acid (CAS No. 167614–37–1) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1111. FENBUCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.87	α-(2-(4-Chlorophenyl)-ethyl)-α-phenyl-1*H*-1,2,4-triazole-1-propanenitrile (Fenbuconazole) (CAS No. 114369–43–6) (provided for in subheading 2933.90.06)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1112. 2,6-DICHLOROTOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.82	2,6-Dichlorotoluene (CAS No. 118–69–4) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1113. 3-AMINO-3-METHYL-1-PENTYNE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.84	3-Amino-3-methyl-1-pentyne (CAS No. 1869–96–5) (provided for in subheading 2921.19.60)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1114. TRIAZAMATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.89	Acetic acid, [[1-[(dimethylamino)carbonyl]-3-(1,1-dimethylethyl)-1H-1,2,4-triazol-5-yl]thio]-, ethyl ester (CAS No. 112143–82–5) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1115. METHOXYFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.93	Benzoic acid, 3-methoxy-2-methyl-,2-(3,5-dimethyl-benzoyl)-2-(1,1-dimethyl-ethyl)hydrazide (CAS No. 161050–58–4) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1116. 1-FLUORO-2-NITRO BENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.04	1-Fluoro-2-nitro-benzene (CAS No. 001493–27–2) (provided for in subheading 2904.90.30)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1117. PHBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.03	p-Hydroxy-benzoic acid (CAS No. 99–96–7) (provided for in subheading 2918.29.22)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1118. THQ (TOLUHYDROQUINONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.05	Toluhydroquinone, (CAS No. 95–71–6) (provided for in subheading 2907.29.90)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1119. CERTAIN CHEMICAL COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.19.80	2,4-Dicumylphenol (CAS No. 2772–45–4) (provided for in subheading 2907.19.20 or 2907–19–80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1120. CERTAIN COMPOUND OPTICAL MICROSCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.98.07	Compound optical microscopes: whether or not stereoscopic and whether or not provided with a means for photographing the image; especially designed for semiconductor inspection; with full encapsulation of all moving parts above the stage; meeting ‘‘cleanroom class 1’’ criteria; having a horizontal distance between the optical axis and C-shape microscope stand of 8″ or more; and fitted with special microscope stages having a lateral movement range of 6″ or more in each direction and containing special sample holders for semiconductor wafers, devices, and masks (provided for in heading 9011.20.80)	Free	No Change	No change	On or before 12/31/2003	’’.

SEC. 1121. CERTAIN CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.42	Cathode-ray data/graphic display tubes, color, with a less than 90 degree deflection (provided for in subheading 8540.60.00)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1122. OTHER CATHODE-RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.41	Cathode-ray data/graphic display tubes, color, with a phosphor dot screen pitch smaller than 0.4 mm, and with a less than 90 degree deflection (provided for in subheading 8540.40.00)	1%	No change	No change	On or before 12/31/2003	’’.

SEC. 1123. CERTAIN CATEGORIES OF RAW COTTON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

‘‘	9902.52.01	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in general note 15 of the tariff schedule and entered pursuant to its provisions (provided for in subheading 5201.00.22)	Free	No change	No change	12/31/2003	
	9902.52.03	Cotton, not carded or combed, having a staple length under 31.75 mm (1¼ inches), described in additional U.S. note 7 of chapter 52 and entered pursuant to its provisions (provided for in subheading 5201.00.34)	Free	No change	No change	12/31/2003	’’.

SEC. 1124. RHINOVIRUS DRUGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.97	(2E, 4S)-4(((2R,5S)-2-((4-Fluorophenyl)-methyl)-6-methyl-5-(((5-methyl-3-isoxazolyl)-carbonyly)amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester (CAS No. 223537–30–2) (provided for in subheading 2934.90.39)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1125. BUTRALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.00	*N-sec*-Butyl-4-*tert*-butyl-2,6-dinitroaniline (CAS No. 33629–47–9) or preparations thereof (provided for in subheading 2921.42.90 or 3808.31.15)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1126. BRANCHED DODECYLBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.01	Branched dodecylbenzenes (CAS No. 123–01–3) (provided for in subheading 2902.90.30)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1127. A CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.96	(4-Fluorophenyl)-[3-[(4-fluorophenyl) ethynyl-phenyl]methanone (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1128. A CERTAIN LIGHT ABSORBING PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.55	4-Chloro-3-[4-[4-(dimethylamino)phenyl]methylene-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-1-1-yl]benzenesulfonic acid, compound with pyridine (1:1) (CAS No. 160828–81–9) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1129. FILTER BLUE GREEN PHOTO DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.62	Iron chloro-5,6-diamino-1,3-naphthalenedisulfonate complexes (CAS No. 85187–44–6) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1130. CERTAIN LIGHT ABSORBING PHOTO DYES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.34	4-[4-[3-[4-(Dimethylamino)phenyl]-2-propenylidene]-4,5-dihydro-3-methyl-5-oxo-1*H*-pyrazol-1-yl]-benzenesulfonic acid, compound with N,N-diethylethanamine (1:1) (CAS No. 109940–17–2); 4-[3-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2-propenylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, sodium salt, compound with N,N-diethylethanamine (CAS No. 90066–12–9); 4-[4,5-Dihydro-4-[5-hydroxy-3-methyl-1-(4-sulfophenyl)-1H pyrazol-4-yl]methylene-3-methyl-5-oxo-1H-pyrazol-1-yl]- benzenesulfonic acid, dipotassium salt (CAS No. 94266–02–1); 4-[4-[[4-(Dimethylamino)-phenyl]methylene]-4,5-dihydro-3-methyl-5-oxo-1H-pyrazol-l-yl]benzene-sulfonic acid, potassium salt (CAS No. 27268–31–1); 4,5-Dihydro-5-oxo-4-[(phenylamino)methylene]-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, disodium salt; and 4-[5-[3-Carboxy-5-hydroxy-1-(4-sulfophenyl)-1H-pyrazole-4-yl]-2,4-pentadienylidene]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-1H-pyrazole-3-carboxylic acid, tetrapotassium salt (CAS No. 134863–74–4) (all of the foregoing provided for in subheading 2933.19.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1131. 4,4′-DIFLUOROBENZOPHENONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.85	Methanone, bis(4-fluorophenyl)- (CAS No. 345–92–6) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1132. A CERTAIN FLUORINATED COMPOUND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.87	Methanone, (4-fluorophenyl)phenyl-(CAS No. 345–83–5) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1133. DiTMP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.10	Di-trimethylolpropane (DiTMP) (CAS No. 23235–61–2 (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1134. EBP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.52	2-Ethyl-2-butyl-1,3-propanediol (CAS No. 115–84–4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1135. HPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.09	Hydroxypivalic acid (HPA) (CAS No. 4835–90–9) (provided for in subheading 2918.19.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1136. APE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.15	Allyl pentaerythritol (CAS No. 1471–18–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1137. TMPDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.58	Trimethylolpropane diallylether (CAS No. 682–09–7) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1138. TMPME.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.59	Trimethylolpropane monoallyl ether (TMPME) (provided for in subheading 2909.49.60)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1139. TUNGSTEN CONCENTRATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.26.11	Tungsten concentrates (provided for in subheading 2611.00.60)	Free	No Change	No change	On or before 12/31/2003	’’.

SEC. 1140. 2 CHLORO AMINO TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.62	2 Chloro Amino Toluene (CAS No. 95–74–9) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1141. CERTAIN ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.30	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, ethenylethylbenzene and 1,7-octadiene, hydrolyzed (CAS No. 130353–60–5) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
‘‘	9902.39.31	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with 1,2,4-triethenylcyclohexane, hydrolyzed (CAS No. 109961–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	
‘‘	9902.39.32	Ion-exchange resin, comprising a copolymer of 2-propenenitrile with diethenylbenzene, hydrolyzed (CAS No. 135832–76–7) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1142. 11-AMINOUNDECANOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.49	11-Aminoundecanoic acid (CAS No. 2432–99–7) (provided for in subheading 2922.49.40)	1.6%	No change	No change	On or before 12/31/2003	’’.

SEC. 1143. DIMETHOXY BUTANONE (DMB).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.16	4,4-Dimethoxy-2-butanone (CAS No. 5436–21–5) (provided for in subheading 2914.50.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1144. DICHLORO ANILINE (DCA).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.17	2,6-dichloro aniline (2,6-dichlorobenzenamine) (CAS No. 608–31–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1145. DIPHENYL SULFIDE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.06	Diphenyl sulfide (CAS No. 139–66–2) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1146. TRIFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.02	2,6-dinitro-N, N-dipropyl-4-(trifloromethyl) benzenamine; alpha, alpha, alpha,-trifloro-2-6-dinitro-p-toluidine) (CAS No. 1582–09–8) (provided for in subheading 2921.43.15)	5%	No change	No change	On or before 12/31/2003	’’.

SEC. 1147. DIETHYL IMIDAZOLIDINNONE (DMI).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.26	1,3-Diethyl-2-imidazolidinone (N, N-Dimethylethylene urea) (CAS No.80–73–9) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1148. ETHALFLURALIN.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.34	N-ehtyl-N-(2methyl-2-propenyl)-2,6-dinitro-4-(trifloromethyl) benzenamine (CAS No. 55283–68–6) (provided for in subheading 2921.43.80)	7.9%	No change	No change	On or before 12/31/2003	’’.

SEC. 1149. BENFLURALIN.

Subchapter II of chapter 99 is amended by striking heading 9902.29.59 and by inserting the following new heading:

‘‘	9902.29.59	Benfluralin, N-but-N-ethyl-2,6- dinitro-4- (tri-fluoromethyl benzenamine; N-butyl-N-ethyl-alpha, alpha, alpha trifluoro-2-6-dinitro-p-toluidine (CAS No. 5436–2–5, 1861–40–1) (as provided for in subheading 2921.43.80), 12.6 percent ad valorem ...	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1150. 3-AMINO-5-MERCAPTO-1,2,4–TRIAZOLE (AMT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.08	3-amino-5-mercapto-1,2,4-triazole (CAS No. 16691–43–3) (provided for in subheading 2933.90.97)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1151. DIETHYL PHOSPHOROCHORIDOTHIATE (DEPCT).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.58	O,O-Diethyl phosphorochoridothiate (CAS No. 2524–04–1) (provided for in subheading 2920.10.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1152. REFINED QUINOLINE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.61	refined quinoline (1-benzazine; benzo(b) pyridine) (CAS No. 91–22–5) (provided for in subheading 2933.40.70)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1153. DMDS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.33.92	2,2-dithiobis(8-fluoro-5-methoxy)[1,2,4] triazolo[1,5-c] pyrimidine (CAS No. 166524–74–9) (provided for in subheading 2933.59.95)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1154. VISION INSPECTION SYSTEMS.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.90.20	Vision inspection systems of a kind used for physical inspection of automatic capacitors (provided for in subheadings 9031.49.90 and 9031.80.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1155. ANODE PRESSES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.84.21	Anode presses for pressing tantalum powder into anodes (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1156. TRIM AND FORM.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.84.40	Trim and form for forming capacitor leads (provided for in subheadings 8462.21.80, 8462.29.80, and 8463.30.00)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1157. CERTAIN ASSEMBLY MACHINES.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.84.30	Assembly machines for assembling processed anodes to lead frames (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1158. THIONYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.28.01	Thionyl chloride (CAS No. 7719–09–7) (provided for in subheading 2812.10.50)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1159. BENZYL CARBAZATE (DT–291).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.96	Phenylmethyl hydrazinecarboxylate (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1160. TRALKOXYDIM FORMULATED (“ACHIEVE”).

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new headings:

‘‘	9902.29.62	2-[1-(Ethoxyimino)- propyl]-3-hydroxy- 5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) (provided for in subheading 2925.20.60)	Free	No change	No change	On or before 12/31/2003	
	9902.06.01	Mixtures of 2-[1-(Ethoxyimino)- propyl]-3-hydroxy- 5-(2,4,6-trimethylphenyl)-2-cyclohexen-1-one (Tralkoxydim) (CAS No. 87820–88–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1161. KN002.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.63	1-piperidinecarboxylic acid, 2-[(2,4—dichloro-5-hydroxyphenyl)hydrazono]-, methyl ester (CAS No. 159393–46–1) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1162. KL084.

(a) CALENDAR YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.29.69	2-imino-1-methoxycarbonyl-piperidine hydrochloride (CAS No. 159393–48–3) (provided for in subheading 2933.39.61)	5.4%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—
(1) IN GENERAL.—Heading 9902.29.30, as added by subsection (a), is amended—
(A) by striking ‘‘5.4%’’ and inserting ‘‘4.7%’’; and
(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.
(c) CALENDAR YEAR 2002.—
(1) IN GENERAL.—Heading 9902.29.30, as added by subsection (a), is amended—
(A) by striking ‘‘4.7%’’ and inserting ‘‘4.0%’’; and
(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.
(d) CALENDAR YEAR 2003.—
(1) IN GENERAL.—Heading 9902.29.30, as added by subsection (a), is amended—
(A) by striking ‘‘4.0%’’ and inserting ‘‘3.3%’’; and
(B) by striking ‘‘On or before 12/31/2002’’ and inserting ‘‘On or before 12/31/2003’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1163. IN–N5297.

Subchapter II of chapter 99 is amended by striking heading 9902.29.35 and by inserting the following new heading:

‘‘	9902.29.35	2-(Methoxycarbonyl) Benzylsulfonamide (CAS No. 59777–72–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1164. AZOXYSTROBIN FORMULATED.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.38.01	Methyl(E)-2-[6-(2-cyanophonoxy)pyrimidin-4-yloxy]pkhenyl)-3-methoxyacrylate (CAS No. 131860–33–8) (provided for in subheading 3808.20.15)	5.7%	No change	No change	On or before 12/31/2003	’’.

SEC. 1165. FUNGAFLOR 500 EC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.09	Mixtures of enilconazole (CAS No. 73790-28-0) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1166. NORBLOC 7966.

Subchapter II of chapter 99 is amended by striking heading 9902.29.22 and by inserting the following new heading:

‘‘	9902.29.22	2-(2’-Hydroxy-5’ -methacrylyloxyethylphenyl) -2H-benzotriazole (CAS No. 96478–09–0) (provided for in subheading 2933.90.79)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1167. IMAZALIL.

Subchapter II of chapter 99 is amended by striking heading 9902.29.10 and by inserting the following new heading:

‘‘	9902.29.10	Enilconazole (CAS No. 35554–44–-0 and 73790–28–0) (provided for in subheading 2933.29.35)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1168. 1,5- DICHLOROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.14 and by inserting the following new heading:

‘‘	9902.29.14	1,5- Dichloroanthraquinone (CAS No. 82–46–2) (provided for in subheading 2914.70.40)	Free	Free	No change	On or before 12/31/2003	’’.

SEC. 1169. ULTRAVIOLET DYE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.17	9-Anthracene- carboxylic acid, (triethoxysilyl) methyl ester (provided for in subheading 2931.00.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1170. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.20	3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (CAS No. 50471–44–8) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1171. TEPRALOXYDIM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.64	(E)-2-[1-[[(3-chloro-2-propenyl) oxy] imino] propyl] -3-hydroxy-5 (tetrahydro-2H-pyran-4-yl)-2-cyclohexen-1 -one (CAS No. 149979–41–9) (provided for in subheading 2933.99.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1172. PYRIDABEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.30	2-tert-butyl-5-(4-tert-butyl-benzylthio)-4-chloro-pyridazin-3(2H)-one (CAS No. 96489–71–3) (provided for in subheading 2933.90.17)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1173. 2-ACETYLNICOTINIC ACID.

Subchapter II of chapter 99 is amended by striking heading 9902.29.39 and inserting the following new heading:

‘‘	9902.29.39	2-Acetylnicotinic acid (CAS No. 89942–59–6) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1174. SAMe.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.21.06	S-adenosylmethionine 1.4 butanedisulfonate (CAS No. 29908–03–0) (provided for in subheading 2933.59.95)	5.5%	No change	No change	On or before 12/31/2003	’’.

SEC. 1175. PROCION CRIMSON H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.60	1,5-Naphthalenedisulfonic acid, 2-((8- ((4—chloro-6-((3-(((4-choloro-6-((7- ((1,5-disulfo-2- naphthalenyl)azo)-8- hydroxy-3,6-disulfo- 1-naphthlenyl)amino)- 1,3,5-triazin-2-yl)amino)methyl) phenyl)amino)- 1,3,5-triazin- 2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554–26–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1176. DISPERSOL CRIMSON SF GRAINS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.05	A mixture of Benzo (1,2-b:4,5-b′)difuran-2,6-dione,3-phenyl-7-(4-propoxyphenyl)-, (CAS No. 79694–17–0); Acetic acid (4-2,6-dihydro-2,6-dioxo-7-phenylbenzo(1,2-b:4,5-b′)difuran-3-yl)-phenoxy)-,2-ethoxyethyl) ester (CAS No. 126877–05–2); and Acetic acid (4-(2,6-dihydro-2,6-dioxo-7-(4-propoxphenyl)benzo(1,2-b:4,5-b′)difuran-3-yl)phenoxy)-phenoxy)-, 2-ethoxyethyl ester (CAS No. 126877–06–3) (the foregoing provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1177. PROCION NAVY H-EXL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.09	A mixture of 2,7-Naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[(2-methyl-4-sulfophenyl) amino]-1,3,5-triazin-2-yl]amino]-2-sulfophenyl]azo]-5-hydroxy-, hexasodium salt (CAS No. 186554–27–8); and 1,5-Naphthalenedisulfonic acid, 2-((8-((4-chloro-6-((3-(((4-chloro-6-((7-((1,5-disulfo-2-naphthalenyl)azo)-8-hydroxy-3,6-disulfo-1-naphthlenyl)amino)-1,3,5-triazin-2-yl)amino) methyl)phenyl)amino)-1,3,5-triazin-2-yl)amino)-1-hydroxy-3,6-disulfo-2-naphthalenyl)azo)-, octa- (CAS No. 186554–26–7) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1178. PROCION YELLOW H-EXL.

Subchapter II of chapter 99 is amended by striking heading 9902.32.43 and inserting the following new heading:

‘‘	9902.32.43	A mixture of 1,5-Naphthalenedisulfonic acid, 3,3′-((3-methyl (CAS No. 72906–24–2) and the 4-methyl compound -1,2-phyenylene)bis(imino(6-chloro-1,3,5-triazine-4,2-diyl)imino(2-(acetylamino)-5-methoxy-4,1-phenylene)azo))bis-, tetrasodium salt (CAS No. 72906–25–3) (the foregoing provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1179. ORTHO-PHENYL PHENOL (“OPP”).

Subchapter II of chapter 99 is amended by striking heading 9902.29.25 and by inserting the following new heading:

‘‘	9902.29.25	O-phenyl phenol (CAS No. 90–43–7) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/03	’’.

SEC. 1180. 2-METHOXYPROPENE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.27 and by inserting the following new heading:

‘‘	9902.29.27	2-Methoxy-1-Propene (CAS No. 116–11–0) (provided for in subheading 2909.19.18)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1181. 3,5-DIFLUROANILINE.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by striking heading 9902.29.56 and by inserting the following new heading:

‘‘	9902.29.56	3,5-Difluroaniline (CAS No. 372–39–4) (provided for in subheading 2921.42.65)	7.4%	No change	No change	On or before 12/31/2001	’’.

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking ‘‘7.4%’’ and inserting ‘‘6.7%’’; and

(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.56, as added by subsection (a), is amended—

(A) by striking ‘‘6.7%’’ and inserting ‘‘6.3%’’; and

(B) by striking ‘‘On or before 12/31/2002’’ and inserting ‘‘On or before 12/31/2003’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1182. QUINCLORAC.

(a) CALENDAR YEARS 2000 AND 2001.—Subchapter II of chapter 99 is amended by striking heading 9902.29.47 and by inserting the following new heading:

‘‘	9902.29.47	3,7-dichloro-8-quinoline carboxylic acid (CAS No. 84087–01–4) (provided for in subheading 2933.40.30)	6.8%	No change	No change	On or before 12/31/2001	’’.

(b) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—

(A) by striking ‘‘6.8%’’ and inserting ‘‘5.9%’’; and

(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2002.

(c) CALENDAR YEAR 2003.—

(1) IN GENERAL.—Heading 9902.29.47, as added by subsection (a), is amended—

(A) by striking ‘‘5.9%’’ and inserting ‘‘5.4%’’; and

(B) by striking ‘‘On or before 12/31/2002’’ and inserting ‘‘On or before 12/31/2003’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2003.

SEC. 1183. DISPERSOL BLACK XF GRAINS.

Subchapter II of chapter 99 is amended by striking heading 9902.32.44 and inserting the following new heading:

‘‘	9902.32.44	A mixture of Napthalenesulfonic acid, polymer with formaldehyde, sodium salt (CAS No. 36290–04–7); .beta.-Alanine, N-(4-((2-bromo-6-choloro-4-nitrophenyl)azo)phenyl)-N-(3-methoxy-3-oxoproply)-, methyl ester (CAS No. 59709–38–5); Ethanol, 2,2′-((4-((3,5-dinitro-2- thienyl)azo)phenyl) imino)bis-, diacetate (ester) (CAS No. 42783–06–2); and .beta.-Alanine, N-(3-(acetylamino)-4-((2,4-dinitrophenly)azo)phenyl)-N-(3-methoxy-3-oxoproply)-, methyl ester (CAS No. 42783–06–2); and (CAS No. 70729–65–6) (the foregoing provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1184. FLUROXYPYR 1-METHYLHEPTYL ESTER (FME).

Subchapter II of chapter 99 is amended by striking heading 9902.29.77 and by inserting the following new heading:

‘‘	9902.29.77	fluroxypyr 1-methylheptyl ester (1-methylheptyl 4 aminooo-3,5-dichloro-6-fluoro-2-pyridyloxyacetate (CAS No. 81406–37–3) (provided for in subheading 2933.39.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1185. SOLSPERSE 17260.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.29	12-hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879–66–2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1186. SOLSPERSE 17000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.02	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1, 3-propanediamine, dimethyl sulfate, quasternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1187. SOLSPERSE 5000.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.03	1-Octadecanaminium, N,N- dimethyl-N-octadecyl-, (SP-4-2)-[29H,31H-phthalocyanine-2-sulfonate (3-).kappa.N29, .kappa.N30,.kappa.N31, .kappa.N32]cuprate(1-) (CAS No. 70750–63–9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1188. CERTAIN TAED CHEMICALS.

Subchapter II of chapter 99 is amended by striking heading 9902.29.70 and by inserting the following new heading:

‘‘	9902.29.70	Tetraacetylethylenediamine (CAS Nos. 10543–57–4) (provided for in subheading 2924.10.10)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1189. ISOBORNYL ACETATE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.71 and by inserting the following new heading:

‘‘	9902.29.71	Isobornyl acetate (CAS No. 125-12-2) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1190. SOLVENT BLUE 124.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.73	Solvent Blue 124 (CAS No. 29243–26–3) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1191. SOLVENT BLUE 104.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.72	Solvent Blue 104 (CAS No. 116–75–6) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1192. PRO-JET MAGENTA 364 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.00	5-[4-(4,5-dimethyl-2-sulfo-phenylamino)-6-hydroxy-[1,3,5-] triazin-2-yl amino]-4-hydroxy-3-(1-sulfo-naphthalen-2-ylazo)-naphthalene-2,7-disulphonic acid, sodium/ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1193. BENZENESULFONAMIDE,4-AMINO-2,5-DIMETHOXY-N-PHENYL.

Subchapter II of chapter 99 is amended by striking heading 9902.29.73 and by inserting the following new heading:

‘‘	9902.29.73	benzensulfonamide,4-amino-2,5-dimethoxy-*N*-phenyl (CAS No. 52298–44–9) (provided for in subheading 2935.00.10)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1194. UNDECYLENIC ACID.

Subchapter II of chapter 99 is amended by striking heading 9902.29.78 and by inserting the following new heading:

‘‘	9902.29.78	10-Undecylenic acid (CAS No. 112–38–9) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1195. 2-METHYL-4-CHLOROPHENOXYACETIC ACID.

Subchapter II of chapter 99 is amended by striking heading 9902.29.81 and by inserting the following new heading:

‘‘	9902.29.81	2-Methyl-4-chlorophenoxyacetic acid (CAS No. 9021-09-6) (provided for in subheading 2918.90.20)	2.6%	No change	No change	On or before 12/31/2003	’’.

SEC. 1196. IMINODISUCCINATE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.83 and by inserting the following new heading:

‘‘	9902.29.83	Mixtures of sodium salts of iminodisuccinic acid (CAS No. 144538–83–0) (provided for in subheading 2922.49.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1197. IMINODISUCCINATE SALTS AND AQUEOUS SOLUTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.10	Mixtures of sodium salts of iminodisuccinic acid, dissolved in water (provided for in subheading 3824.90.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1198. POLY (VINYLCHLORIDE) (PVC) SELF-ADHESIVE SHEETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.01	Poly (vinylchloride) (PVC) self-adhesive sheets of a kind used to make bandages (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1199. BEPD 2-BUTYL-2-ETHYLPROPANEDIOL.

Subchapter II of chapter 99 is amended by striking heading 9902.29.84 and by inserting the following new heading:

‘‘	9902.29.84	BEPD 2-Butyl-2-ethylpropanediol (CAS No. 115-84-4) (provided for in subheading 2905.39.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1200. CYCLOHEXADE-8-EN-1-ONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.85	Cyclohexade-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1201. A PAINT ADDITIVE CHEMICAL.

Subchapter II of chapter 99 is amended by striking heading 9902.29.33 and inserting the following new heading:

‘‘	9902.29.33	N-Cyclopropyl-N′-(1,1-dimethylethy)-6-(methylthio)-1,3,5-triazine-2,4-diamine (CAS No. 28159–98–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1202. ORTHO-CUMYL-OCTYLPHENOL (OCOP).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.86	ortho-cumyl-octylphenol (OCOP) (CAS No. 73936–80–8) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1203. CERTAIN POLYAMIDES.

Subchapter II of chapter 99 is amended by striking heading 9902.39.08 and by inserting the following new heading:

‘‘	9902.39.08	Micro-porous ultra fine spherical forms of polyamides 6, 12, and 6/12 powder (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1204. MESAMOLL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.14	A certain Alkylsulfonic Acid Ester of Phenol (CAS No. 70775–94–9) (provided for in subheading 3812.20.10)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1205. VULKALENT E/C.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.31	A mixture of N-Phenyl-N-((trichloromethyl)thio)-Benzenesulfonamide; calcium carbonate; and mineral oil (the foregoing provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1206. BAYTRON M.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.87	A certain 3,4-ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1207. BAYTRON C–R.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.15	A certain catalytic preparation based on Iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1208. BAYTRON P.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.39.15	A certain mixture of water and poly(3,4-ethylenedioxythiophene)- poly (styrenesulfonate) (cationic) (CAS No. 155090–83–8) (provided for in subheading 3911.90.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1209. DIMETHYL DICARBONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.87	Dimethyl dicarbonate (CAS No. 4525–33–1) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1210. KN001 (A HYDROCHLORIDE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.88	2,4-dichloro-5-hydroxyhydrazine hydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1211. METHYL THIOGLYCOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.90	Methyl thioglycolate (CAS No. 2365–48–2) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1212. KL540.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.91	Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903–15–6) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1213. DPC 083.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.92	(S)-6-chloro-3,4-dihydro-4-E-cyclopropylethenyl-4-trifluoromethyl-2(1H)-quinozolinone (CAS No. 214287–99–7) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1214. DPC 961.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.20.05	(S)-6-chloro-3,4-dihydro-4-cyclopropylethynyl-4-trifluoromethyl-2(1H)-quinozolinone (CAS No. 214287–88–4) (provided for in subheading 2933.90.46)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1215. SODIUM PETROLEUM SULFONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.34.01	Sodium petroleum sulfonate (CAS No. 68608-26-4) (provided for in subheading 3402.11.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1216. PRO-JET CYAN 1 PRESS PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.20	Direct Blue 199 acid (CAS No. 80146–12–9) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1217. PRO-JET BLACK ALC POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.23	Direct Black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1218. PRO-JET FAST YELLOW 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.10	Direct Yellow 173 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1219. SOLVENT YELLOW 145.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.46	Solvent Yellow 145 (CAS No. 27425–55–4) (provided for in subheading 3204.19.25)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1220. PRO-JET FAST MAGENTA 2 RO FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.24	Direct Violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1221. PRO-JET FAST CYAN 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.17	Direct Blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1222. PRO-JET CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.25	[(2-hydro- xyethylsul- famoyl)sulfo- phthalo- cyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1223. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.50	Methyl 2-[[[[[-4(dimethylamino) -6-(2,2,2-trifluoroethoxy) -1,3,5-triazin-2-yl] -amino]carbonyl] amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1224. PRO-JET FAST CYAN 3 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.64	[29H,31H-Phthalocyaninato (2-xN29, xN30, xN31, xN32] copper, [[2-[4-(2- aminoethyl)-1-piperazinyl] ethyl]amino]-sulfonylaminosulfonyl [(2-hydroxethyl)amino] sulfonyl [[2-[[2-(1-piperazinyl) ethyl]-amino) ethyl]-amino]-sulfonyl sulfo derivatives and their sodium salts (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1225. PRO-JET CYAN 1 RO FEED.

(a) CALENDER YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.32.65	Copper, [29H, 31H-phthalocyaninato(2-)-N29, N30, N31, N32]-, aminosulfonyl sulfo derivs., sodium salts (CAS No. 80146–12–9) (provided for in subheading 3204.14.50)	9.5%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.32.02, as added by subsection (a), is amended—

(A) by striking ‘‘9.5%’’ and inserting ‘‘8.5%’’; and

(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.32.02, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking ‘‘8.5%’’ and inserting ‘‘7.4%’’; and

(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1226. PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.

(a) CALENDER YEAR 2000.—Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.32.67	Direct Black 195 (CAS No. 160512–93–6) (provided for in subheading 3204.14.30)	7.8%	No change	No change	On or before 12/31/2000	’’.

(b) CALENDAR YEAR 2001.—

(1) IN GENERAL.—Heading 9902.32.03, as added by subsection (a), is amended—

(A) by striking ‘‘7.8%’’ and inserting ‘‘7.1%’’; and

(B) by striking ‘‘On or before 12/31/2000’’ and inserting ‘‘On or before 12/31/2001’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

(c) CALENDAR YEAR 2002.—

(1) IN GENERAL.—Heading 9902.32.03, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking ‘‘7.1%’’ and inserting ‘‘6.4%’’; and

(B) by striking ‘‘On or before 12/31/2001’’ and inserting ‘‘On or before 12/31/2002’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2001.

SEC. 1227. 4-(CYCLOPROPYL-α-HYDROXY-METHYLENE)-3,5-DIOXO-CYCLOHEXANECARBOXYLIC ACID ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.93	4-(Cyclopropyl-α-hydroxy-methylene)-3,5-dioxo-cyclohexanecarboxylic acid ethyl ester (CAS No. 95266–40–3) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1228. 4’-EPIMETHYLAMINO-4’-DEOXYAVERMECTIN B1a AND B1b BENOZATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.94	4’-epimethylamino-4’-deoxyavermectin B1a and B1b benozates (CAS No. 137512–74–4) (provided for in subheading 2938.90.00)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1229. FORMULATIONS CONTAINING 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]-PHENOXY]-2-PROPYNYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.51	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]-phenoxy]-2-propynyl ester (CAS No. 105512–06–9) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2003	’’.

SEC. 1230. CERTAIN END USE PRODUCTS CONTAINING BENZENESULFONAMIDE, 2-(2-CHLORO- ETHOXY)N-[[4METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL)AMINO]CARBONYL]- AND 3,6-DICHLORO-2-METHOXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.21	Certain end-use products containing benzenesulfonamide, 2-(2-chloroethoxy)N-[[4methoxy-6-methyl-1,3,5- triazin-2-yl)amino] carbonyl]- (CAS No. 82097–50–5) and 3,6-dichloro-2-methoxybenzoic acid (CAS No. 1918–00–9) (the foregoing provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1231. METHYL (E, E)-A-(METHOXYIMINO)-2- [[[[1- [3- (TRIFLUOROMETHYL) PHENYL] ETHYLIDENE] OXY] METHYL] BENZENEACETATE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.41 and inserting the following new heading:

‘‘	9902.29.41	Benzeneacetic acid, (E,E)-α-(-(methoxyimino) -2[[[[1-[3-trifluoromethyl) phenyl] ethylidene] amino]oxy] methyl]-, methyl ester (CAS No. 141517–21–7) (provided for in subheading 2929.90.20)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1232. FORMULATIONS CONTAINING SULFUR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.13	Formulations containing sulfur (CAS No. 7704–34–9) (provided for in subheading 3808.20.50)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1233. FORMULATIONS CONTAINING 3-(6-METHOXY-4-METHYL-1,3,5-TRIAZIN-2-YL)-1-[2-(2-CHLORO-ETHOXY)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.52	Formulations containing 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-[2-(2-chloro-ethoxy)-phenylsulfonyl]-urea (CAS No. 82097–50–5) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1234. FORMULATIONS CONTAINING 4-CYCLOPROPYL-6-METHYL-N-PHENYL-2-PYRIMIDINAMINE-4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.53	Formulations containing 4-cyclopropyl-6-methyl-N-phenyl-2-pyrimidinamine-4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1235. (R)-2-[2,6-DIMETHYLPHENYL)-METHOXYACETYL-AMINO]-PROPIONIC ACID METHYL ESTER.

Subchapter II of chapter 99 is amended by striking heading 9902.29.27 and inserting the following new heading:

‘‘	9902.29.27	(R)-2-[2,6-dimethylphenyl)-methoxyacetyl-amino]-propionic acid methyl ester (CAS No. 69516–34–3) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1236. FORMULATIONS CONTAINING BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID S-METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.22	Formulations containing benzothialdiazole-7-carbothioic acid *S*-methyl ester (CAS No. 135158–54–2) (provided for in subheading 3808.90.08)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1237. BENZOTHIALDIAZOLE-7-CARBOTHIOIC ACID S-METHYL ESTER.

Subchapter II of chapter 99 is amended by striking heading 9902.29.33 and inserting in numerical sequence the following new heading:

‘‘	9902.29.33	Benzothialdiazole-7-carbothioic acid *S*-methyl ester (CAS No. 135158–54–2) (provided for in subheading 2934.90.18)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1238. O-(4-BROMO-2-CHLOROPHENYL)-O-ETHYL-S-PROPYL PHOSPHOROTHIOATE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.30 and inserting the following new heading:

‘‘	9902.29.30	O-(4-Bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate (CAS No. 41198–08–7) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1239. 1-[[2-(2,4-DICHLOROPHENYL)-4-PROPYL-1,3-DIOXOLAN-2-YL] METHYL]-1H-1,2,4-TRIAZOLE.

Subchapter II of chapter 99 is amended by striking heading 9902.29.35 and inserting the following new heading:

‘‘	9902.29.35	1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl] methyl]-1*H*-1,2,4-triazole (CAS No. 60207–90–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1240. TETRAHYDRO-3-METHYL-N-NITRO-5[[2-PHENYLTHIO)-5-THIAZOLYL]-4-H-1,3,5-OXADIAZIN-4-IMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.34	tetrahydro-3-methyl-N-nitro-5[[2-phenylthio)-5-thiazolyl]-4-H-1,3,5-oxadiazin-4-imine (CAS No. 192439–46–6) (provided for in subheading 2934.10.10)	4.3%	No change	No change	On or before 12/31/2003	’’.

SEC. 1241. 1-(4-METHOXY-6-METHYL-TRIAZIN-2-YL)-3-[2-(3,3,3-TRIFLUOROPROPYL)-PHENYLSULFONYL]-UREA.

Subchapter II of chapter 99 is amended by striking heading 9902.29.40 and inserting the following new heading:

‘‘	9902.29.40	1-(4-methoxy-6-methyl-triazin-2-yl)-3-[2-(3,3,3-trifluoropropyl)-phenylsulfonyl]-urea (CAS No. 94125–34–5) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1242. 1,2,4-TRIAZIN-3(2H)ONE, 4,5-DIHYDRO-6-METHYL-4-[(3-PYRIDINYL METHYLENE)AMINO].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.96	1,2,4-Triazin-3(2*H*)one, 4,5-dihydro-6-methyl-4-[(3-pyridinyl methylene)amino] (CAS No. 123312–89–0) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1243. 4-(2,2-DIFLUORO-1,3-BENZODIOXOL-4-YL)-1H-PYRROLE-3-CARBONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.97	4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1*H*-pyrrole-3-carbonitrile (CAS No. 131341–86–1) (provided for in subheading 2934.90.12)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1244. NICOSULFURON FORMULATED PRODUCT (“ACCENT”).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.38.69	2-(((((4,6-Di- methoxypyrimi- din-2-yl) aminocarbonyl))-N,N- dimethyl-3-pyridinecarboxamide (CAS No. 111991-09-4) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1245. FIPRONIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.29.98	5-amino-1-[2,6-dichloro-4-(trifluoromethyl)phynyl)-4-[(trifluoromethyl)sulfinyl]-1*H*-pyrazole-3-carbonitrile. (CAS No. 120068–37–3) (provided for in subheading 2933.19.23)	5%	No change	No change	On or before 12/31/2003	’’.

SEC. 1246. MONOCHROME GLASS ENVELOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.70.01	Monochrome glass envelopes (provided for in subheading 7011.20.40)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1247. CERAMIC COATER.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

‘‘	9902.84.00	Ceramic coater for laying down and drying ceramic (provided for in subheading 8479.89.97)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1248. PRO-JET BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.74	5-[4-(7-amino-1-hydroxy-3-sulfo-naphthalen-2-ylazo)-2,5-bis-(2-hydroxy-ethoxy)-phenylazo]-isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1249. PRO-JET FAST BLACK 286 PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.32.44	1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-6-sulfo-1-naphthalenyl]azo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2003	’’.

SEC. 1250. CERTAIN STEAM OR OTHER VAPOR GENERATING BOILERS USED IN NUCLEAR FACILITIES.

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.84.02	Watertube boilers with a steam production exceeding 45 t per hour, for use in nuclear facilities (provided for in subheading 8402.11.00)	4.9%	No change	No change	On or before 12/31/2003	’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods—

(1) entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act; and

(2) purchased pursuant to a binding contract entered into on or before the date of the enactment of this Act.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1301. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting ''12/31/2003'':

(1) Heading 9902.32.12 (relating to DEMT).

(2) Heading 9902.39.07 (relating to a certain polymer).

(3) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(4) Heading 9902.29.37 (relating to certain sensitizing dyes).

(5) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(6) Heading 9902.71.08 (relating to certain semi-manufactured forms of gold).

(7) Heading 9902.33.59 (relating to DPX–E6758).

(8) Heading 9902.33.60 (relating to Rimsulfuron).

(b) EXISTING DUTY REDUCTION.—Heading 9902.29.68 (relating to Ethylene/tetrafluoroethylene copolymer (ETFE)) is amended by striking out the date in the effective period column and inserting ''12/31/2003''.

SEC. 1302. EXTENSION OF, AND OTHER MODIFICATIONS TO, EXISTING DUTY REDUCTIONS.

(a) CARBAMIC ACID (U-9069).— Heading 9902.33.61 (relating to Carbamic Acid (U–9069)) is amended—

(1) by striking ''7.6%'' and inserting ''Free''; and

(2) by striking the date in the effective period column and inserting ''12/31/2003''.

(b) DPX–E9260.— Heading 9902.33.63 (relating to DPX–E9260) is amended—

(1) by striking ''5.3%'' and inserting ''Free''; and

(2) by striking the date in the effective period column and inserting ''12/31/2003''.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1401. CERTAIN TELEPHONE SYSTEMS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c), in accordance with the final decision of the Department of Commerce of February 7, 1990 (case number A580–803–001).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry	Port
E85–0001814–6	10/05/89	Miami, FL
E85–0001844–3	10/30/89	Miami, FL
E85–0002268–4	07/21/90	Miami, FL
E85–0002510–9	12/15/90	Miami, FL
E85–0002511–7	12/15/90	Miami, FL
E85–0002509–1	12/15/90	Miami, FL
E85–0002527–3	12/12/90	Miami, FL
E85–0002550–0	12/20/90	Miami, FL
102–0121558–8	12/11/91	Miami, FL
E85–0002654–5	04/08/91	Miami, FL
E85–0002703–0	05/01/91	Miami, FL
E85–0002778–2	06/05/91	Miami, FL
E85–0002909–3	08/05/91	Miami, FL
E85–0002913–5	08/02/91	Miami, FL
102–0120990–4	10/18/91	Miami, FL
102–0120668–6	09/03/91	Miami, FL
102–0517007–8	11/20/91	Miami, FL
102–0122145–3	03/05/91	Miami, FL
102–0121173–6		Miami, FL
102–0121559–6		Miami, FL
E85–0002636–2		Miami, FL

SEC. 1402. COLOR TELEVISION RECEIVER ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c) in accordance with the final results of the administrative reviews, covering the periods from April 1, 1989, through March 31, 1990, and from April 1, 1990, through March 31, 1991, undertaken by the International Trade Administration of the Department of Commerce for such entries (case number A–583–009).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of entries, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Date of Entry
509–0210046–5	August 18, 1989
815–0908228–5	June 25, 1989
707–0836829–8	April 4, 1990
707–0836940–3	April 12, 1990
707–0837161–5	April 25,1990
707–0837231–6	May 3, 1990
707–0837497–3	May 17, 1990
707–0837498–1	May 24, 1990
707–0837612–7	May 31, 1990
707–0837817–2	June 13, 1990
707–0837949–3	June 19, 1990
707–0838712–4	August 7, 1990
707–0839000–3	August 29, 1990
707–0839234–8	September 15, 1990
707–0839284–3	September 12, 1990
707–0839595–2	October 2, 1990
707–0840048–9	November 1, 1990
707–0840049–7	November 1, 1990
707–0840176–8	November 8, 1990

SEC. 1403. COPPER AND BRASS SHEET AND STRIP.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries listed in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
110–1197671–6	10/18/86	7/6/92
110–1198090–8	12/19/86	1/23/87
110–1271919–8	11/12/86	11/6/87
110–1272332–3	11/26/86	11/20/87
110–1955373–1	12/17/86	7/26/96
110–1271914–9	11/12/86	11/6/87
110–1279006–6	09/09/87	8/26/88
110–1279699–8	10/06/87	11/6/87
110–1280399–2	11/03/87	12/11/87
110–1280557–5	11/11/87	12/28/87
110–1280780–3	11/24/87	01/29/88
110–1281399–1	12/16/87	2/12/88
110–1282632–4	02/17/88	3/18/88
110–1286027–3	02/26/88	2/17/89
110–1286056–2	02/23/88	2/12/89
719–0736650–5	07/27/87	3/13/92
110–1285877–2	09/08/88	06/02/89
110–1285885–5	09/08/88	06/02/89
110–1285959–8	09/13/88	06/02/89
110–1286057–0	03/01/88	04/01/88
110–1286061–2	03/02/88	02/24/89
110–1286120–6	03/13/88	03/03/89
110–1286122–2	03/13/88	03/03/89
110–1286123–0	03/13/88	03/03/89
110–1286124–8	03/13/88	03/03/89
110–1286133–9	03/20/88	04/15/88
110–1286134–7	03/20/88	04/15/88
110–1286151–1	03/15/88	09/15/89
110–1286194–1	03/22/88	08/24/90
110–1286262–6	04/04/88	06/09/89
110–1286264–2	03/30/88	06/09/89
110–1286293–1	04/09/88	06/02/89
110–1286294–9	04/09/88	06/02/89
110–1286330–1	04/13/88	06/02/89
110–1286332–7	04/13/88	06/02/89
110–1286376–4	04/20/88	06/02/89
110–1286398–8	04/29/88	06/02/89
110–1286399–6	04/29/88	06/02/89
110–1286418–4	05/06/88	06/02/89
110–1286419–2	05/06/88	06/02/89
110–1286465–5	05/13/88	06/02/89
110–1286467–1	05/13/88	06/02/89
110–1286488–7	05/20/88	07/01/88
110–1286489–5	05/20/88	07/01/88
110–1286490–3	05/20/88	07/01/88
110–1286567–8	05/27/88	06/02/89
110–1286578–5	06/03/88	06/02/89
110–1286579–3	06/03/88	06/02/89
110–1286638–7	06/10/88	06/02/89
110–1286683–3	06/17/88	06/02/89
110–1286685–8	06/17/88	06/02/89
110–1286703–9	06/24/88	07/29/88
110–1286725–2	06/24/88	06/02/89
110–1286740–1	07/01/88	06/02/89
110–1286824–3	07/08/88	06/02/89
110–1286863–1	07/20/88	06/02/89
110–1286910–0	07/24/88	06/02/89
110–1286913–4	07/29/88	06/02/89
110–1286942–3	07/26/88	09/09/88
110–1286990–2	08/02/88	06/02/89
110–1287007–4	08/05/88	06/02/89
110–1287058–7	08/09/88	06/02/89
110–1287195–7	09/22/88	06/02/89
110–1287376–3	09/29/88	06/02/89
110–1287377–1	09/29/88	06/02/89
110–1287378–9	09/29/88	06/02/89
110–1287573–5	10/06/88	06/02/89
110–1287581–8	10/06/88	06/02/89
110–1287756–6	10/11/88	06/29/90
110–1287762–4	10/11/88	06/02/89
110–1287780–6	10/14/88	06/02/89
110–1287783–0	10/14/88	06/02/89
110–1287906–7	10/18/88	06/02/89
110–1288061–0	10/25/88	06/02/89
110–1288086–7	10/27/88	06/02/89
110–1288229–3	11/03/88	06/02/89
110–1288370–5	11/08/88	06/29/90
110–1288408–3	11/10/88	06/29/90
110–1288688–0	11/24/88	06/02/89
110–1288692–2	11/24/88	06/02/89
110–1288847–2	11/29/88	06/29/90
110–1289041–1	12/07/88	06/02/89
110–1289248–2	12/22/88	06/02/89
110–1289250–8	12/21/88	06/02/89
110–1289260–7	12/22/88	06/02/89
110–1289376–1	12/29/88	06/02/89
110–1289588–1	01/15/89	06/02/89
110–0935207–8	01/05/90	03/13/92
110–1294738–5	10/31/89	03/20/90

Entry number	Date of entry	Date of liquidation
110–1204990–1	06/08/89	09/29/89
11036694146	01/17/91	12/18/92
11036706841	03/06/91	2/19/93
11036725270	05/24/91	2/19/93
110–1231352–1	07/24/88	08/26/88
110–1231359–6	07/31/88	09/09/88
110–1286029–9	02/25/88	03/25/88
110–1286078–6	03/04/88	04/08/88
110–1286079–4	03/04/88	06/29/90
110–1286107–3	03/10/88	04/08/88
110–1286153–7	03/11/88	04/15/88
110–1286154–5	03/17/88	04/22/88
110–1286155–2	03/31/88	04/22/88
110–1286203–0	03/24/88	06/29/90
110–1286218–8	03/18/88	04/22/88
110–1286241–0	03/31/88	03/24/89
110–1286272–5	03/31/88	08/03/90
110–1286278–2	04/04/88	08/03/90
110–1286362–4	04/21/88	06/29/90
110–1286447–3	05/06/88	06/29/90
110–1286448–1	05/06/88	06/29/90
110–1286472–1	05/11/88	06/29/90
110–1286664–3	06/16/88	06/29/90
110–1286666–8	06/16/88	07/13/90
110–1286889–6	07/22/88	08/03/90
110–1286982–9	08/04/88	06/29/90
110–1287022–3	08/11/88	06/29/90
110–1804941–8	05/04/88	07/29/94
037–0022571–1	01/05/89	02/17/89
110–1135050–8	04/01/89	02/19/93
110–1135292–6	04/23/89	02/19/93
110–1135479–9	05/04/89	12/28/92
110–1136014–3	06/01/89	02/19/93
110–1136111–7	06/09/89	02/19/93
110–1136287–5	06/15/89	12/28/92
110–1136678–5	07/14/88	02/19/93
110–1136815–3	07/17/89	12/28/92
110–1137008–4	07/17/89	02/19/93
110–1137010–0	07/28/89	02/19/93
110–1231614–4	12/06/88	02/17/89
110–1231630–0	12/13/88	02/17/89
110–1231666–4	12/30/88	02/17/89
110–1231694–6	01/16/89	03/24/89
110–1231708–4	01/30/89	03/24/89
110–1231767–0	03/12/89	07/14/89
110–1232086–4	07/27/89	12/01/89
110–1287256–7	09/20/88	09/08/89
110–1287285–6	09/22/88	09/15/89
110–1287442–3	09/29/88	06/29/90
110–1287491–0	09/27/88	06/29/90
110–1287631–1	09/29/88	06/29/90
110–1287693–1	10/06/88	06/29/90
110–1288491–9	11/10/88	06/29/90
110–1288492–7	11/10/88	06/29/90
110–1288937–1	12/08/88	06/29/90
110–1710118–6	01/27/89	01/13/89
110–1137082–9	09/03/89	2/19/93
110–1138058–8	10/11/89	2/19/93
110–1138059–6	09/28/89	2/19/93
110–1138691–6	11/02/89	2/19/93
110–1138698–1	11/02/89	2/19/93
110–1139217–9	12/09/89	2/19/93
110–1139218–7	12/09/89	12/21/89
110–1139219–5	12/02/89	2/19/93
110–1139481–1	01/05/90	2/19/93
110–1140423–0	02/17/90	2/19/93
110–1140641–7	03/08/90	2/19/93
110–1141086–4	04/01/90	2/19/93
110–1142313–1	06/06/90	2/19/93
110–1142728–0	06/30/90	2/19/93
110–1232095–5	08/06/89	12/01/89
110–1232136–7	09/02/89	12/29/89
110–1293737–8	08/29/89	8/21/92
110–1293738–6	08/31/89	8/21/92
110–1293859–0	09/07/89	8/21/92
110–1293861–6	09/06/89	8/21/92
110–1294009–1	09/14/89	8/21/92
110–1294111–5	09/19/89	8/21/92
110–1294328–5	10/05/89	8/21/92
110–1294685–8	10/24/89	8/21/92
110–1294686–6	10/24/89	8/21/92
110–1294798–9	10/31/89	8/21/92
110–1295026–4	11/09/89	8/21/92
110–1295087–6	11/14/89	3/16/90
110–1295088–4	11/16/89	8/21/92
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110–1295245–0	11/21/89	8/21/92
110–1295493–6	12/05/89	8/21/92
110–1295497–7	12/05/89	8/21/92
110–1295898–6	12/28/89	8/21/92
110–1295903–4	12/28/89	8/21/92
110–1296025–5	01/04/90	8/21/92
110–1296161–8	01/11/90	8/21/92
11011443535	09/25/90	12/18/92
11011448211	10/25/90	12/18/92
11001688032	04/12/88	06/03/88
11001691390	06/01/88	06/02/88
11009971950	03/07/88	03/03/89
11009972545	04/06/88	04/21/89
11012860745	03/04/88	04/08/88
11012861024	03/08/88	04/08/88
11012862071	03/24/88	04/29/88
11012862139	03/22/88	04/22/88
11012869316	07/28/88	06/29/90
11018048717	04/25/88	05/31/88
11018051323	06/08/88	07/08/88
11018054467	07/27/88	07/27/88
11018055324	08/10/88	08/20/88
11009976470	08/29/88	09/01/89
11017086056	10/26/88	12/02/88
11018057726	09/14/88	11/04/88
11018061991	11/09/88	12/30/88
11011366611	07/13/89	03/05/93
11012044811	03/18/89	04/23/93
11012053952	07/27/89	06/12/92
11012906159	03/09/89	06/29/90
11012908841	03/21/89	06/29/90
11012910227	03/28/89	06/29/90
11012911407	04/06/89	07/21/89
11012911415	04/06/89	06/29/90
11012911423	04/06/89	06/29/90
11012916240	05/04/89	06/29/90
11012922586	06/06/89	06/29/90
11012923964	06/15/89	06/29/90
11012928534	07/11/89	06/29/90
11012929771	07/19/89	06/29/90
11010060926	12/05/89	12/14/90
11012137037	10/02/90	06/12/92
11012941107	09/19/89	08/21/92
11012942238	09/28/89	08/21/92
11012943319	10/05/89	08/21/92
11012944374	10/13/89	03/02/90
11012944390	10/12/89	08/21/92
11012944408	10/13/89	08/21/92
11012946932	10/26/89	08/21/92
11012950918	11/17/89	11/09/90
11012952351	11/21/89	08/21/92
11012953821	11/29/89	08/21/92
11012954621	12/07/89	08/21/92
11012954803	12/07/89	08/21/92
11010103270	01/23/90	05/11/90
11011425391	06/16/90	02/19/93
11015255588	07/03/90	11/02/90
11018670254	01/11/90	01/22/90
11018671211	01/11/90	01/30/90
11018113123	06/06/90	
11010113105	09/06/90	01/04/91
11018133634	12/05/90	

SEC. 1404. ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(1001)016–0112010–6	May 26, 1989
(4601)016–0112028–8	June 28, 1989
(4601)016–0112126–0	December 5, 1989
(4601)016–0112132–8	December 18, 1989
(4601)016–0112164–1	February 5, 1990
(4601)016–0112229–2	April 12, 1990
(4601)016–0112211–0	March 21, 1990.

SEC. 1405. OTHER ANTIFRICTION BEARINGS.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at various ports, which are listed in subsection (c), in accordance with the final results of the administrative reviews, covering the periods from November 9, 1988, through April 30, 1990, from May 1, 1990, through April 30, 1991, and from May 1, 1991, through April 30, 1992, conducted by the International Trade Administration of the Department of Commerce for such entries (Case No. A–427–801).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
(4601)016–0112223–5	April 4, 1990
(4601)710–0225218–8	August 24, 1990
(4601)710–0225239–4	September 5, 1990
(4601)710–0226079–3	May 21, 1991
(1704)J50–0016544–7	January 31, 1991
(4601)016–0112237–5	April 19, 1990
(4601)710–0226033–0	May 7, 1991
(4601)710–0226078–5	May 15, 1991
(4601)710–0225181–8	August 24, 1990
(4601)710–0225381–4	October 3, 1990.

CHAPTER 2—SPECIAL CLASSIFICATION RELATING TO PRODUCT DEVELOPMENT AND TESTING

SEC. 1411. SHORT TITLE.

This chapter may be cited as the ''Product Development and Testing Act of 2000''.

SEC. 1412. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1)(A) A substantial amount of development and testing occurs in the United States incident to the introduction and manufacture of new products for both domestic consumption and export overseas.

(B) Testing also occurs with respect to merchandise that has already been introduced into commerce to insure that it continues to meet specifications and performs as designed.

(2) The development and testing that occurs in the United States incident to the introduction and manufacture of new products, and with respect to products which have already been introduced into commerce, represents a significant industrial activity employing highly-skilled workers in the United States.

(3)(A) Under the current laws affecting the importation of merchandise, such as the provisions of part I of title IV of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.), goods commonly referred to as ''prototypes'', used for product development testing and product evaluation purposes, are subject to customs duty upon their importation into the United States unless the prototypes qualify for duty-free treatment under special trade programs or unless the prototypes are entered under a temporary importation bond.

(B) In addition, the United States Customs Service has determined that the value of prototypes is to be included in the value of production articles if the prototypes are the result of the same design and development effort as the articles.

(4)(A) Assessing duty on prototypes twice, once when the prototypes are imported and a second time thereafter as part of the cost of imported production merchandise, discourages development and testing in the United States, and thus encourages development and testing to occur overseas, since, in that case, duty will only be assessed once, upon the importation of production merchandise.

(B) Assessing duty on these prototypes twice unnecessarily inflates the cost to businesses, thus reducing their competitiveness.

(5) Current methods for avoiding the excessive assessment of customs duties on the importation of prototypes, including the use of temporary importation entries and obtaining drawback, are unwieldy, ineffective, and difficult for both importers and the United States Customs Service to administer.

(b) PURPOSE.—The purpose of this chapter is to promote product development and testing in the United States by permitting the importation of prototypes on a duty-free basis.

SEC. 1413. AMENDMENTS TO HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.

(a) HEADING.—Subchapter XVII of Chapter 98 is amended by inserting in numerical sequence the following new heading:

‘‘	9817.85.01	Prototypes to be used exclusively for development, testing, product evaluation or quality control purposes	Free		The rate applicable in the absence of this heading	’’.

(b) U.S. NOTE.—The U.S. Notes to subchapter XVII of chapter 98 are amended by adding at the end the following:

‘‘6. The following provisions apply to heading 9817.85.01:

‘‘(a) The term ‘prototypes’ means originals or models of articles that—

‘‘(i) are either in the preproduction, production, or postproduction stage and are to be used exclusively for development, testing, product evaluation, or quality control purposes; and

‘‘(ii) in the case of originals or models of articles that are either in the production or postproduction stage, are associated with a design change from current production (including a refinement, advancement, improvement, development, or quality control in either the product itself or the means for producing the product).

For purposes of clause (i), automobile racing shall not be considered to be ‘‘development, testing, product evaluation, or quality control.’’.

‘‘(b)(i) Prototypes (as defined in paragraph (a)) may only be imported in limited noncommercial quantities in accordance with industry practice.

‘‘(ii) Prototypes (as defined in paragraph (a)), or parts of prototypes, may not be sold (including sale for scrap purposes) after importation into the United States or be incorporated into other products.

‘‘(c) Articles subject to quantitative restrictions, antidumping orders, or countervailing duty orders, may not be classified as prototypes under this note. Articles subject to licensing requirements, or which must comply with laws, rules, or regulations administered by agencies other than the United States Customs Service before being imported, may be classified as prototypes, provided that they comply with all applicable provisions of law and otherwise meet the definition of ‘prototypes’ under paragraph (a).’’.

SEC. 1414. ENTRY PROCEDURES.

The Secretary of the Treasury shall establish regulations for the identification of prototypes at the time of importation into the United States in accordance with the provisions of this chapter and the amendments made by this chapter.

SEC. 1415. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to—

(1) an entry of a prototype under heading 9817.85.01, as added by section 1413(a), on or after the date of the enactment of this Act; and

(2) an entry of a prototype (as defined in U.S. Note 6(a) to subchapter XVII of chapter 98, as added by section 1413(b)) under heading 9813.00.30 for which liquidation has not become final as of the date of enactment of this Act.

CHAPTER 3—PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR

SEC. 1421. SHORT TITLE.

This chapter may be cited as the ‘‘Dog and Cat Protection Act of 2000’’.

SEC. 1422. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) An estimated 2,000,000 dogs and cats are slaughtered and sold annually as part of the international fur trade. Internationally, dog and cat fur is used in a wide variety of products, including fur coats and jackets, fur trimmed garments, hats, gloves, decorative accessories, stuffed animals, and other toys.

(2) The United States represents one of the largest markets for the sale of fur and fur products in the world. Market demand for fur products in the United States has led to the introduction of dog and cat fur products into United States commerce, frequently based on deceptive or fraudulent labeling of the products to disguise the true origin of the fur.

(3) Dog and cat fur, when dyed, is not easily distinguishable to persons who are not experts from other furs such as fox, rabbit, coyote, wolf, and mink, and synthetic materials made to resemble real fur. Dog and cat fur is generally less expensive than other types of fur and may be used as a substitute for more expensive types of furs, which provides an incentive to engage in unfair or fraudulent trade practices in the importation, exportation, distribution, or sale of fur products, including deceptive labeling and other practices designed to disguise the true contents or origin of the product.

(4) Forensic texts have documented that dog and cat fur products are being imported into the United States subject to deceptive labels or other practices designed to conceal the use of dog or cat fur in the production of wearing apparel, toys, and other products.

(5) Publicly available evidence reflects ongoing significant use of dogs and cats bred expressly for their fur by foreign fur producers for manufacture into wearing apparel, toys, and other products that have been introduced into United States commerce. The evidence indicates that foreign fur producers also rely on the use of stray dogs and cats and stolen pets for the manufacture of fur products destined for the world and United States markets.

(6) The methods of housing, transporting, and slaughtering dogs and cats for fur production are generally unregulated and inhumane.

(7) The trade of dog and cat fur products is ethically and aesthetically abhorrent to United States citizens. Consumers in the United States have a right to know if products offered for sale contain dog or cat fur and to ensure that they are not unwitting participants in this gruesome trade.

(8) Persons who engage in the sale of dog or cat fur products, including the fraudulent trade practices identified above, gain an unfair competitive advantage over persons who engage in legitimate trade in apparel, toys, and other products, and derive an unfair benefit from consumers who buy their products.

(9) The imposition of a ban on the sale, manufacture, offer for sale, transportation, and distribution of dog and cat fur products, regardless of their source, is consistent with the international obligations of the United States as it applies equally to domestic and foreign entities. Such a ban is also consistent with provisions of international agreements to which the United States is a party that expressly allow for measures designed to protect the health and welfare of animals and to enjoin the use of deceptive trade practices in international or domestic commerce.

(b) PURPOSES.—The purposes of this chapter are to—

(1) prohibit imports, exports, sale, manufacture, offer for sale, transportation, and distribution in the United States of dog and cat fur products, in order to ensure that United States market demand does not provide an incentive to slaughter dogs or cats for their fur;

(2) require accurate labeling of fur species so that consumers in the United States can make informed choices and ensure that they are not unwitting contributors to this gruesome trade; and

(3) ensure that the customs laws of the United States are not undermined by illicit international traffic in dog and cat fur products.

SEC. 1423. PROHIBITION ON IMPORTATION OF PRODUCTS MADE WITH DOG OR CAT FUR.

Title III of the Tariff Act of 1930 is amended by inserting after section 307 the following new section:

‘‘SEC. 308. PROHIBITIONS ON IMPORTATION OF AND OTHER COMMERCE IN DOG AND CAT FUR PRODUCTS.

‘‘(a) DEFINITIONS.—In this section:

‘‘(1) CAT FUR.—The term ‘cat fur’ means the pelt or skin of any animal of the species *Felis catus*.

‘‘(2) COMMERCE.—The term ‘commerce’ means the transportation for sale, trade, or use between any State, territory, or possession of the United States, or the District of Columbia, and any place outside thereof.

‘‘(3) CUSTOMS LAWS.—The term ‘customs laws of the United States’ means any other law or regulation enforced or administered by the United States Customs Service.

''(4) DOG FUR.—The term 'dog fur' means the pelt or skin of any animal of the species *Canis familiaris*.

''(5) DOG OR CAT FUR PRODUCT.—The term 'dog or cat fur product' means any item of merchandise which consists, or is composed in whole or in part, of any dog fur, cat fur, or both.

''(6) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(8) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in general note 2 of the Harmonized Tariff Schedule of the United States.

''(b) PROHIBITIONS.—It shall be unlawful for any person to—

''(1) import into, or export from, the United States any dog or cat fur product; or

''(2) introduce into interstate commerce, manufacture for introduction into interstate commerce, sell, trade, or advertise in interstate commerce, offer to sell, or transport or distribute in interstate commerce in the United States, any dog or cat fur product.

This subsection shall not apply to the importation, exportation, or transportation by an individual, for noncommercial purposes, of his or her personal pet that is deceased, including a pet preserved through taxidermy.

''(c) PENALTIES AND ENFORCEMENT.—

''(1) CIVIL PENALTIES.—Any person who violates any provision of this section or any regulation issued under this section may, in addition to any other civil or criminal penalty that may be imposed under section 592 of this Act or any other provision of law, be assessed a civil penalty by the Secretary of not more than $5,000.

''(2) ENFORCEMENT.—The provisions of this section and any regulations issued under this section shall be enforced by the Secretary. In imposing penalties under paragraph (1), the Secretary shall take into account the seriousness of the violation, the culpability of the violator, and the violator's record of cooperating with the Government in disclosing the violation.

''(3) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall, after notice and opportunity for comment, issue regulations to carry out the provisions of this section.

''(4) COORDINATION WITH OTHER LAWS.—Nothing in this section shall be construed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the customs laws of the United States.

''(d) REPORTS.—In order to enable Congress to engage in active, continuing oversight of this section, the Secretary shall provide the following:

''(1) PLAN FOR ENFORCEMENT.—Within 3 months after the date of enactment of this section, the Secretary shall submit to Congress a plan for the enforcement of the provisions of this section, including training and procedures to ensure that Customs Service personnel are equipped with state-of-the-art technologies to identify potential dog or cat fur products and to determine the true content of such products.

''(2) REPORT ON ENFORCEMENT EFFORTS.—Not later than 1 year after the date of enactment of this section, and on an annual basis thereafter, the Secretary shall submit a report to Congress on the efforts of the Department of the Treasury to enforce the provisions of this section and the adequacy of the resources to do so. The report shall include an analysis of the training of Customs Service personnel to identify dog and cat fur products effectively and to take appropriate action to enforce this section.''.

CHAPTER 4—MISCELLANEOUS PROVISIONS

SEC. 1431. ALTERNATIVE MID-POINT INTEREST ACCOUNTING METHODOLOGY FOR UNDERPAYMENT OF DUTIES AND FEES.

Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by striking ''For the period beginning on'' and all that follows through ''the Secretary may prescribe'' and inserting ''The Secretary may prescribe''.

SEC. 1432. EXCEPTION FROM MAKING REPORT OF ARRIVAL AND FORMAL ENTRY FOR CERTAIN VESSELS.

(a) REPORT OF ARRIVAL AND FORMAL ENTRY OF VESSELS.—(1) Section 433(a)(1)(C) of the Tariff Act of 1930 (19 U.S.C. 1433(a)(1)(C)) is amended by striking ''bonded merchandise, or''.

(2) Section 434(a)(3) of the Tariff Act of 1930 (19 U.S.C. 1434(a)(3)) is amended by striking ''bonded merchandise or''.

(3) Section 91(a)(2) of the Appendix to title 46, United States Code, is amended by striking ''bonded merchandise or''.

(b) ADDITIONAL AMENDMENT.—Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by adding at the end the following new paragraph:

''(7) Any vessel required to anchor at the Belle Isle Anchorage in the waters of the Detroit River in the State of Michigan, for the purposes of awaiting the availability of cargo or berthing space or for the purpose of taking on a pilot or awaiting pilot services, or at the direction of the Coast Guard, prior to proceeding to the Port of Toledo, Ohio, where the vessel makes entry under section 434 or obtains clearance under section 4197 of the Revised Statutes of the United States.''.

SEC. 1433. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) DESIGNATION.—For the 2-year period beginning on the date of the enactment of this Act, the Commissioner of the Customs Service shall designate the San Antonio International Airport in San Antonio, Texas, as an airport at which private aircraft described in subsection (b) may land for processing by the Customs Service in accordance with section 122.24(b) of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of San Antonio International Airport in San Antonio, Texas; and

(2) would otherwise be required to land for processing by the Customs Service at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term ''private aircraft'' has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

(d) REPORT.—The Commissioner of the Customs Service shall prepare and submit to Congress a report on the implementation of this section for 2001 and 2002.

SEC. 1434. INTERNATIONAL TRAVEL MERCHANDISE.

Section 555 of the Tariff Act of 1930 (19 U.S.C. 1555) is amended by adding at the end the following:

''(c) INTERNATIONAL TRAVEL MERCHANDISE.—

''(1) DEFINITIONS.—For purposes of this section—

''(A) the term 'international travel merchandise' means duty-free or domestic merchandise which is placed on board aircraft on international flights for sale to passengers, but which is not merchandise incidental to the operation of a duty-free sales enterprise;

''(B) the term 'staging area' is an area controlled by the proprietor of a bonded warehouse outside of the physical parameters of the bonded warehouse in which manipulation of international travel merchandise in carts occurs;

''(C) the term 'duty-free merchandise' means merchandise on which the liability for payment of duty or tax imposed by reason of importation has been deferred pending exportation from the customs territory;

''(D) the term 'manipulation' means the repackaging, cleaning, sorting, or removal from or placement on carts of international travel merchandise; and

''(E) the term 'cart' means a portable container holding international travel merchandise on an aircraft for exportation.

''(2) BONDED WAREHOUSE FOR INTERNATIONAL TRAVEL MERCHANDISE.—The Secretary shall by regulation establish a separate class of bonded warehouse for the storage and manipulation of international travel merchandise pending its placement on board aircraft departing for foreign destinations.

''(3) RULES FOR TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE AND BONDED WAREHOUSES AND STAGING AREAS.—(A) The proprietor of a bonded warehouse established for the storage and manipulation of international travel merchandise shall give a bond in such sum and with such sureties as may be approved by the Secretary of the Treasury to secure the Government against any loss or expense connected with or arising from the deposit, storage, or manipulation of merchandise in such warehouse. The warehouse proprietor's bond shall also secure the manipulation of international travel merchandise in a staging area.

''(B) A transfer of liability from the international carrier to the warehouse proprietor occurs when the carrier assigns custody of international travel merchandise to the warehouse proprietor for purposes of entry into warehouse or for manipulation in the staging area.

''(C) A transfer of liability from the warehouse proprietor to the international carrier occurs when the bonded warehouse proprietor assigns custody of international travel merchandise to the carrier.

''(D) The Secretary is authorized to promulgate regulations to require the proprietor and the international carrier to keep records of the disposition of any cart brought into the United States and all merchandise on such cart.''.

SEC. 1435. CHANGE IN RATE OF DUTY OF GOODS RETURNED TO THE UNITED STATES BY TRAVELERS.

Subchapter XVI of chapter 98 is amended as follows:

(1) Subheading 9816.00.20 is amended—

(A) effective January 1, 2000, by striking ''10 percent'' each place it appears and inserting ''5 percent'';

(B) effective January 1, 2001, by striking ''5 percent'' each place it appears and inserting ''4 percent''; and

(C) effective January 1, 2002, by striking ''4 percent'' each place it appears and inserting ''3 percent''.

(2) Subheading 9816.00.40 is amended—

(A) effective January 1, 2000, by striking ''5 percent'' each place it appears and inserting ''3 percent'';

(B) effective January 1, 2001, by striking ''3 percent'' each place it appears and inserting ''2 percent''; and

(C) effective January 1, 2002, by striking ''2 percent'' each place it appears and inserting ''1.5 percent''.

SEC. 1436. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN INTERNATIONAL ATHLETIC EVENTS.

(a) IN GENERAL.—Subchapter XVII of chapter 98 is amended by inserting in numerical sequence the following new heading:

‘‘	9817.60.00	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, an international athletic event held in the United States, such as the Olympics, the Goodwill Games, the Special Olympics World Games, the World Cup Soccer Games, or any similar international athletic event as the Secretary of the Treasury may determine, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with any such foregoing event by or on behalf of the foregoing persons or the organizing committee of such an event, articles to be used in exhibitions depicting the culture of a country participating in such an event; and, if consistent with the foregoing, such other articles as the Secretary of the Treasury may allow	.....	Free	Free	’’.

(b) TAXES, FEES, INSPECTION.—The U.S. Notes to chapter XVII of chapter 98 are amended by adding at the end the following new note:

‘‘6. Any article exempt from duty under heading 9817.60.00 shall be free of taxes and fees that may otherwise be applicable, but shall not be free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.’’

(b) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse, for consumption, on or after the date of the enactment of this Act.

(c) TERMINATION OF TEMPORARY PROVISIONS.—Heading 9902.98.08 shall, notwithstanding any provision of such heading, cease to be effective on the date of the enactment of this Act.

SEC. 1437. COLLECTION OF FEES FOR CUSTOMS SERVICES FOR ARRIVAL OF CERTAIN FERRIES.

Section 13031(b)(1)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(1)(A)(iii)) is amended to read as follows:

‘‘(iii) the arrival of a ferry, except for a ferry whose operations begin on or after August 1, 1999, and that operates south of 27 degrees latitude and east of 89 degrees longitude; or’’.

SEC. 1438. ESTABLISHMENT OF DRAWBACK BASED ON COMMERCIAL INTERCHANGEABILITY FOR CERTAIN RUBBER VULCANIZATION ACCELERATORS.

(a) IN GENERAL.—The United States Customs Service shall treat the chemical N-cyclohexyl-2-benzothiazolesulfenamide and the chemical N-tert-Butyl-2-benzothiazolesulfenamide as ‘‘commercially interchangeable’’ within the meaning of section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) for purposes of permitting drawback under section 313 of the Tariff Act of 1930 (19 U.S.C. 1313.).

(b) APPLICABILITY.—Subsection (a) shall apply with respect to any entry, or withdrawal from warehouse for consumption, of the chemical N-cyclohexyl-2-benzothiazolesulfenamide before, on, or after the date of the enactment of this Act, that is eligible for drawback within the time period provided in section 313(j)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)(B)).

SEC. 1439. EXEMPTION FROM IMPORT PROHIBITION.

Notwithstanding any other provision of law, Executive Order 13067 of November 3, 1997, shall not apply with respect to imports of articles described in headings 1301.20.00 and 1301.90.90 (other than balsams, tragacanth, and karaya).

SEC. 1440. CARGO INSPECTION.

The Commissioner of Customs is authorized to establish a fee-for-service agreement for a period of not less than 2 years, renewable thereafter on an annual basis, at Fort Lauderdale-Hollywood International Airport. The agreement shall provide personnel and infrastructure necessary to conduct cargo clearance, inspection, or other customs services as needed to accommodate carriers using this airport. When such servcies have been provided on a fee-for-service basis for at least 2 years and the commercial consumption entry level reaches 29,000 entries per year, the Commissioner of Customs shall continue to provide cargo clearance, inspection or other customs services, and no charges, other than those fees authorized by section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)), may be collected for those services.

SEC. 1441. TREATMENT OF CERTAIN MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE ENTRY.

(a) IN GENERAL.—Section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended by adding at the end the following:

‘‘(j) TREATMENT OF MULTIPLE ENTRIES OF MERCHANDISE AS SINGLE TRANSACTION.—In the case of merchandise that is purchased and invoiced as a single entity but—

‘‘(1) is shipped in an unassembled or disassembled condition in separate shipments due to the size or nature of the merchandise, or

‘‘(2) is shipped in separate shipments due to the inability of the carrier to include all of the merchandise in a single shipment (at the instruction of the carrier),

the Customs Service may, upon application by an importer in advance, treat such separate shipments for entry purposes as a single transaction.’’.

(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall issue regulations to carry out section 484(j) of the Tariff Act of 1930, as added by subsection (a).

SEC. 1442. REPORT ON CUSTOMS PROCEDURES.

(a) REVIEW AND REPORT.—The Secretary of the Treasury shall—

(1) review, in consultation with United States importers and other interested parties, including independent third parties selected by the Secretary for the purpose of conducting such review, customs procedures and related laws and regulations applicable to goods and commercial conveyances entering the United States; and

(2) report to the Congress, not later than 180 days after the date of enactment of this Act, on changes that should be made to reduce reporting and record retention requirements for commercial parties, specifically addressing changes needed to—

(A) separate fully and remove the linkage between data reporting required to determine the admissibility and release of goods and data reporting for other purposes such as collection of revenue and statistics;

(B) reduce to a minimum data required for determining the admissibility of goods and release of goods, consistent with the protection of public health, safety, or welfare, or achievement of other policy goals of the United States;

(C) eliminate or find more efficient means of collecting data for other purposes that are unnecessary, overly burdensome, or redundant; and

(D) enable the implementation, as soon as possible, of the import activity summary statement authorized by section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) as a means of—

(i) fully separating and removing the linkage between the functions of collecting revenue and statistics and the function of determining the admissibility of goods that must be performed for each shipment of goods entering the United States; and

(ii) allowing for periodic, consolidated filing of data not required for determinations of admissibility.

(b) SPECIFIC MATTERS.—In preparing the report required by subsection (a), the Secretary of the Treasury shall specifically report on the following:

(1) Import procedures, including specific data items collected, that are required prior and subsequent to the release of goods or conveyances, identifying the rationale and legal basis for each procedure and data requirement, uses of data collected, and procedures or data requirements that could be eliminated, or deferred and consolidated into periodic reports such as the import activity summary statement.

(2) The identity of data and factors necessary to determine whether physical inspections should be conducted.

(3) The cost of data collection.

(4) Potential alternative sources and methodologies for collecting data, taking into account the costs and other consequences to importers, exporters, carriers, and the Government of choosing alternative sources.

(5) Recommended changes to the law, regulations of any agency, or other measures that would improve the efficiency of procedures and systems of the United States Government for regulating international trade, without compromising the effectiveness of procedures and systems required by law.

Subtitle C—Effective Date

SEC. 1451. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. TRADE ADJUSTMENT ASSISTANCE FOR CERTAIN WORKERS AFFECTED BY ENVIRONMENTAL REMEDIATION OR CLOSURE OF A COPPER MINING FACILITY.

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a ''qualified worker'' means a worker who—

(A) was determined to be covered under Trade Adjustment Assistance Certification TA–W–31,402; and

(B) was necessary for the environmental remediation or closure of a copper mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. CRANE) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4868.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4868 would make miscellaneous and other technical and clerical corrections to the trade laws. The Committee on Ways and Means favorably reported the bill on July 19, 2000.

This bill contains over 155 provisions temporarily suspending or reducing duties on a wide variety of chemicals, including drugs used in the battle against HIV/AIDS and anticancer drugs, environmentally friendly herbicides and insecticides, and many organic dyes.

In each instance, there is either no domestic production of the product involved or the domestic producer supported the measure.

By suspending or reducing these duties, we can enable U.S. companies that use these products to be more competitive and cost efficient. This would help create jobs for American workers as well as reduce costs for consumers.

Also, the bill includes two other important provisions which I introduced earlier in this Congress. The first provision would reduce the duty rate, returning travellers pay to an amount more in line with the average duty rate of imported commercial merchandise. My second provision would provide duty free treatment to participants and individuals associated with all international athletic events held in the United States.

The bill also contains a ban on the import of products made from dog and cat fur and provisions that would help simplify customs entry processing.

This package of trade bills has been thoroughly evaluated and commented on by all concerned parties, including the U.S. Customs Service, the International Trade Commission, the United States Trade Representative, and firms which may be affected by tariff suspension on a product they produced domestically. The suspensions and duty reductions that remain on the bill are completely noncontroversial.

Mr. Speaker, I include for the RECORD the following exchange of letters:

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 2000.

Hon. TOM BLILEY,
Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your Committee's jurisdictional interest in H.R. 4868, the ''Miscellaneous Trade and Technical Corrections Act of 2000.''

I acknowledge your Committee's jurisdiction over this legislation and appreciate your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on the bill will not prejudice the Commerce Committee with respect to its jurisdictional prerogatives on this or similar legislation, and will support your request for conferees on those provisions within the Committee on Commerce's jurisdiction should they be the subject of a House-Senate conference. I will also include a copy of your letter and this response in our report on the legislation and as part of the Congressional Record when the legislation is considered by the House.

Thank you again for your cooperation.

Sincerely,

BILL ARCHER,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, July 18, 2000.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR BILL: I am writing regarding H.R. 4868, the Miscellaneous Trade and Technical Corrections Act of 2000. As you know, section 1423 of this legislation prohibits the importation and other commerce in products containing dog and cat fur. The Committee on Commerce has jurisdiction over this provision pursuant to its authority over interstate and foreign commerce generally pursuant to clause I of Rule X of the Rules of the House of Representatives.

However, in light of your desire to have the House consider this legislation expeditiously, I will not exercise the Committee on Commerce's right to act on the legislation. By agreeing to waive its consideration of the bill, however, the Commerce Committee does not waive its jurisdiction over this bill. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within the jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask that you support our request in this regard.

I ask that you include a copy of this letter and your response in your committee's report on the legislation and the RECORD during consideration of the bill on the House floor. I remain,

Sincerely,

TOM BLILEY,
Chairman.

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

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4868. This bill reflects a bipartisan effort. It reflects the input of individual Members as well as the administration. The rule of thumb in putting this bill together, as in the past, was the provisions should be noncontroversial and carry a minimal cost. That rule was followed here.

As the title suggests, the provisions in this bill are of a technical nature, but these technical changes can have a real concrete impact on U.S. businesses, farmers, workers, and consumers.

For example, the bill suspends or reduces import duties on over 150 items. This improves the competitiveness of domestic manufacturing by reducing the price of inputs. It also provides a benefit to consumers by reducing the price of goods not produced in commercial quantities in the U.S., including anti-HIV/AIDS drugs.

The bill also includes an important provision to encourage product development and testing in the United States. It makes the importation of prototypes for development, testing, product evaluation, or quality control purposes duty free.

Currently, the value of such prototypes is effectively taxed twice, once when the prototype was imported for testing and again as part of the value of the finished product. This bill would eliminate that double dip which discourages testing and development of products in our country.

The bill also includes important provisions to streamline import processing. This will alleviate some of the administrative burden that can delay the shipment of goods from port to consumer.

Finally, I would like to mention that, thanks to the hard work of the able gentleman from Wisconsin (Mr. KLECZKA), my friend and colleague, the bill contains a prohibition on importation of goods made from dog or cat fur. This is a significant provision that serves a humane consumer protection purpose, and we are very pleased to be in support of it.

I urge my colleagues to support passage of this bill.

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

Mr. CRANE. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Florida (Mr. SHAW), a member of the committee.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time.

Mr. Speaker, this bill, a portion of this bill, requires that the Commissioner of Customs enter into a fee-for-service agreement to provide international air cargo customs service at the Fort Lauderdale-Hollywood International Airport.

Because of the difficulties that the airport has experienced in establishing the fee-for-service arrangements, the airport recently lost significant international air cargo business at its facility.

The provision of cargo clearance, inspection and other Customs services is a fundamental governmental function.

Once Customs cargo inspection services have been provided under a fee-for-service agreement for 2 years, and the Airport has established air cargo business of at least 29,000 commercial consumption entries a year, the Commissioner will provide Customs services to the Airport without requiring additional fees for those services.

□ 1945

This will merely put the Ft. Lauderdale-Hollywood International Airport on the same basis as other airports of similar size where such Customs services are already available.

Another portion of this bill, which I was pleased to sponsor, provides for customs fees on arrival of ferries. The Consolidated Omnibus Budget Reconciliation Act of 1985 precluded Customs from charging customs user fees for passengers on ferry boats. This has prevented Customs from issuing landing rights to ferries arriving in South Florida and its coastal region.

To correct this situation, COBRA is amended to permit the collection of customs user fees to enable Customs to issue landing rights to ferries operating in South Florida. Ferries will now be able to operate between the United States and other Caribbean countries, provided they are within 300 miles of the United States. This will help promote tourism and trade.

Another area which I am hopeful will become a part of this bill before it is finally enacted into law was a provision I was working on with the gentleman from New York (Mr. RANGEL), and that is the question of prohibiting the sale of gray market cigarettes. These are cigarettes that are produced in the United States for export into other countries but somehow find their way back into this country.

The presence of these cigarettes is going to cost my own State of Florida about $100 million a year, and it is time we act on this and stop the reimportation of these cigarettes that are produced for the foreign market.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I rise in strong support of this bill, and I would like to acknowledge my friend, the gentleman from Illinois (Mr. CRANE), and also the gentleman from Michigan (Mr. LEVIN) for agreeing to include in this bill a ban on the importation, exporting and interstate commerce of items of clothing or toys, children's toys, made from dog and cat fur.

The issue was brought to my attention by the Humane Society of the United States, who, for over 18 months, conducted an undercover investigation of not only the conditions of animals but the slaughter of these animals, and then finally the products that were made from the animal fur and shipped into this country. They handed their investigation and the results of their investigation over to the Dateline NBC program, which about a year and a half ago broadcast a long segment on the clothing that is being sold here in this country and the toys being sold to our children made from dog and cat fur.

After working with Senator ROTH in the other body, we did introduce legislation in both Houses to ban this practice. This legislation, I am happy to say, includes that ban.

Mr. Speaker, here in this country, in the United States, over 65 million households have pets, either cats or dogs; and clearly I find it and they find it very deplorable that the clothing they might buy at their local store or the toy they might buy for their children is made in another country from the hide of a domestic dog or a domestic cat. This bill, as I indicated, will ban this abhorrent practice.

Again, I want to thank not only the chairman and ranking member, but I also want to publicly acknowledge the hard work of the Humane Society of the United States, which worked tirelessly to bring this to a halt, and I think tonight's action on this bill and subsequent Senate action will do just that.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

(Mr. HAYWORTH asked and was given permission to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, far from the roar of the grease paint and the smell of the crowd when we enter a political season where we accentuate our differences, it is very easy to lose track of those areas where the real work of government occurs. Such is the case with this bill, H.R. 4868, the Miscellaneous Trade and Technical Corrections Act of 2000.

I am pleased to rise and speak in favor of this legislation because it will temporarily suspend the duty on dozens of items that are not produced in the United States and consequently have to be imported. They include drugs, as the gentleman from Michigan (Mr. LEVIN), the ranking member of the Subcommittee on Trade, mentioned, drugs used in the fight against HIV-AIDS and environmentally friendly herbicides and insecticides.

Mr. Speaker, I would be remiss if I did not mention now and thank the chairman of the Subcommittee on Trade, the gentleman from Illinois (Mr. CRANE), for including in the package several bills I introduced to suspend the duty on certain chemicals, chemicals vital to American industry and to our quality of life. Let me also commend the subcommittee chairman, Mr. Speaker, for including legislation introduced by our colleague, the gentleman from Georgia (Mr. COLLINS), legislation of which I am a cosponsor, that reduces the duty on steam generators, as we work on an energy policy for our Nation.

All of these provisions further the sound trade policy the chairman always tries to pursue because these products are not manufactured anywhere in the United States and, consequently, it makes no sense to tax their importation.

This is an excellent package of noncontroversial items. It offers the best examples of what we can do working together, and we rise not in partisanship but in progress with this legislation. Accordingly, Mr. Speaker, I urge my colleagues to support it.

Mr. LEVIN. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to support this bill and to thank the leadership of the Committee on Ways and Means, both Democrats and Republicans, for inserting my provision in H.R. 4868 that extends Trade Adjustment Assistance to former copper mine employees in White Pine, Michigan.

White Pine is located in Michigan's Upper Peninsula, a region famous for its vast quantities of copper and timber. In 1995, the Copper Range Company in White Pine extracted its last pieces of copper. The Department of Labor concluded that increased copper imports from Canada resulted from NAFTA were directly responsible for the mine's demise.

The ensuing mine closure left many of its employees with an uncertain future as they contemplated career changes or leaving the area. While some former employees chose to leave the area in search of new jobs, others sought Trade Adjustment Assistance for worker retraining. Almost 89 percent of the Copper Range employees were laid off in September of 1995. I led the fight to make sure that they were all deemed eligible for TAA benefits by the Department of Labor.

Meanwhile, the company retained fewer than 20 employees for an environmental remediation of the mine. This work will be finished next year. Unfortunately, the employees who stayed behind to help clean up the mining site have been deprived of TAA benefits. They were denied by the Department of Labor because they did not perform a job that supported the production of copper.

However, under TAA standards, all employees of a company which closed because of NAFTA are eligible for Trade Adjustment Assistance, whether they are security guards, secretaries

or, in this case, miners. It only makes sense that the employees providing environmental remediation at Copper Range should receive the same TAA benefits that their coworkers received in 1995.

This legislation, with the help of members of the Committee on Ways and Means, will correct this oversight. The passage of this legislation ensures that these employees, with assistance under TAA, will find future employment. The passage of this legislation ensures that all employees will continue to provide for their families while they explore their employment opportunities.

It is only fair to provide these workers with access to the TAA benefits they rightfully deserve, and I urge my colleagues to support this legislation.

After we pass this legislation, I know there is companion legislation in the other body, so, hopefully, we can correct this and pass this legislation this year to help all these employees and to provide the other benefits found in H.R. 4868. I urge my colleagues to support the bill.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I rise to salute the chairman and members of the Ways and Means Subcommittee on Trade and to rise in strong support of H.R. 4868, the Miscellaneous Trade and Technical Corrections Act.

This is good legislation which represents an important piece of housekeeping in our national trade policy. It is legislation which includes numerous noncontroversial trade provisions. This legislation provides for temporary duty suspensions on a variety of products, including environmentally friendly herbicides and fungicides.

Frequently, Mr. Speaker, Congress needs to make technical changes to our trade laws to suspend or reduce tariffs on certain products or chemicals which are not produced domestically. This process is done through the voluntary submission of requests to the Subcommittee on Trade by the administration, by Members of Congress, and by the public, which is then vetted through a public comment period. The subcommittee has done excellent due diligence in producing this product. Should any opposition arise regarding a specific trade provision, they set it aside; and they have presented here a consensus piece of work.

In some cases, American companies and farmers clearly need products or chemicals which are not produced in the United States. Under those circumstances, it does not make sense for us to apply tariffs in those situations. Since these products are not manufactured in the U.S., and their sale will not harm any domestic industry, it is neither necessary nor desirable to maintain these tariffs on such goods. A temporary duty suspension makes products more competitive and helps reduce costs for the farmers and the consumers who utilize these product or chemicals.

I urge my colleagues to support this miscellaneous trade bill. We think that this is an important addition to our trade policy, and our hope is that this Chamber will embrace this legislation and send it forward.

Mr. LEVIN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH), a very active Member of this House.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to begin by thanking the chairman, the gentleman from Illinois (Mr. CRANE), and the ranking member, the gentleman from Michigan (Mr. LEVIN), for their leadership on this in the Ways and Means Subcommittee on Trade.

I would like to bring to the attention of my colleagues an important provision in the Miscellaneous Trade and Technical Corrections Act, which prohibits the importation of products made with dog and cat fur into the United States. This provision is from H.R. 1622, the Dog and Cat Protection Act, a bill which has broad bipartisan support and 93 cosponsors.

A local television station, Channel 8 in my district, in Cleveland, Ohio, recently aired an investigation on the dog and cat fur industry. After that program aired, people called me in tears, in tears, to think that dogs and cats, God's creatures, defenseless animals that we love, could be treated with such cruelty, killed for their fur. My constituents were outraged that this practice was allowed to occur and deluged the station with over 3,000 phone calls expressing their shock, and asking what could be done to end this horrible trade.

Since the airing of the program, my office has received over 700 calls, letters, and e-mail messages from constituents who are very concerned about the mistreatment of dogs and cats and who support a prohibition on the importation of products made from dog and cat fur.

Mr. Speaker, I would like to commend Dick Goddard, Channel 8's respected weatherman, and the entire Channel 8 news team for their work in bringing awareness of this cruelty to the people of northeast Ohio. I want to thank also the Humane Society of the United States, which conducted an 18-month investigation which uncovered the international trade and products made from dog and cat fur. They discovered that dog and cat fur products are in widespread use overseas in a variety of garments, including coats, hats, and gloves and animal figurines. It was even discovered that one of the largest clothing retailers in the United States was unknowingly selling products made with dog fur.

When dog and cat fur is dyed, it is nearly impossible to distinguish it from other fur species. Fur companies purposely mislead consumers by not labeling or mislabeling their products. The only accurate way to determine fur species is through DNA testing.

□ 2000

An estimated 2 million dogs and cats are killed each year for their fur as part of an international fur trade. The animals are kept in deplorable conditions and are brutally killed by a number of inhumane methods, including clubbing and skinning alive.

Now, Americans love their pets. I remember our own family dogs, Spotty and Daisy, who gave us so much joy. And I know why Americans feel so strongly about animals. I also know that over 65 million households have a dog or a cat and many people consider their pets to be members of the family.

Americans deserve to be protected from unknowingly participating in this gruesome practice. I fully support this ban. I believe we must work to provide humane treatment for all animals. I urge my colleagues to support strong legislation to protect American consumers from unknowingly supporting an industry that involves the brutal slaughter of dogs and cats.

When I first heard about this, Mr. Speaker, I told the people of Cleveland that Congress would respond. Congress has responded. I want to say that again. When I first heard about this and the TV station received thousands of calls and my office received hundreds of calls, I told the people to have confidence that Congress would respond.

The gentleman from Illinois (Mr. CRANE) and the gentleman from Michigan (Mr. LEVIN) have answered that with a ringing support for the concerns of the people. I thank them on behalf of all the people in my district and also on behalf of all pet lovers in this country.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, today H.R. 4868 will, in part, designate San Antonio's International Airport as a point of entry.

Later today in this Chamber we will congratulate Mexico on its recent democratic elections, making this airport designation a timely one due to the City of San Antonio's close cultural and business relationship with Mexico.

This airport designation is important to my city so that it can further develop its business ties with Mexico that have already expanded since the approval of NAFTA.

However, significant barriers exist for the private aircraft operator that result in extra time and cost due to interim stops that must be made for Customs processing before coming to San Antonio.

Both business and trade leaders have indicated that business will be helped if San Antonio could receive noncommercial aircraft from Mexico on short notice. Several of San Antonio's large corporations have expanded business trade with Mexico and fly private aircraft into Mexico on a regular basis.

Finally, San Antonio is well equipped to handle a point-of-entry flight, as U.S. Customs has a significant presence at the San Antonio International Airport.

In closing, I want to express special thanks to all members of the Committee on Ways and Means for making this a reality for San Antonio and their assistance.

Mr. LEVIN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from West Virginia (Mr. WISE) my colleague and classmate.

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I thank the members of the majority and minority on the Committee on Ways and Means for bringing this bill to the floor.

In a lot of times in the sweeping debates on major trade policy a bill will pass, and then it is necessary to go back and realize there were certain situations that were not dealt with or perhaps the law of unintended consequences took effect. That is what this bill is about.

I just want to say that there are provisions in this bill that are important to working men and women across our country, certainly in my State of West Virginia. I am very grateful to the chairman and ranking member of the Committee on Ways and Means for putting this bill together, for bringing it to the floor, and for recognizing sometimes the law of unintended consequences and working to make our working men and women much more competitive.

So I think this is an important bill. I rise strongly in support and urge its adoption tonight.

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

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues, in conclusion, please, as we can see clearly, this is a bill that is noncontroversial. We enjoy good, strong bipartisan support. I ask all my colleagues to get on board and vote for H.R. 4868.

Mr. MANZULLO. Mr. Speaker, last March, I introduced a miscellaneous tariff correction bill (H.R. 3715) to help keep the remaining cathode ray tube and computer display screen manufacturers in the United States. After careful review by the Administration and the Ways and Means Committee, this bill was changed to provide a 3-year duty suspension on monochrome glass envelopes. Also, my office has been given assurances that the permanent removal of the tariff on monochrome glass envelopes will be an item of discussion during the next round of global trade talks.

Monochrome glass envelopes are used to make cathode ray tubes that provide the ''light'' behind the computer monitor. When the tariff on monochrome glass envelopes was first proposed, there were American manufacturers of this product. But over the last few years, the final American manufacturer of monochrome glass envelopes decided to get out of the business. Thus, the tariff duty designed to provide a modest level of protection for U.S. makers of monochrome glass envelopes no longer serves its purpose. In fact, the import duty is now hurting the international competitiveness of U.S. cathode ray tube and computer display screen manufacturers.

Other foreign competitors are able to purchase monochrome glass envelopes without this tariff. Thus, they are able to price their computer monitors in the U.S. more competitively than U.S. manufacturers of equivalent product. Mr. Speaker, there should not be a U.S.-government imposed incentive for Americans to buy foreign computer display screens! That's why I ask my colleagues to support the Miscellaneous Trade and Technical Corrections Act of 2000 because section 1247 of this legislation waives the import tariff on monochrome glass envelopes for three years. We need to remove the import tariff on monochrome glass envelopes so that American manufacturers of cathode ray tubes and computer monitors can compete on a more equal footing with their foreign counterparts.

Finally, I want to thank the chairman of the Ways and Means Trade Subcommittee, Mr. CRANE, the ranking minority member, Mr. LEVIN, and the staff of the subcommittee for all the hard work that went into including the 3-year duty suspension of monochrome glass envelopes in H.R. 4868.

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

The SPEAKER pro tempore (Mr. HUTCHINSON). The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 4868, as amended.

The question was taken.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4806, by the yeas and nays;

H. Con. Res. 372, by the yeas and nays; and

H.R. 4868, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CARL ELLIOTT FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4806.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 4806, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 436]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha

Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Barton
Bass
Bateman
Clay
Cubin
Edwards
Ewing
Franks (NJ)
Gilman
Granger
Jenkins
Lazio
McCollum
McIntosh
Menendez
Miller, George
Pickett
Ros-Lehtinen
Royce
Smith (WA)
Vento
Weiner
Wu

□ 2028

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HUTCHINSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING SENSE OF CONGRESS REGARDING HISTORIC SIGNIFICANCE OF 210TH ANNIVERSARY OF ESTABLISHMENT OF COAST GUARD

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 372.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 372, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 437]

YEAS—409

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Barton
Bass
Bateman
Clay
Cox
Cubin
Edwards
Ewing
Fossella
Franks (NJ)
Gilman
Granger
Houghton
Jenkins
Lazio
McCollum
McIntosh
McKinney
Menendez
Miller, George
Pickett
Ros-Lehtinen
Smith (WA)
Vento
Weiner

□ 2036

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 437. I was inadvertently detained. Had I been present, I would have voted "yea."

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2000

The SPEAKER pro tempore (Mr. HUTCHINSON). The pending business is the question of suspending the rules

and passing the bill, H.R. 4868, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. CRANE) that the House suspend the rules and pass the bill, H.R. 4868, as amended, on which the yeas and nays were ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 438]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
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
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Barton
Bass
Bateman
Cubin
Edwards
Ewing
Franks (NJ)
Gilman
Granger
Horn
Jenkins
Lazio
McCollum
McIntosh
McKinney
Menendez
Miller, George
Ros-Lehtinen
Rush
Smith (WA)
Thompson (MS)
Vento
Weiner

□ 2043

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, on rollcall Nos. 430, 431, 432, 433, 434, 435, 436, 437, 438, I was unavoidably detained. If present, I would have voted ''aye'' on rollcall Nos. 430, 431, 432, 433, 434, 435, 436, 437, 438.

□ 2045

APPOINTMENT OF CONFEREES ON H.R. 4578, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REGULA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4578) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. HUTCHINSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. DICKS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4578, be instructed to insist on funding for the Institute of Museum and Library Services at a level not less than the $24,907,000 provided in the Senate amendment.

The SPEAKER pro tempore. The gentleman from Washington (Mr. DICKS) and the gentleman from Ohio (Mr. REGULA) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the small increase for the Institute for Museum and Library Services will help address, which is only $600,000, I might add, some of the critical needs in this country of our museums and libraries.

The dramatic advances in technology, increasing diversity in our population and growing demands for learning across a lifetime requires museums and libraries to provide service in new ways. This is a small but vitally important increase. It is my hope that a favorable vote on this motion to instruct conferees will demonstrate the support for these programs, and I urge support for the motion.

Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding me time.

Mr. Speaker, perhaps more than any other institution, museums consistently give the American people a real glimpse into our past. Walk a few feet outside the door of the Capitol and you see hundreds of people from all over the country and the world touring through the many museums here in Washington. These visits give both adults and children a sense of our own history and culture as well as those of other nations. That is why I believe it makes good sense to provide the Institute for Museum and Library Services

with the funding increase suggested by this motion.

In 1995, the budget for the Institution of Museum and Library Services was cut by more than 25 percent. Since then, the IMLS has seen only extremely modest increases in their funding levels. This motion to instruct provides much needed and very affordable relief by directing the conferees to accept a $600,000 increase for this agency, an amount that was responsibly added to this bill by the other body. This Institute of Museum and Library Services oversees America's 8,000 museums, connects schools, libraries and other institutions with many wonderful resources within their walls. With additional funding, IMLS can continue to administer the wonderful programs that connect our youth with history and expose all of us to worlds we have yet to know.

In an era where technology takes center stage in our society, we need new programs more than ever and not to forget to emphasize art, culture, and history. If we give these services nothing more than level funding, we send a message to the younger generation that it is okay to forget your past, it is okay not to have a place where individuals can see evidence of the greatness that came before them. Unless we approve this motion, we are contributing to the slow death of arts and culture in America. We owe our constituents much more than that.

Mr. Speaker, I urge all of my colleagues to vote in favor of the motion to instruct.

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

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct is a very small and modest amount for the Institute of Museum and Library Services, and it just requests that we take the Senate level, which was $600,000 above the House level, a good program. I urge adoption of the motion.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DICKS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. DICKS).

The motion was agreed to.

The SPEAKER pro tempore. Without objection the Chair appoints the following conferees: Messrs. REGULA, KOLBE, SKEEN, TAYLOR of North Carolina, NETHERCUTT, WAMP, KINGSTON, PETERSON of Pennsylvania, YOUNG of Florida, DICKS, MURTHA, MORAN of Virginia, CRAMER, HINCHEY, and OBEY.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken tomorrow.

MILITARY EXTRATERRITORIAL JURISDICTION ACT OF 2000

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3380) to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3380

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 ''Military Extraterritorial Jurisdiction Act of 2000''.

SEC. 2. FEDERAL JURISDICTION.

(a) CERTAIN CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following new chapter:

''CHAPTER 212—MILITARY EXTRATERRITORIAL JURISDICTION

''Sec.
''3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States.
''3262. Arrest and commitment.
''3263. Delivery to authorities of foreign countries.
''3264. Limitation on removal.
''3265. Initial proceedings.
''3266. Regulations.
''3267. Definitions.

''§ 3261. Criminal offenses committed by certain members of the Armed Forces and by persons employed by or accompanying the Armed Forces outside the United States

''(a) Whoever engages in conduct outside the United States that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States—

''(1) while employed by or accompanying the Armed Forces outside the United States; or

''(2) while a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice),

shall be punished as provided for that offense.

''(b) No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval may not be delegated.

''(c) Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

''(d) No prosecution may be commenced against a member of the Armed Forces subject to chapter 47 of title 10 (the Uniform Code of Military Justice) under this section unless—

''(1) such member ceases to be subject to such chapter; or

''(2) an indictment or information charges that the member committed the offense with 1 or more other defendants, at least 1 of whom is not subject to such chapter.

''§ 3262. Arrest and commitment

''(a) The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside the United States any person described in section 3261(a) if there is probable cause to believe that such person violated section 3261(a).

''(b) Except as provided in sections 3263 and 3264, a person arrested under subsection (a) shall be delivered as soon as practicable to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such subsection unless such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

''§ 3263. Delivery to authorities of foreign countries

''(a) Any person designated and authorized under section 3262(a) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have violated section 3261(a) if—

''(1) appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

''§ 3264. Limitation on removal

''(a) Except as provided in subsection (b), and except for a person delivered to authorities of a foreign country under section 3263, a person arrested for or charged with a violation of section 3261(a) shall not be removed—

''(1) to the United States; or

''(2) to any foreign country other than a country in which such person is believed to have violated section 3261(a).

''(b) The limitation in subsection (a) does not apply if—

''(1) a Federal magistrate judge orders the person to be removed to the United States to be present at a detention hearing held pursuant to section 3142(f);

''(2) a Federal magistrate judge orders the detention of the person before trial pursuant to section 3142(e), in which case the person shall be promptly removed to the United States for purposes of such detention;

''(3) the person is entitled to, and does not waive, a preliminary examination under the Federal Rules of Criminal Procedure, in which case the person shall be removed to the United States in time for such examination;

''(4) a Federal magistrate judge otherwise orders the person to be removed to the United States; or

''(5) the Secretary of Defense determines that military necessity requires that the limitations in subsection (a) be waived, in which case the person shall be removed to the nearest United States military installation outside the United States adequate to detain the person and to facilitate the initial appearance described in section 3265(a).

''§ 3265. Initial proceedings

''(a)(1) In the case of any person arrested for or charged with a violation of section 3261(a) who is not delivered to authorities of a foreign country under section 3263, the initial appearance of that person under the Federal Rules of Criminal Procedure—

''(A) shall be conducted by a Federal magistrate judge; and

''(B) may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

''(2) In conducting the initial appearance, the Federal magistrate judge shall also determine whether there is probable cause to believe that an offense under section 3261(a) was committed and that the person committed it.

''(3) If the Federal magistrate judge determines that probable cause exists that the person committed an offense under section 3261(a), and if no motion is made seeking the person's detention before trial, the Federal magistrate judge shall also determine at the initial appearance the conditions of the person's release before trial under chapter 207 of this title.

''(b) In the case of any person described in subsection (a), any detention hearing of that person under section 3142(f)—

''(1) shall be conducted by a Federal magistrate judge; and

''(2) at the request of the person, may be carried out by telephony or such other means that enables voice communication among the participants, including any counsel representing the person.

''(c)(1) If any initial proceeding under this section with respect to any such person is conducted while the person is outside the United States, and the person is entitled to have counsel appointed for purposes of such proceeding, the Federal magistrate judge may appoint as such counsel for purposes of such hearing a qualified military counsel.

''(2) For purposes of this subsection, the term 'qualified military counsel' means a judge advocate made available by the Secretary of Defense for purposes of such proceedings, who—

''(A) is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State; and

''(B) is certified as competent to perform such duties by the Judge Advocate General of the armed force of which he is a member.

''§ 3266. Regulations

''(a) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations governing the apprehension, detention, delivery, and removal of persons under this chapter and the facilitation of proceedings under section 3265. Such regulations shall be uniform throughout the Department of Defense.

''(b)(1) The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall prescribe regulations requiring that, to the maximum extent practicable, notice shall be provided to any person employed by or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

''(2) A failure to provide notice in accordance with the regulations prescribed under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

''(c) The regulations prescribed under this section, and any amendments to those regulations, shall not take effect before the date that is 90 days after the date on which the Secretary of Defense submits a report containing those regulations or amendments (as the case may be) to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

''§ 3267. Definitions

''As used in this chapter:

''(1) The term 'employed by the Armed Forces outside the United States' means—

''(A) employed as a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department), as a Department of Defense contractor (including a subcontractor at any tier), or as an employee of a Department of Defense contractor (including a subcontractor at any tier);

''(B) present or residing outside the United States in connection with such employment; and

''(C) not a national of or ordinarily resident in the host nation.

''(2) The term 'accompanying the Armed Forces outside the United States' means—

''(A) a dependent of—

''(i) a member of the Armed Forces;

''(ii) a civilian employee of the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(iii) a Department of Defense contractor (including a subcontractor at any tier) or an employee of a Department of Defense contractor (including a subcontractor at any tier);

''(B) residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

''(C) not a national of or ordinarily resident in the host nation.

''(3) The term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a)(4) of title 10.

''(4) The terms 'Judge Advocate General' and 'judge advocate' have the meanings given such terms in section 801 of title 10.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following new item:

''212. Military extraterritorial jurisdiction ..... 3261''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3380.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3380, the Military Extraterritorial Jurisdiction Act of 1999, was introduced by the gentleman from Georgia (Mr. CHAMBLISS) last year, together with the gentleman from Florida (Mr. MCCOLLUM), who is the chairman of the Subcommittee on Crime.

The bill as it is reported from the Committee on the Judiciary today is the product of close collaboration between the gentleman from Georgia (Mr. CHAMBLISS), the gentleman from Florida (Mr. MCCOLLUM), and the ranking minority member of the Subcommittee on Crime, the gentleman from Virginia (Mr. SCOTT). It also reflects the input of the Departments of Justice and Defense, the American Civil Liberties Union and the National Education Association. I am pleased to represent to the Members that the bill is supported by both the Defense and Justice Departments, as well as the ACLU and the NEA.

H.R. 3380 would amend Federal law to establish Federal criminal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the United States Armed Forces. It would also establish Federal criminal jurisdiction over offenses committed outside the United States by members of the Armed Forces, but who are not tried for those crimes by military authorities and later cease to be the subject of military control. This bill fills the jurisdiction gap in the law that has allowed rapists, child molesters and a variety of other criminals to escape punishment for their crimes. This bill fills that gap and will help to ensure that persons who commit crimes while accompanying our Armed Forces abroad will be punished for their crimes.

Mr. Speaker, I am pleased to support it. The Committee on the Judiciary ordered the bill reported favorably by voice vote late last month.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. CHAMBLISS), the original sponsor of the legislation. I would like to commend the gentleman for his leadership in this effort.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from Ohio for his leadership on this and for his cooperation in bringing this bill to the floor.

Mr. Speaker, I rise in strong support of this bill, which fixes a loophole in the law and is critical to enforcing justice and assisting America's military leaders in maintaining order and discipline among our Armed Forces.

In many cases, when a crime is committed by an American civilian who accompanies our military overseas, they may be subject to prosecution by the foreign government, or subject to provisions of an international agreement which governs how these cases are handled. However, too many times there are instances where American civilians attached to a military unit commit crimes outside the United States but cannot be prosecuted because the foreign governments decline to take any action and U.S. military or civilian law enforcement agencies lack the appropriate authority to prosecute these criminals. As a result, military commanders can only issue minor administrative sanctions as a punishment for

serious crimes like rape, arson, or murder.

Let me give you just a couple of examples of the problem our military faces. In one instance, a Department of Defense teacher raped a minor and videotaped the event. The host country chose not to prosecute, and our government did not have jurisdiction to prosecute the teacher.

In another case, the son of a contract employee in Italy committed various crimes, including rape, arson, assault and drug trafficking. Again, because of a lack of jurisdiction to prosecute, as a punishment for these criminal acts the son could only be barred from the base.

Finally, an Air Force employee molested 24 children ages 9 to 14. However, because the host country refused to prosecute, the only recourse was again to bar this individual from the base. Certainly these flimsy punishments do not match the seriousness of the crimes these individuals committed.

For several decades, Congress has been urged to close this jurisdictional gap. In fact, 20 years ago the General Accounting Office reported that in 1977, foreign countries hosting American troops and civilians refused to prosecute 59 cases of serious crimes such as rape, manslaughter, arson, robbery and burglary.

Today we have almost a quarter of a million civilian employees and dependents deployed with our military overseas. As we have drawn down our military services, civilian employees and contractors have played increasingly important roles in supporting our contingency operations. As this trend continues unabated, crimes that fall into this jurisdictional gap continue to go unpunished.

In 1995, Congress directed the Departments of Defense and Justice to review this issue and make recommendations on the appropriate way to extend criminal jurisdiction to civilians accompanying the Armed Forces overseas. Our bill is built on the hard work and efforts of the advisory committee established by the Departments of Defense and Justice which studied this issue very thoroughly. We have worked on a bipartisan basis with the Departments in drafting this important legislation to ensure that crimes are punished.

Furthermore, the courts have encouraged Congress to close the jurisdictional gap in the law. In one case an enlisted soldier was accompanied by her husband and stepdaughter on a tour of duty in Germany. Upon returning to the United States, the daughter gave birth to a child and revealed that the stepfather was in fact the baby's father. The man was charged with sexual abuse of a minor, but the case was ultimately dismissed because the Court of Appeals found that the statute could only be applied to a crime committed within the United States. A lack of jurisdiction allowed this crime to go unpunished and justice to be avoided.

Mr. Speaker, it is high time that we give our government the ability to hold citizens accountable for all criminal offenses. H.R. 3380 will finally close this legal loophole, that allows some criminals outside the United States to avoid prosecution and prevents justice from being served.

□ 2100

This bill will create a new Federal law that would apply Federal criminal statutes to crimes which are committed overseas by employees or dependents of members of the Armed Forces, persons employed by the Department of Defense, or contractors or subcontractors of the Armed Forces.

The bill would preclude prosecution against a person if a foreign government prosecutes the defendant or if the defendant is subject to the Uniform Code of Military Justice.

Department of Defense law enforcement personnel would be authorized to arrest alleged criminals and would deliver them as soon as practicable to United States civilian law enforcement officials or to law enforcement personnel of a foreign country.

Finally, the bill places limits on the power of law enforcement personnel to remove arrested persons from the country in which they are arrested or found and ensure that the due process rights of the accused are protected.

Mr. Speaker, I want to recognize the leadership of Senator JEFF SESSIONS of the great State of Alabama, who sponsored the original bill and brought this issue to the forefront. I also want to thank the gentleman from Florida (Mr. MCCOLLUM), the coauthor of this bill with me, along with the ranking member, the gentleman from Virginia (Mr. SCOTT), in working together to craft a thorough and comprehensive approach to address this problem.

As I said earlier, this has been a true bipartisan effort and the gentleman from Virginia (Mr. SCOTT) has been very helpful in coming together with us on the language and I want to thank him on the floor tonight and commend him for his very dedicated service here.

We must continue our commitment to enforcing the law and reducing crime. I strongly believe that now is the time for Congress to act to close the loophole that allows civilian criminals to escape prosecution of their crimes, and I urge my colleagues to join me in supporting H.R. 3380, the Military Extraterritorial Jurisdictional Act.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to offer my support for the bill; and I want to express my appreciation to the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime, and the gentleman from Ohio (Mr. CHABOT) and the chief patron of the bill, the gentleman from Georgia (Mr. CHAMBLISS), for their hard work and bipartisan and cooperative approach in developing this bill; and also to the staff of the Department of Defense, the Department of Justice, the National Education Association, the American Federation of Teachers, and the ACLU who helped us craft this bill.

The cooperative effort applied to this bill is a model for openness and collaboration which I would hope we would see more of in this body.

The bill closes a loophole in the current law which allows some individuals to escape responsibility for criminal acts committed outside of the United States. Civilian employees, contractors and dependent family members of both civilian and military personnel who commit criminal acts while connected to overseas military operations are not covered by either the Military Code of Justice, because they are not in the military, nor by the Federal Criminal Code because the acts were committed outside of the United States, as was in the example that the gentleman from Georgia (Mr. CHAMBLISS) mentioned; nor are recently discharged enlisted personnel whose crimes are not prosecuted prior to discharge.

Now, these crimes are technically subject to prosecution in the foreign country, but those who are attached to the military and commit a crime on a military base are generally not prosecuted by the foreign government who see this as a United States military problem, and they generally do not intervene. The bill fixes this problem by extending Federal criminal jurisdiction to these situations.

It is my position that a United States citizen attached to military bases abroad who commits serious criminal offenses while living on a military base should be held no less accountable than they would if they had committed such an offense in the United States. It is also my position that those individuals accused of such offenses are entitled to no less due process and other constitutional protections than they would receive if the offense had been committed in the United States.

This bill, as structured, effectively holds criminals responsible for acts and provides decent due process protection so that innocent people charged with a crime are considered for bail prior to trial and have a reasonable opportunity to defend themselves. For that reason, Mr. Speaker, and with thanks to the cooperative effort of those who worked on this bill with me, I urge my colleagues to support the bill.

Mr. MCCOLLUM. Mr. Speaker, I am proud to be the original co-sponsor of H.R. 3380 the Military Extraterritorial Jurisdiction Act of 1999, introduced by my friend and colleague Representative SAXBY CHAMBLISS last year. The bill as it is reported from the Judiciary Committee today is the product of close collaboration between Mr. CHAMBLISS, myself, and the ranking minority member of the Subcommittee on Crime, Representative SCOTT, together with the majority and minority staffs of the Subcommittee on Crime. It also reflects the input of the Departments of Justice and Defense, the American Civil Liberties Union, and the

National Education Association, and I am please to announce that the bill is supported by both the Defense and Justice Departments as well as the ACLU and the NEA.

H.R. 3380 was introduced on November 16, 1999. The Crime Subcommittee held a hearing on the bill on March 30, 2000. On May 11, the Subcommittee reported the bill favorably, as amended, by voice vote. On June 27, the Committee on the Judiciary ordered the bill reported, by voice vote. The report on the bill, House Report 106–778, was filed on July 20, 2000.

H.R. 3380 would amend Federal law to establish Federal criminal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the United States Armed Forces. It would also establish Federal criminal jurisdiction over offenses committed outside the United States by members of the Armed Forces but who are not tried for those crimes by military authorities and later cease to be subject to military control.

When members of the military, and the civilians accompanying them, commit crimes overseas, they are subject to the jurisdiction of the nations where those crimes occurred. Military members are also subject to prosecution under the Uniform Code of Military Justice (UCMJ), and when they commit crimes overseas they are usually prosecuted by the military. Surprisingly, the nations that host Americans personnel often choose not to prosecute civilians who commit crimes within their territories. This is most often the case when Americans commit crimes against other Americans or their property. These civilians often go unpunished because there is no Federal jurisdiction covering their criminal conduct in most cases. For most crimes, Federal (and state) criminal jurisdiction stops at our nation's borders and so, persons who commit these crimes overseas cannot be prosecuted under American law. Further, if military members are discharged before their crimes are discovered, they too are beyond the reach of a military court martial. Each year, numerous incidents of rape, sexual abuse, aggravated assault, robbery, drug distribution, and a variety of fraud and property crimes committed by American civilians abroad go unpunished because host nations choose to waive jurisdiction over them.

Clearly, no crime, especially violent crimes and crimes involving significant property damage, should go unpunished when it is committed by persons employed by or accompanying our military abroad. In most, if not all cases, the only reason why these people are living in a foreign country is because our military is there and they have some connection to it. It is clear that the government has an interest in ensuring that they are punished for any crimes they commit there. Just as importantly, as many of the crimes going unpunished are committed against American victims and American property, the government has an interest in using its law to punish those who commit these crimes.

In addition to the moral justification in punishing these acts, punishing them will also have a beneficial effect on the functioning of the military. As a Defense Department witness testified at the hearing on H.R. 3380 held by the Subcommittee on Crime. ''The inability of the United States to appropriately pursue the interests of justice and hold its citizens criminally accountable for offenses committed overseas has undermined deterrence, lowered morale, and threatened good order and discipline in our military communities overseas. In addition, the inability of U.S. authorities to adequately respond to serious misconduct within the civilian component of the U.S. Armed Forces, presents the strong potential for embarrassment in the international community, increases the possibility of hostility in the host nation's local community where our forces are stationed, and threatens relationships with our allies.'' In my mind, it is time for Congress to address these problems by enacting this legislation at this time.

H.R. 3380 will close the jurisdictional gap in existing law by extending Federal criminal jurisdiction to cover American personnel who engage in conduct outside the United States that would constitute an offense had it been committed within the special maritime and territorial jurisdiction of the United States. The extended criminal jurisdiction would apply to two groups of people: first, to persons employed by or who are accompanying the Armed Forces outside of the United States and second, to persons who are members of the Armed Forces at the time they committed criminal acts but thereafter cease to be subject to UCMJ jurisdiction without having been tried by courts-martial.

The bill defines the phrase ''accompanying the Armed Forces outside the United States'' to mean those persons who are dependents of members of the Armed Forces, civilian employees of a military department or the Department of Defense, or a DoD contractor or subcontractor, or an employee of a DoD contractor or subcontractor. As used in the bill, the term ''dependents'' also includes juveniles who are dependents of such persons. In all cases, however, the dependent must reside with the military member, employee, contractor or contractor employee and not be a national of or ordinarily resident in a host nation in order for United States jurisdiction to apply. The bill will bring within the scope of the new crime both American citizens and nationals, as well as persons who are nationals of other countries, provided those persons are not nationals of or ordinarily resident in the host nation. The bill also defines the phrase ''employed by the Armed Forces outside the United States'' to mean civilian employees of the Defense Department, DoD contractors or subcontractors, or employees of a DoD contractor or subcontractor.

The bill prohibits a prosecution under the new law statute if a foreign government has prosecuted or is prosecuting such person for the conduct constituting the offense in accordance with jurisdiction recognized by the United States, but allows the Attorney General or the Deputy Attorney General to waive this provision in appropriate cases. The bill further provides that the Secretary of Defense may designate and authorize persons serving ''in law enforcement position'' in the Department of Defense to arrest those who are subject to the new statute when there is probable cause to believe that the person engaged in conduct that constitutes an offense under the new statute. Persons arrested by DoD personnel are to be delivered ''as soon as practicable'' to the custody of civilian law enforcement authorities of the United States for removal to the United States for criminal proceedings. The bill also provides that the Secretary of Defense is to prescribe regulations governing the apprehension, detention, delivery, and removal of persons under the new chapter.

Finally, because this legislation will address the unusual circumstance in which a person who is not in the United States will be required to stand trial in this country, the bill restricts the power of military and civil law enforcement officials to forcibly remove from a foreign country a person arrested for, or charged with, a violation of section 3261. The bill prohibits the removal of the person to the United States or to any foreign country other than a country in which the person is believed to have committed the crime or crimes for which they have been arrested or charged, except for several situations in which the limitation on removal does not apply. For example, the bill does not prohibit the government from removing a defendant to the United States if a Federal judge orders the defendant to appear at a detention hearing or to be detained pending trial, as ordered by a judge. In fact, judges are given the discretion to order the defendant to be removed at any time. The bill also allows Defense Department officials to remove the defendant from the place where he or she is arrested if the Secretary of Defense determines that military necessity requires it. In such an event, however, the defendant may only be removed to the nearest United States military installation outside the United States that is adequate to detain the person and facilitate the initial proceedings described in the bill.

In order to allow most defendants to remain in the country where they are arrested, or where they are located when charged with a violation of section 3261, until the time of trial, the bill enacts novel provisions that allow for certain of the initial proceedings that may take place in a Federal criminal case to be conducted by telephone or even video teleconferencing. The bill allows Federal judges to conduct the initial appearance in that matter. As a practical matter, because the Federal Rules of Criminal Procedure require that the initial appearance be held without unnecessary delay after a person is arrested, conducting that appearance by telephone or video teleconferencing may be the only way to satisfy this requirement. If a detention hearing will be held in that case, and if the defendant requests, that hearing also may be conducted by telephone or other means that allows voice communication among the participants.

These removal provisions reflect the input of the Departments of Justice and Defense, as well as the ACLU and the NEA. I want to thank their representatives for working so closely with the majority and minority staffs of the Subcommittee on Crime in order to resolve concerns over this aspect of the bill.

Today, following consideration of H.R. 3380, I understand that the House will take the bill S. 768 from the desk and move it to its immediate consideration. This bill is similar to H.R. 3380, at least in purpose, and was introduced in the other body by Senator JEFF SESSIONS of Alabama. It passed the other body by voice vote on July 1, 1999. Pursuant to an agreement between Senator SESSIONS, Representative CHAMBLISS, and myself, following the passage of H.R. 3380 the House will amend S. 768 by striking the text of that bill as it passed the other body and insert the text of H.R. 3380 as it was passed by the House. The House will then pass, S. 768, and send that bill, as amended to the other body for passage. In

short, the bill that will be signed into law will be numbered S. 768 but will contain the text of H.R. 3380 as passed here today.

I want to thank Representative CHAMBLISS for his leadership on this important issue and Representative SCOTT for all of the work that he and his staff have put in on this bill. I also want to thank several of the representatives of the Department of Defense and Justice who have spent a great deal of time working with the staff of the Subcommittee on Crime on this bill and whose input has been invaluable in developing the legislation. From the Department of Justice, Mr. Roger Pauley, Director for Legislation, Office of Policy and Legislation. From the Department of Defense: Mr. Robert Reed, Associate Deputy General Counsel; Brigadier General Joseph Barnes, Assistant Judge Advocate General, U.S. Army; Colonel David Graham, Chief International and Operational Law Division, Office of The Judge Advocate General; Colonel Donald Curry, Special Assistant for Legal Issues and Installations, Office of the Assistant Secretary of Defense—Legislative Affairs; Lieutenant Colonel Ronald Miller, Deputy Chief, International and Operational Law Division, Office of The Judge Advocate General, U.S. Army; Lieutenant Colonel Denise Lind, Criminal Law Division, Office of The Judge Advocate General, U.S. Army; Major (promotable) Gregory Baldwin, Legislative Counsel, Office of the Chief, Legislative Liaison, U.S. Army.

Finally, I want to thank the members of the staff of the Subcommittee on Crime who have worked so hard to craft this legislation: Glenn Schmitt, Chief Counsel; Rick Filkins, Counsel; Bobby Vassar, Minority Counsel; Iden Martyn, Minority DOJ Detailee. I know Mr. SCOTT joins me in thanking all of them for their hard work.

The issue of crimes committed by persons who accompany our Armed Forces abroad has been the subject of bills introduced in Congress for over 40 years. It's high time we acted to fix this problem. H.R. 3380 will do just that. I urge all of my colleagues to support this bill.

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

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 3380, as amended.

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

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4942, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. LINDER (during consideration of motion to instruct on H.R. 4578), from the Committee on Rules, submitted a privileged report (Rept. No. 106–790) on the resolution (H. Res. 563) providing for consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4033) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests, as amended.

The Clerk read as follows:

H.R. 4033

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 ''Bulletproof Vest Partnership Grant Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest;

(2) according to studies, between 1985 and 1994, 709 law enforcement officers in the United States were feloniously killed in the line of duty;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) according to studies, between 1985 and 1994, bullet-resistant materials helped save the lives of more than 2,000 law enforcement officers in the United States; and

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite a decrease in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''.

SEC. 3. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

(a) MATCHING FUNDS.—Section 2501(f) (42 U.S.C. 3796ll(f)) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking ''The portion'' and inserting the following:

''(1) The portion'';

(2) by striking ''subsection (a)'' and all that follows through the period at the end of the first sentence and inserting ''subsection (a)—

''(A) may not exceed 50 percent; and

''(B) shall equal 50 percent, if—

''(i) such grant is to a unit of local government with fewer than 100,000 residents;

''(ii) the Director of the Bureau of Justice Assistance determines that the quantity of vests to be purchased with such grant is reasonable; and

''(iii) such portion does not cause such grant to violate the requirements of subsection (e).''; and

(3) by striking ''Any funds'' and inserting the following:

''(2) Any funds''.

(b) ALLOCATION OF FUNDS.—Section 2501(g) (42 U.S.C. 3796ll(g)) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

''(g) ALLOCATION OF FUNDS.—Funds available under this part shall be awarded, without regard to subsection (c), to each qualifying unit of local government with fewer than 100,000 residents. Any remaining funds available under this part shall be awarded to other qualifying applicants.''.

(c) APPLICATIONS.—Section 2502 (42 U.S.C. 3796ll–1) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after subsection (c) the following new subsection:

''(d) APPLICATIONS IN CONJUNCTION WITH PURCHASES.—If an application under this section is submitted in conjunction with a transaction for the purchase of armor vests, grant amounts under this section may not be used to fund any portion of that purchase unless, before the application is submitted, the applicant—

''(1) receives clear and conspicuous notice that receipt of the grant amounts requested in the application is uncertain; and

''(2) expressly assumes the obligation to carry out the transaction regardless of whether such amounts are received.''.

(d) DEFINITION OF ARMOR VEST.—Paragraph (1) of section 2503 (42 U.S.C. 3796ll–2) of such Act is amended—

(1) by striking ''means body armor'' and inserting the following: ''means—

''(A) body armor''; and

(2) by inserting after the semicolon at the end the following: ''or

''(B) body armor which has been tested through such voluntary compliance testing program, and found to meet or exceed the requirements of NIJ Standard 0115.00, or any subsequent revision of such standard;''.

(e) INTERIM DEFINITION OF ARMOR VEST.—For purposes of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, the meaning of the term ''armor vest'' (as defined in section 2503 of such Act (42 U.S.C. 37966ll–2)) shall, until the date on which a final NIJ Standard 0115.00 is first fully approved and implemented, also include body armor which has been found to meet or exceed the requirements for protection against stabbing established by the State in which the grantee is located.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(23) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking the period at the end and inserting the following: '', and $50,000,000 for each of fiscal years 2002 through 2004.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the H.R. 4033, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey (Mr. LOBIONDO) be permitted to control my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LOBIONDO asked and was given permission to revise and extend his remarks.)

Mr. LOBIONDO. Mr. Speaker, I am very pleased to come before the House today in support of H.R. 4033, the Bulletproof Vest Reauthorization Act of 2000. This noncontroversial, bipartisan legislation was introduced by the gentleman from Indiana (Mr. VISCLOSKY) and myself in March, and it passed out of the full Committee on the Judiciary by voice vote on July 7.

To me, this is a very simple issue and one that I know well. I firmly believe that when a police officer is issued a badge and a gun they should also be issued a bulletproof vest. When police officers put their lives on the line every day protecting our neighborhoods, they deserve the highest level of protection and security, which only a bulletproof vest can provide.

When I first introduced the original bulletproof vest bill during the 105th Congress, I modeled the program after a Vest-a-Cop and Shield-the-Blue programs established in Southern New Jersey many years ago. When I was first elected to Congress, then Sergeant Rich Gray, an Atlantic County police officer in Pleasantville came to me telling me of a program that they had put together in Atlantic County, New Jersey.

Sergeant Gray, who is now Chief Rich Gray of the Pleasantville Police Department, and a very dedicated group of police officers decided that it was time to do something about those who were defending our citizens every day who did not have protection. They started a program called Vest-a-Cop. That Vest-a-Cop program began to grow in Atlantic County and it was really the genesis for the idea that I had and subsequently found out that my colleague, the gentleman from Indiana (Mr. VISCLOSKY), had from his jurisdiction in Indiana.

At that time, the Vest-a-Cop program was actually raising money in a variety of different ways. They were reaching out to the community asking people in the community to understand the needs of police officers and asking people in the community to contribute. We had Scouts who were basically baking cookies and cupcakes and selling them. We had events of all different kinds that were providing vests one and two and three at a time.

This program is one that we modeled after that, and we realized that doing it piecemeal was not going to really cut it and protect our officers for what they needed.

The current bulletproof vest partnership program has enabled police jurisdictions across the Nation to purchase over 180,000 bulletproof vests over the last 2 years, 180,000 vests that probably would not have been purchased otherwise. However, due to the tremendous popularity of the program, and actually the program became much more popular than we ever anticipated, we were not able to meet all of the demands. None of the jurisdictions received the full 50/50 Federal-State match this year; and, in fact, the Department of Justice reported that jurisdictions with under 100,000 residents received a disproportionately low share of Federal funds. An average of only 22 cents on the dollar came from the Federal Government.

Mr. Speaker, that is not what we in this House originally intended, and this legislation helps correct that.

The bill before us today will extend and improve the current bulletproof vest program. First, the annual authorization will be doubled from $25 million to $50 million per year through the year 2004, extending the program for 3 more years. That is critical to enable all the officers across the Nation to be able to take advantage of this program which saves lives.

Second, language was included in the bill which will guarantee that smaller jurisdictions receive a fair portion of the funding.

Finally, those jurisdictions and corrections officers who have been waiting for the national stab-proof standard to be approved by the Department of Justice will be able to purchase state-approved bulletproof and stab-proof vests under this standard. That is a very big improvement from where we were on the last go-around.

The stab-proof issue is of particular interest to me because it hits very close to home. Corrections Officer Fred Baker in my district in New Jersey was stabbed to death while on duty at Bayside State Prison. Officer Baker was not wearing a vest at the time. We can only speculate as to whether his life would have been spared had he had the opportunity to wear a vest, but many of us believe had he had that opportunity that Officer Baker would be alive today.

If Officer Baker had the chance, I am sure he would not have hesitated to put that vest on.

It is critical that Members vote in favor of this legislation. According to the FBI, an average of over 100 officers are assaulted every day and in 1999, 139 officers were slain while in the line of duty. There are still thousands of officers on duty who do not have access to these life-saving vests. This is an opportunity for us as Members of Congress, who talk so very often about the importance of law enforcement to us, who talk about what we want to do to provide law enforcement the opportunity to help protect themselves as they keep our citizens safe, this is our opportunity to do something.

This common sense bill has gained the support of 264 bipartisan cosponsors, as well as major law enforcement organizations across this Nation. I would like to commend all of those who were involved in bringing this bill to the floor today.

I would first like to thank the majority leader, the gentleman from Texas (Mr. ARMEY), who put up with my pleas and pestering for so very long about the importance of this bill; the gentleman from Illinois (Mr. HYDE); and the subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM).

I would also like to thank my colleague, the gentleman from Virginia (Mr. SCOTT), for his help in this effort. The gentleman from Virginia (Mr. SCOTT) was influential on the Committee on the Judiciary as we were moving this bill through; and saving for last, my colleague, the gentleman from Indiana (Mr. VISCLOSKY).

The gentleman from Indiana (Mr. VISCLOSKY) and I have worked on this bill from the very beginning. This is probably a great example of a partnership to be developed to move legislation that is meaningful and can do something in a very positive way and save lives. That is the bottom line here.

Mr. Speaker, I urge my colleagues to support this legislation.

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill. First, I want to commend my colleague, the gentleman from Indiana (Mr. VISCLOSKY), and the gentleman from New Jersey (Mr. LOBIONDO) for their hard work and dedication in bringing this bill forward. I also want to thank the chairman of the subcommittee, the gentleman from Florida (Mr. MCCOLLUM), and the gentleman from Ohio (Mr. CHABOT) and their staffs for their cooperative and bipartisan spirit in developing this bill and moving it expeditiously along the way.

The Bulletproof Vest Partnership Grant Act will reauthorize and double the funding for this lifesaving program. I can think of no better way to show our gratitude and respect for the brave men and women who put their lives on the line every day to serve and protect the citizens of this country than to fully fund a program which may well save their lives and protect them from grave harm.

Regrettably, as has already been mentioned, we have had more requests for funding than we have had funding, and this bill will allow us to meet those requests. With a proven track record of having saved thousands of lives since their inception, we should not only ensure that all officers subject to harm from gunfire have access to bulletproof vests but also all officers subject to stab wounds, such as correctional officers, are provided with vests that can save their lives. That is why, Mr. Speaker, I supported the amendment of the gentleman from Florida (Mr. MCCOLLUM) at the subcommittee markup to allow funding for stab-proof vests as well as bulletproof vests.

Mr. Speaker, I urge my colleagues to support the bill.

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

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Mr. LOBIONDO. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. MCINNIS).

Mr. MCINNIS. Mr. Speaker, I thank the gentleman from New Jersey for

yielding me this time. I also thank, in fact, all the people that have put forth effort in this.

Mr. Speaker, I used to be a police officer; and I can tell my colleagues something. On the street, the cheapest life insurance policy an officer can get is a bulletproof vest. It does not give 100 percent protection. They can still take a head shot or a shot in an artery in the leg. But it guarantees a lot better odds than they have without it.

I remember the days when I was cop on the street unit and the vests we put on; it is like it was yesterday. It was like putting on a bucket filled with concrete. They were miserable. When the officer bent, they would not bend so it looks like they twisted their neck as they tried to go around. The cops did not like to wear them. The other problem was that when they were on the force for a while, like several of my colleagues, bless their hearts, they never thought it would happen to them. They just read the stories. We were in small communities.

The third problem we had, which the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Virginia (Mr. SCOTT) recognized, was the fact that in small communities we did not necessarily have the resources. I remember going to the big cities, how much we admired the equipment that they had. I mean, I am not that old, but this does show my age. We still had a fire truck that we winded on the front. We had to crank it. So bulletproof vests, that really meant something to us.

Mr. Speaker, I think this is an excellent bill. And clearly the technology has advanced. I had an opportunity not long ago, in fact, one of our surgeons at the hospital, one of our military surgeons who recently retired, his hobby was research on bulletproof vests. Believe it or not, they would take cadavers and take vests and try different things. The advancement that we have seen in technology could just mandate that these be put on every officer out there.

Mr. Speaker, I know the statistics. The statistics of over 2,000 officers saved. I will tell my colleagues what else it does. It not only has saved 2,000 lives, but it gives a lot of officers some confidence to go into situations that they would not otherwise have. Now, it is true that it may give some overconfidence, but the fact is there are a lot of situations where officers feel they are outgunned. But having the right kind of equipment, they can go in there quick.

As a police officer, they often find themselves in a situation. They were not paid to sit on the street and watch what was happening; they were paid to get in the way of danger and go in and stop it. They can go in with more boldness when they have the protection that this bill offers.

This is an excellent bill. And the way a bill should be measured, and obviously it sounds great, but there really must be accountability on a bill. When we measure the accountability of this bill, we see the dollars we spend out and what we are getting in return. Clearly, the return that we have gotten is such that it easily justifies the additional appropriation and the additional authorization that this bill asks for.

Mr. Speaker, I commend both of the gentlemen for their efforts in this regard. And I can tell these gentlemen that they will never get a thanks, because people will not think of them. But there will be many families in the future that will thank them for the saving of a life of their loved one.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), the original cosponsor of the legislation who has done so much work to bring this bill forward.

(Mr. VISCLOSKY asked and was given permission to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentleman from Virginia (Mr. SCOTT) yielding me this time.

Mr. Speaker, I rise today in support of H.R. 4033, the Bulletproof Vest Partnership Grant Act of 2000. I would like to recognize the over 260 of my colleagues who have joined as cosponsors of this bipartisan legislation designed to save the lives of police officers. Foremost among them, I would want to thank the gentleman from New Jersey (Mr. LOBIONDO) who has proven that he is an indispensable leader on this vital issue and that his commitment to police officers is absolute.

I would also express my appreciation to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, as well as the gentleman from Virginia (Mr. SCOTT), the ranking Democrat, who have lent their powerful voices to this important cause and who have been indispensable and tireless in ensuring that this legislation is brought to the floor.

Mr. Speaker, after me, the gentleman from West Virginia (Mr. WISE), will also speak and I will recognize his tireless efforts as well to secure many of the cosponsors of this legislation.

Mr. Speaker, studies show that between 1980 and 1996, there were over 2,182 felonous deaths of police officers due to firearms and that of those deaths, 924 of the officers were not wearing bulletproof vests. The Federal Bureau of Investigations has estimated that the risk of fatality from a firearm for officers not wearing body armor is 14 times higher than those wearing the armor. The gentleman from Colorado alluded to the 2,500 police officers whose lives have been saved from gunfire since its introduction in the mid-1970s.

But despite these statistics, tens of thousands of law enforcement officers do not even have access to a vest. In order to alleviate this problem, in 1997, the gentleman from New Jersey (Mr. LOBIONDO) and I introduced the Bulletproof Vest Partnership Grant Act. This law provided a program which authorized $25 million per year to pay up to 50 percent of the costs of bulletproof vests for local and State law enforcement agencies.

In order to ensure that smaller jurisdictions received a fair share of the funds, the money was to be distributed evenly with half going to jurisdictions under 100,000 residents and half going to larger jurisdictions. In each of the first 2 years of this program, the Bulletproof Vest Partnership Grant Act has provided over 3,000 law enforcement agencies with funding to purchase over 90,000 bulletproof vests and body armor.

Mr. Speaker, I would point out that we are talking about reauthorizing legislation today, but I would also want to add my ''thank you's'' to the gentleman from Kentucky (Mr. ROGERS) who chairs the subcommittee, as well as the gentleman from New York (Mr. SERRANO), who is the ranking Democratic member, for ensuring that in each of the first 2 years of this Act the full appropriation was granted.

However, in the most recent year of the program, funding was insufficient to provide any law enforcement agency with the full matching grant requested under the program. And, in fact, the average grant award represented only 30 percent of the cost of the vest, a 20 percent shortfall on the Federal side. For many smaller agencies, the shortfall is devastating and could end up taking away funding from other important departmental programs.

Mr. Speaker, we must honor our commitment to provide these agencies with the full 50 percent of the cost of these vests, and in order to do so H.R. 4033 doubles the yearly authorization for the program to $50 million. The original authorization of this program also included a provision to allow the purchase of stabproof vests for corrections officers and sheriff's deputies who regularly face violent criminals at close quarters in our Nation's jails.

Unfortunately, the Department of Justice decided that requests for funding for stabproof vests under the program were not valid until a national standard was developed for such vests by the National Institutes of Justice. After 2 years of development, NIJ continues to delay the implementation of such a standard. In order to address this issue, we supported an amendment to this bill offered by the gentleman from Florida (Chairman MCCOLLUM) during subcommittee consideration which will allow States to develop their own stabproof vest standards until the NIJ makes good on their promise.

And, finally, this bill would take extra precautions to ensure that those small agencies which are often most in need of additional funding for vests would receive the entire grant for which they apply. The program has fallen short of giving many of these agencies a full grant and, therefore, H.R. 4033 includes a provision which ensures that smaller jurisdictions, again

those under 100,000 residents, will receive all of the funding they request before money is allocated to larger jurisdictions.

Mr. Speaker, in this age of cross-country drug and illegal firearms trafficking, even rural and small town police officers increasingly find themselves faced with dangerous, well-armed criminals. We must protect the Crown Point, Indiana, police officer who unknowingly pulls over an armed drug dealer on Highway 231 as much as the New York City police officer involved in an orchestrated drug raid.

Our legislation is intended to reauthorize a highly successful program in order to make sure that every police and corrections officer who needs a bulletproof vest gets one. It was clear to us that every officer on the street should have a vest and that the need to supply officers with vests is important enough to warrant direct Federal assistance.

Mr. Speaker, at the heart of this effort is our desire to save the lives of police officers. When we make this commitment we offer protection, not just to the officers but to every community in America, we prevent the suffering of families of fallen officers, we prevent the loss of leaders in our community. Perhaps most importantly, we give those who protect us the ability to do their job better, more confidently, and with the knowledge that their entire Nation is behind them every day, even in the most dangerous of situations.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. SCOTT. Mr. Speaker, could the Chair advise how much time we have remaining?

The SPEAKER pro tempore (Mr. TANCREDO). The gentleman from Virginia controls 12½ minutes.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time, and I particularly thank the gentleman from New Jersey (Mr. LOBIONDO) and the gentleman from Indiana (Mr. VISCLOSKY) for their work in getting this bill to the floor.

Mr. Speaker, it was not that many years ago in West Virginia that I heard the story at Christmastime of a young wife who was using her Christmas savings to buy a bulletproof vest for her law enforcement husband. That just shocked me, to be honest, that when they got the badge and they got the gun and they got the uniform, they did not get the vest.

So that began to open a lot of our eyes, I think. Then when I began looking around and I was watching families and churches and FOP lodges and others holding bake sales to buy bulletproof vests. No one should have to hold a bake sale to protect their life or protect the life of their loved one, and particularly when we ask that loved one to take extraordinary steps for society.

This Congress took some steps in the early 1990s with an amendment that I offered on the DOD bill that permitted for the first time police departments to buy equipment at the lowest possible discount price, but yet they still had to pay the full amount, even though it was the lowest price, because they were buying in volume.

This legislation took a much more important step to say that there would be a grant to assist local governments and municipalities in the cost of procuring that bulletproof vest. This legislation tonight now continues that process.

It is estimated that 2,000 police officers in the past 10 years have been saved by having bulletproof vests. That alone demonstrates how important this is. And, of course, this legislation takes important steps because it includes correctional officers, a very, very dangerous profession as well.

I am very grateful that this legislation is moving. It is getting dark outside and somewhere tonight in West Virginia, as is true in every State across the country, somewhere tonight a State trooper is going to walk up on a strange car on a lonely rural highway and he or she is not going to know what is in that car or what may be coming at them from behind that car door. Somewhere tonight a deputy sheriff is going to answer a domestic violence call and will not know whether there is a shotgun waiting behind that front door. And somewhere tonight a municipal officer is likely to be preparing for a drug raid. Once again, when they go down that alley, they do not know what is coming at them. This protects them much more than they had before.

So as we ask them to go out and to answer our call, so it is that we should answer their call. I thank those who have made it possible to bring this legislation to the floor and to protect the men and women who serve us so well in our law enforcement community.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) very much for yielding me this time, and I thank the authors of this legislation. My compliments on saving lives.

Mr. Speaker, as a member of the Houston City Council, one of the issues we were concerned with was law enforcement and the protection of our officers and the protection of our community. This legislation helps to partnership with local communities, rural and urban centers, small towns and villages where they cannot afford to have the resources for these bulletproof vests.

These vests save lives and they secure our law enforcement officers as they work to secure us. This is a strike for a positive response to the needs of our law enforcement. It is good legislation. It is a good Federal-local partnership, and I would ask my colleagues to support this effort to save the lives of our law enforcement officers.

Mr. Speaker, I thank you for allowing time for discussion on this important subject matter, for few issues will command more attention than that of providing for the safety of our Nation's law enforcement officers.

Everyday a many law enforcement officers leave their homes—leaving behind their parents, children, wives and siblings—to faithfully uphold and enforce the laws of America. Every time they leave home there is a void, a void of certainty as to whether the faithful officer will return. When that officer hugs and kisses his or her family before leaving for work, they often ask themselves whether this is the last hug, the last kiss or the last time they will say to their children—Have a good day at school!

When our officers leave for work, their families anxiously await their return; asking each time the phone rings—is this that dreaded call! Yet, our officers devotedly show up for work everyday, not just for the protection of their own families but for the protection of everyone who depend on them—all of America!

We have the opportunity to say to our local protectors, that we are just as concerned with their safety as they are concerned with our safety and the safety of our friends and our families. We have the opportunity to make available a device that has been found to reduce the likelihood of death by a firearm of one of our officers by 14 times.

The bulletproof vest is credited for saving the lives of over 2,000 police officers since it was introduced in 1970. It is a small piece of equipment. However, the benefits of its use are too large to be measured. We will never be able to measure the value of a police officer's life or the joy the officer's family feels when he or she returns home from a job which involves the ultimate risk—the risk of dying. Furthermore, we must be aware that we will never be able to measure the value of the comfort we'll feel under the blanket of protection that our police officers provide.

By supporting this increase in funding for the Bulletproof Vest Grant Program, we will send a message to those brave men and women and their families that Congress and our Nation support and recognize the hard work and danger they endure to guarantee the safety of all of America's people. We all know that the support of others makes any job completed or any goal achieved more rewarding. What amount of support could be greater than the support of a Nation such as ours?

As the technology of the world advances daily, we must ensure that these advancements are available to our Nation's peace officers. America's police officers must have access to the best safety equipment to combat the improved, sophisticated weapons of the crime world.

Three-thousand-five-hundred-and-eleven jurisdictions applied for the Bulletproof Grant. Two-thousand-six-hundred-and-sixty-eight of these jurisdictions received the 50–50 matching grant they expected. The increased funding provided by H.R. 4033 will not only ensure that the other 843 jurisdictions that applied for the grant in the past will receive the 50–50 matching funds they expected, H.R. 4033 will also make available funding for additional

grants for other jurisdictions. Thus, more of our police officers will be protected while providing our communities with security.

This bill provides that each qualifying jurisdiction that serves under 100,000 residents will receive a full 50–50 matching grant for body armor purchases. This provision ensures that police officers in our small towns and rural areas that operate under limited budgets are provided the same level of protection available to officers in our larger cities who have larger budgets to purchase safety equipment.

Our officers that patrol our neighborhoods are not the only ones who will receive additional safety equipment. H.R. 4033 provides money to purchase body armor for our correction officers who work in the closed sectors of our county and state jails.

So, as we enjoy the protection provided by our police officers, let us remember that we have a duty to make their jobs as safe for them as possible. I ask that all my colleagues support H.R. 4033, the Bulletproof Vest Partnership Grant Act of 2000.

Mr. SCOTT. Mr. Speaker, I thank those who have worked so hard on this bill, and I yield back the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, once again, I thank my colleagues, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Indiana (Mr. VISCLOSKY), all of those on the Committee on the Judiciary, and all of my colleagues who cosponsored this legislation.

Mr. Speaker, many times in this House when there are good ideas that come before us, we do not get a chance to act on them. I think, to reiterate what I mentioned earlier, this is a great example of a positive partnership. These are ideas that generated within our districts from citizens and police officers and law enforcement officers and corrections officers who were in the real world every day, as we heard our other colleagues talk about.

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Instead of having to have local community groups raise money a little bit at a time, the officers in New Jersey in the second district, officers like Dominic Romeo in Cape May County, in the City of Wildwood, Sergeant Rich Gray, Shield-the-Blue, the corrections officers PBA–105, all those who are associated with the Vest-a-Cop program can look to us here in Washington and realize that we have joined together in a very special way, in a very bipartisan way, to generate legislation that means a great deal to law enforcement across this Nation.

Mr. Speaker, I urge all the Members of this body to vote for this legislation and show their commitment to law enforcement officers by voting for H.R. 4033.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4033, as amended.

The question was taken.

Mr. LOBIONDO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JUSTICE FOR VICTIMS OF TERRORISM ACT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3485) to modify the enforcement of certain anti-terrorism judgments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT OF CERTAIN ANTI-TERRORISM JUDGMENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Justice for Victims of Terrorism Act''.

(b) DEFINITION.—

(1) IN GENERAL.—Section 1603(b) of title 28, United States Code, is amended—

(A) in paragraph (3) by striking the period and inserting ''; and'';

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) by striking ''(b)'' through ''entity—'' and inserting the following:

''(b) An 'agency or instrumentality of a foreign state' means—

''(1) any entity—''; and

(D) by adding at the end the following:

''(2) for purposes of sections 1605(a)(7) and 1610 (a)(7) and (f), any entity as defined under subparagraphs (A) and (B) of paragraph (1), and subparagraph (C) of paragraph (1) shall not apply.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1391(f)(3) of title 28, United States Code, is amended by striking ''1603(b)'' and inserting ''1603(b)(1)''.

(c) ENFORCEMENT OF JUDGMENTS.—Section 1610(f) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking ''(including any agency or instrumentality or such state)'' and inserting ''(including any agency or instrumentality of such state)''; and

(B) by adding at the end the following:

''(C) Notwithstanding any other provision of law, moneys due from or payable by the United States (including any agency or instrumentality thereof) to any state against which a judgment is pending under section 1605(a)(7) shall be subject to attachment and execution with respect to that judgment, in like manner and to the same extent as if the United States were a private person.''; and

(2) by adding at the end the following:

''(3)(A) Subject to subparagraph (B), upon determining on an asset-by-asset basis that a waiver is necessary in the national security interest, the President may waive this subsection in connection with (and prior to the enforcement of) any judicial order directing attachment in aid of execution or execution against any property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations.

''(B) A waiver under this paragraph shall not apply to—

''(i) if property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations has been used for any nondiplomatic purpose (including use as rental property), the proceeds of such use; or

''(ii) if any asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations is sold or otherwise transferred for value to a third party, the proceeds of such sale or transfer.

''(C) In this paragraph, the term 'property subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' and the term 'asset subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations' mean any property or asset, respectively, the attachment in aid of execution or execution of which would result in a violation of an obligation of the United States under the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, as the case may be.

''(4) For purposes of this subsection, all assets of any agency or instrumentality of a foreign state shall be treated as assets of that foreign state.''.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 117(d) of the Treasury Department Appropriations Act, 1999, as enacted by section 101(h) of Public Law 105–277 (112 Stat. 2681–492) is repealed.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

SEC. 2. PAYGO ADJUSTMENT.

The Director of the Office of Management and Budget shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) for any fiscal year resulting from the enactment of this Act.

SEC. 3. TECHNICAL AMENDMENTS TO IMPROVE LITIGATION PROCEDURES AND REMOVE LIMITATIONS ON LIABILITY.

(a) GENERAL EXCEPTIONS TO JURISDICTIONAL IMMUNITY OF FOREIGN STATE.—Section 1605 of title 28, United States Code, is amended by adding at the end the following:

''(h) If a foreign state, or its agency or instrumentality, is a party to an action pursuant to subsection (a)(7) and fails to furnish any testimony, document, or other thing upon a duly issued discovery order by the court in the action, such failure shall be deemed an admission of any fact with respect to which the discovery order relates. Nothing in this subsection shall supersede the limitations set forth in subsection (g).''.

(b) MODIFICATION OF LIMITATION ON LIABILITY.—Section 1605(a)(7)(B)(i) is amended to read as follows:

''(i) the act occurred in the foreign state against which the claim has been brought and the foreign state has not had a reasonable opportunity to arbitrate the claim in a neutral forum outside the foreign state in accordance with accepted international rules of arbitration; or

(c) EXTENT OF LIABILITY.—Section 1606 of title 28, United States Code, is amended by adding at the end the following: ''No Federal or State statutory limits shall apply to the amount of compensatory, actual, or punitive damages permitted to be awarded to persons under section 1605(a)(7) and this section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim for which a foreign state is not immune under section 1605(a)(7) of title 28, United States Code, arising before, on, or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Ohio (Mr. CHABOT) and the gentleman from New Jersey (Mr. ROTHMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3485.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we consider H.R. 3485, the Justice for Victims of Terrorism Act legislation introduced by the gentleman from Florida (Mr. MCCOLLUM). This bill would finally provide justice for the victims of State-sponsored terrorism. These victims are entitled to compensation out of the frozen assets of the guilty terrorist state once the victim obtains a legitimate judgment. Sadly, these victims have been denied that justice that they so richly deserve.

In the 1980s, several Americans were kidnapped in Beirut and held hostage in deplorable conditions by agents of the Islamic Republic of Iran including Terry Anderson who resides in my home State of Ohio. Mr. Anderson, as we all recall, was barbarically held by Iranian terrorists for over 7 years.

In 1995, an American college student was killed in the Gaza strip when a terrorist from the Iranian backed Islamic Jihad rammed his car loaded with explosives into a bus.

In February 1996, two Americans studying in Israel were killed in a suicide bombing of a bus in Jerusalem. Those responsible were provided training, money, and resources by Iran.

Also in February of 1996, Cuban MiG aircraft shot down two aircraft flown by the Brothers to the Rescue organization in international airspace over the Florida Straits. Three American citizens were killed in that attack.

After the Brothers to the Rescue incident, President Clinton publicly encouraged Congress to pass legislation to provide compensation to the families out of Cuba's blocked assets in the U.S.

In 1996, the Antiterrorism and Effective Death Penalty Act became law. That law allowed American citizens injured in an act of terrorism or their survivors to bring a private lawsuit against the terrorist state responsible for that act.

All of the victims of terrorism that I have mentioned went to courts and received judgments awarding them millions of dollars in damages. Each time a judgment has been awarded, the administration has fought to block the attachment of the assets of the countries that sponsored these terrorist acts to satisfy the awards.

In 1999, the Congress passed section 117 of the fiscal year 1999 Treasury Department Appropriations Acts, mandating that the executive branch must allow Americans to attach the assets of terrorist states in the U.S. in order to collect judgments won in Federal court. At the insistence of the administration, that legislation included a provision for a Presidential waiver to block the attachment of assets if it was in the interest of national security.

The President determined that the authority granted by section 117 for the attachment of assets of terrorist states in general would not be in the interest of national security and Presidential Determination No. 99–1. This determination effectively applied the Presidential waiver in section 117 to all judgments attempting to attach terrorist state assets.

In March 1999, a Federal judge upheld a $187 million judgment against Cuba for its attack against the Brothers to the Rescue aircraft. In that judgment, Federal District Court Judge Lawrence King stated, ''The court notes with great concern that the very President who in 1996 decried this terrorist action by the Government of Cuba now sends the Department of Justice to argue before this court that Cuba's blocked assets ought not to be used to compensate the families of the U.S. nationals murdered by Cuba. The executive branch's approach to this situation has become inconsistent at best. It now apparently believes that shielding a terrorist foreign state's assets is more important than compensating for the loss of American lives.''

The President's broad use of his waiver power has frustrated the legitimate rights of victims of terrorism. That is why H.R. 3485 would amend the law to specifically deny blockage of attachment of proceeds from any property which has been used for any nondiplomatic purpose or of proceeds from any asset which is sold or transferred for value to a third party.

Also, it specifically provides that a judgment against a foreign state that sponsors terrorism can be executed against assets of an agency or instrumentality of that foreign state even if there is no proof of fraud or any proof that the agency or instrumentality has an alter ego of the foreign state.

We bring this bill to the floor today with a manager's amendment. This amendment was born from issues brought to the attention of the committee and language offered and withdrawn in committee by the distinguished gentleman from Michigan (Mr. CONYERS), ranking member.

The compromised language, motivated by the compassion of the gentleman from Michigan (Mr. CONYERS) for victims' rights has further improved the intent of this legislation, providing a legitimate remedy to American citizens harmed by terrorist states.

The amendment includes compromised language to make it easier for victims of state-sponsored terrorism to provide to court after a foreign state has had an opportunity to proceed to court after a foreign state has had an opportunity to arbitrate the claim.

The burden on the claimant under current law to allow arbitration by the terrorist state prior to a claim going forward under the Foreign Sovereign Immunities Act is often very difficult to meet given the fact that the foreign state is a known terrorist country where the claimant may not be offered the same rights as in other countries.

The amendment simply requires that the foreign state have a reasonable opportunity to arbitrate the case in a neutral forum that is outside the foreign state, and removes the burden on the victim to provide that opportunity. A provision to clarify that the costs estimated for this legislation are not appropriate funds has also been included.

The President has exercised what was intended to be a narrow national security waiver too broadly and, as a consequence, those who have admitted acts of terror resulting in the death of American citizens are effectively going unpunished and Americans are not receiving just compensation after favorable court verdicts.

These families have not only suffered the pain and loss of life associated with these terrorist acts, they have suffered the abandonment of their government in their pursuit of justice, justice that their President said they deserved. This legislation will make sure that they finally get it, that they finally get the justice that they deserve.

I urge my colleagues to vote to pass H.R. 3485.

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

Mr. ROTHMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Ohio (Mr. CHABOT) for all of his fine work in this matter. I also want to recognize the great work of the gentleman from Florida (Chairman MCCOLLUM) and the distinguished gentleman from Michigan (Mr. CONYERS), ranking member, who made this very important bill even better and brought it to this point in its legislative process.

Mr. Speaker, last year, I stood in Teaneck, New Jersey at the dedication of a monument that I wish was never built, a monument built to honor the memory of Sarah Duker, a 22-year-old American citizen from my congressional district who was killed in 1996 in a bus bombing incident in Jerusalem, a bombing masterminded by Palestinian terrorists. At the time of her death, Sarah was a graduate student at Barnard College and she was working as a research technician in microbiology at the Hebrew University.

Last September, I also had a meeting with Steven Flatow, a meeting that I also wish never had to take place. See, Mr. Flatow's daughter Alisa was murdered by a Palestinian terrorist in the Gaza strip in 1995. Mr. Flatow had come to meet me in Washington to try

to get justice from those who had killed his daughter. At the time of her death, Alisa Flatow was a student at Brandeis University in Massachusetts, and she was spending a semester abroad in Israel.

Mr. Speaker, I have come to the floor today to speak in support of this bill because I believe that Sarah Duker's mother, Arline; Alisa Flatow's family; the families of the victims of the Brothers to the Rescue shoot-down; and all Americans who have had family members victimized by terrorists abroad, all of these Americans deserve one thing, justice.

See, the sponsors of terrorism, and by that I do not just mean the individuals committing the acts, I mean the states sponsoring those individuals, they must pay for their crimes. They must first pay a diplomatic price for supporting the murder of Americans, and that means isolating those states which sponsor terrorism.

But I also believe that state sponsors of terrorism must pay more than just a political price. They must pay literally for their cold-blooded murders of Americans.

So it should be the policy of the United States of America to seize the U.S.-based nondiplomatic assets of states which are involved in the murder of Americans.

It is critically important that this bill be enacted into law because this measure delivers a powerful and essential message to state sponsors of terrorism around the world who target American citizens.

If one conspires in the murder of innocent Americans and tear our families apart, the United States of America will demand and receive justice. Justice, Mr. Speaker, can wait no longer. Terrorists will never win, and state sponsors of terrorism will always pay a price if we pass this legislation. They will pay a political and economic price. That is not too great a burden to place upon them and their assets for the killing of innocent Americans.

Mr. Speaker, I urge my colleagues to vote for H.R. 3485, the Justice for Victims of Terrorism Act.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to be an original cosponsor of the Justice for Victims of Terrorism Act and rise to speak in support of it.

Terrorism, defined as the systematic use of terror and violence as a means of coercion and intimidation, has become a global problem. It knows no boundaries—geographical or political. It does not discriminate among its victims. The damage it inflicts upon society extends far beyond the immediate physical destruction of each attack. The emotional and psychological scars are far greater. The question is not only how many lives have been lost in each terrorist attack, but how many futures were lost in their aftermath.

In the last 15 years, the United States has experienced in vivid terms the effects of terrorism, as our citizens have been targeted over and over again—in Beirut, over Lockerbie, in Saudi Arabia, in Israel, over international waters, in New York, and in Nairobi and Dar es Salaam, where Americans who devoted their lives to building better relations between the U.S. and other nations, died in a campaign of hatred against this country.

There is no justification for terrorism, and the United States must be committed to finding those who prey on innocent victims and put an end to their reign of terror.

The Justice for Victims of Terrorism Act is critical to achieving this goal. This bill allows the victims—our constituents—to seek justice for the crimes committed against them and their families by making their attackers—the terrorists—pay for their crimes.

The bill before us allows for the execution of judgements and recovery of punitive damages from pariah states such as Iran which sponsor terrorist groups that kill and maim hundreds of Americans, Israelis, and other innocent human beings each year.

It would punish the Castro regime for shooting down two U.S. registered civilian planes over international waters, killing Carlos Costa and Mario de la Pena (two U.S.-born citizens in the prime of their youth); Armando Alejandre (a decorated Vietnam veteran); and Pablo Morales (a U.S. resident who, years before, had escaped Castro's island prison in search of freedom in the U.S.)

Some would argue that terrorism is not about money. Certainly it is about life and the right to live free of fear. But, while terrorism requires a multifaceted approach, one of the key elements to curtailing the proliferation of terrorism and limiting its capabilities, is by cutting off the flow and access to financial resources.

By upholding and enforcing the right of American victims of terrorism to sue foreign states, in court, for damages, this bill would have a chilling effect on terrorist activities and would help deter future aggression against American citizens.

In the last few months, there have been numerous attempts to trade with terrorist states, which would afford them increased financial resources and would enable them to, not only continue their reign of terror over their own people, but to expand their campaign of violence against our allies, our neighbors, and our own U.S. citizens.

These states have even been down-graded to ''states of concern''—despite the overwhelming evidence of their support for terrorist attacks against Americans.

In spite of this, I hope my colleagues will listen to their conscience. I ask my colleagues to pause for a moment. They will hear the cries of anguish and despair of little Alisa Flatow from New Jersey, who was killed in a Palestine Islamic Jihad suicide bombing in April 1995.

I ask my colleagues to understand the frustration of Alisa's parents; of the relatives of Carlos, Armando, Mario, and Pablo; of the families of the servicemen who died during the attack on the Kovar Towers; of all the victims' families.

Let us demonstrate our resolve to the sanctity of human life and principles of justice; our commitment to fundamental legal standards; and our dedication to the welfare of the American people. Support the Justice for Victims of Terrorism Act.

Mr. DELAY. Mr. Speaker, the first duty of our Government is to protect American citizens. This bill would help meet that responsibility by assisting the victims of terrorism. The Clinton administration has been quick to offer words of comfort to the bereaved relatives of those who have been killed by international violence. Their actions, however, have done little to hold the vile regimes responsible for such crimes accountable. It may be hard to believe, but the Clinton Justice Department has actively worked to stop terrorism victims from receiving just compensation out of the seized assets of terrorist states. This administration has thwarted the efforts of victims as they tried to collect court-ordered compensation from countries like Iran, Libya, and Fidel Castro's evil regime in Cuba. Held in even the most favorable light, this policy is unacceptable. It is a policy that smacks not only of appeasement, but capitulation to perpetrators of international terrorism.

And of this administration's poor foreign policy decisions, this is truly one of the most contemptible and distressing. The President of the United States should not be protecting the assets of foreign terror states. This bill would stop the Treasury Department from continuing to withhold these assets from victims' families.

The President gave his word to help injured parties collect compensation from terrorist states. Now, the foot-dragging of his administration requires us to pass legislation that would simply fulfill his promises to those victims. We look forward to the day when a handshake in the Oval Office is enough to guarantee justice for victims of terror. Unfortunately, the President's handshake apparently isn't enough. Therefore, we must pass this bill to ensure that terror victims don't first have to fight their way past their own government before they can receive the compensation owed to them.

To understand the importance of this proposal, consider the following example. In 1996, Fidel Castro gave the order to murder American pilots who were searching the Gulf of Mexico for refugees from his repressive dictatorship. Four years later, the pilots' families still haven't been compensated. This sad reality should spur the House to action. We ought to pass this bill and put terrorists on notice.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 3485, as amended.

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

A motion to reconsider was laid on the table.

MILITARY AND EXTRATERRITORIAL JURISDICTION ACT OF 1999

Mr. CHABOT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 768) to establish court-martial jurisdiction over civilians serving with the Armed Forces during contingency operations, and to establish Federal jurisdiction over crimes committed outside the United States by former members of

the Armed Forces and civilians accompanying the Armed Forces outside the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 768

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 ''Military and Extraterritorial Jurisdiction Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Civilian employees of the Department of Defense, and civilian employees of Department of Defense contractors, provide critical support to the Armed Forces of the United States that are deployed during a contingency operation.

(2) Misconduct by such persons undermines good order and discipline in the Armed Forces, and jeopardizes the mission of the contingency operation.

(3) Military commanders need the legal tools to address adequately misconduct by civilians serving with Armed Forces during a contingency operation.

(4) In its present state, military law does not permit military commanders to address adequately misconduct by civilians serving with Armed Forces, except in time of a congressionally declared war.

(5) To address this need, the Uniform Code of Military Justice should be amended to provide for court-martial jurisdiction over civilians serving with Armed Forces in places designated by the Secretary of Defense during a ''contingency operation'' expressly designated as such by the Secretary of Defense.

(6) This limited extension of court-martial jurisdiction over civilians is dictated by military necessity, is within the constitutional powers of Congress to make rules for the government of the Armed Forces, and, therefore, is consistent with the Constitution of the United States and United States public policy.

(7) Many thousand civilian employees of the Department of Defense, civilian employees of Department of Defense contractors, and civilian dependents accompany the Armed Forces to installations in foreign countries.

(8) Misconduct among such civilians has been a longstanding problem for military commanders and other United States officials in foreign countries, and threatens United States citizens, United States property, and United States relations with host countries.

(9) Federal criminal law does not apply to many offenses committed outside of the United States by such civilians and, because host countries often do not prosecute such offenses, serious crimes often go unpunished and,to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such civilians outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

(10) Federal law does not apply to many crimes committed outside the United States by members of the Armed Forces who separate from the Armed Forces before they can be identified, thus escaping court-martial jurisdiction and, to address this jurisdictional gap, Federal law should be amended to punish serious offenses committed by such persons outside the United States, to the same extent as if those offenses were committed within the special maritime and territorial jurisdiction of the United States.

SEC. 3. COURT-MARTIAL JURISDICTION.

(a) JURISDICTION DURING CONTINGENCY OPERATIONS.—Section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by inserting after paragraph (12) the following:

''(13) To the extent not covered by paragraphs (10) and (11), persons not members of the armed forces who, in support of a contingency operation described in section 101(a)(13)(B) of this title, are serving with and accompanying an armed force in a place or places outside the United States specified by the Secretary of Defense, as follows:

''(A) Employees of the Department of Defense.

''(B) Employees of any Department of Defense contractor who are so serving in connection with the performance of a Department of Defense contract.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to acts or omissions occurring on or after that date.

SEC. 4. FEDERAL JURISDICTION.

(a) CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES.—Title 18, United States Code, is amended by inserting after chapter 211 the following:

''CHAPTER 212—CRIMINAL OFFENSES COMMITTED OUTSIDE THE UNITED STATES

''Sec.
''3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.
''3262. Delivery to authorities of foreign countries.
''3263. Regulations.
''3264. Definitions.

''§ 3261. Criminal offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States

''(a) IN GENERAL.—Whoever, while serving with, employed by, or accompanying the Armed Forces outside of the United States, engages in conduct that would constitute an offense punishable by imprisonment for more than 1 year if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, shall be guilty of a like offense and subject to a like punishment.

''(b) CONCURRENT JURISDICTION.—Nothing in this chapter may be construed to deprive a court-martial, military commission, provost court, or other military tribunal of concurrent jurisdiction with respect to offenders or offenses that by statute or by the law of war may be tried by a court-martial, military commission, provost court, or other military tribunal.

''(c) ACTION BY FOREIGN GOVERNMENT.—No prosecution may be commenced against a person under this section if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting such person for the conduct constituting such offense, except upon the approval of the Attorney General or the Deputy Attorney General (or a person acting in either such capacity), which function of approval shall not be delegated.

''(d) ARRESTS.—

''(1) LAW ENFORCEMENT PERSONNEL.—The Secretary of Defense may designate and authorize any person serving in a law enforcement position in the Department of Defense to arrest, in accordance with applicable international agreements, outside of the United States any person described in subsection (a) if there is probable cause to believe that such person engaged in conduct that constitutes a criminal offense under subsection (a).

''(2) RELEASE TO CIVILIAN LAW ENFORCEMENT.—A person arrested under paragraph (1) shall be released to the custody of civilian law enforcement authorities of the United States for removal to the United States for judicial proceedings in relation to conduct referred to in such paragraph unless—

''(A) such person is delivered to authorities of a foreign country under section 3262; or

''(B) such person has had charges brought against him or her under chapter 47 of title 10 for such conduct.

''§ 3262. Delivery to authorities of foreign countries

''(a) IN GENERAL.—Any person designated and authorized under section 3261(d) may deliver a person described in section 3261(a) to the appropriate authorities of a foreign country in which such person is alleged to have engaged in conduct described in section 3261(a) of this section if—

''(1) the appropriate authorities of that country request the delivery of the person to such country for trial for such conduct as an offense under the laws of that country; and

''(2) the delivery of such person to that country is authorized by a treaty or other international agreement to which the United States is a party.

''(b) DETERMINATION BY THE SECRETARY.—The Secretary of Defense, in consultation with the Secretary of State, shall determine which officials of a foreign country constitute appropriate authorities for purposes of this section.

''§ 3263. Regulations

''(a) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State and the Attorney General, shall issue regulations governing the apprehension, detention, and removal of persons under this chapter. Such regulations shall be uniform throughout the Department of Defense.

''(b) NOTICE TO THIRD PARTY NATIONALS.—

''(1) IN GENERAL.—The Secretary of Defense, after consultation with the Secretary of State, shall issue regulations requiring that, to the maximum extent practicable, notice shall be provided to any person serving with, employed by, or accompanying the Armed Forces outside the United States who is not a national of the United States that such person is potentially subject to the criminal jurisdiction of the United States under this chapter.

''(2) FAILURE TO PROVIDE NOTICE.—The failure to provide notice as prescribed in the regulations issued under paragraph (1) shall not defeat the jurisdiction of a court of the United States or provide a defense in any judicial proceeding arising under this chapter.

''§ 3264. Definitions

''In this chapter—

''(1) a person is 'accompanying the Armed Forces outside of the United States' if the person—

''(A) is a dependent of—

''(i) a member of the Armed Forces;

''(ii) a civilian employee of a military department or of the Department of Defense; or

''(iii) a Department of Defense contractor or an employee of a Department of Defense contractor;

''(B) is residing with such member, civilian employee, contractor, or contractor employee outside the United States; and

''(C) is not a national of or ordinarily resident in the host nation;

''(2) the term 'Armed Forces' has the same meaning as in section 101(a)(4) of title 10; and

''(3) a person is 'employed by the Armed Forces outside of the United States' if the person—

''(A) is employed as a civilian employee of the Department of Defense, as a Department of Defense contractor, or as an employee of a Department of Defense contractor;

''(B) is present or residing outside of the United States in connection with such employment; and

''(C) is not a national of or ordinarily resident in the host nation.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part II of title 18, United States Code, is amended by inserting after the item relating to chapter 211 the following:

''212. Criminal Offenses Committed Outside the United States ..... 3621''.

MOTION OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CHABOT moves to strike all after the enacting clause of the Senate bill, S. 768, and insert in lieu thereof the text of H.R. 3380, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

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

A bill to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.''.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3380) was laid on the table.

□ 2145

TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4047) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children.

The Clerk read as follows:

H.R. 4047

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 ''Two Strikes and You're Out Child Protection Act''.

SEC. 2. MANDATORY LIFE IMPRISONMENT FOR REPEAT SEX OFFENDERS AGAINST CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

''(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

''(2) DEFINITIONS.—For the purposes of this subsection—

''(A) the term 'Federal sex offense' means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243 (relating to sexual abuse of a minor or ward), 2244 (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children), or an offense under section 2423 (relating to transportation of minors) involving the transportation of, or the engagement in a sexual act with, an individual who has not attained 16 years of age;

''(B) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred forming the basis for the subsequent Federal sex offense, and which was for either—

''(i) a Federal sex offense; or

''(ii) an offense under State law consisting of conduct that would have been a Federal sex offense if, to the extent or in the manner specified in the applicable provision of title 18—

''(I) the offense involved interstate or foreign commerce, or the use of the mails; or

''(II) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151;

''(C) the term 'minor' means any person under the age of 18 years; and

''(D) the term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.''.

SEC. 3. TITLE 18 CONFORMING AND TECHNICAL AMENDMENTS.

(a) SECTION 2247.—Section 2247 of title 18, United States Code, is amended by inserting '', unless section 3559(e) applies'' before the final period.

(b) SECTION 2426.—Section 2426 of title 18, United States Code, is amended by inserting '', unless section 3559(e) applies'' before the final period.

(c) TECHNICAL AMENDMENTS.—Sections 2252(c)(1) and 2252A(d)(1) of title 18, United States Code, are each amended by striking ''less than three'' and inserting ''fewer than 3''.

The SPEAKER pro tempore (Mr. TANCREDO). Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. 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. 4047, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. GREEN), and I ask unanimous consent that he may be permitted to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume; and let me begin by thanking the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, as well as the members of the committee, for their help and support in bringing this bill to the floor.

Let me also thank those Members who previously voted for this bill. This bill was voice voted last year as an amendment to the Juvenile Crime Bill, and so I appreciate the support that we had then and hope that we can count on similar support this evening.

Mr. Speaker, I think the best way to launch a discussion of this bill is to begin with a story. All bills in some way or another begin with a story, and this bill is no exception.

In January of 1960, a 19-year-old man in Green Bay, Wisconsin, my own district, a man named David Spanbauer, broke into a home, tied a babysitter to a bed and viciously raped her at knife point. When he was done, he waited until her uncle came home, and he shot him point-blank in the face. David Spanbauer was convicted and sentenced to 70 years in prison.

In May of 1972, 12 years later, he was paroled. Within months, he had raped another teenager, a hitchhiker, a random victim. He was returned to prison.

In January of 1991, he was released yet again; and a few years later he was caught trying to break into another home in northeastern Wisconsin. And when the police searched his car, they quickly found tools and resources linking him to a series of violent sexual assaults throughout the area. He confessed to raping and murdering a 10-year-old girl, raping and murdering a 12-year-old girl, raping and murdering a 21-year-old. He was convicted of 18 felonies in five counties.

Mr. Speaker, we are here tonight because of sick individuals like David Spanbauer. There is obviously no soft or pleasant way, there is nothing I can cleverly say that makes this subject matter easier. Sex crimes against children, we all agree here tonight, are the worst types of crimes. They are every parent's worst nightmare. And those of us who are parents, as I am, we try to reassure ourselves late at night by saying to ourselves that these are far away; these crimes and these individuals are far away. They are far off. They are not in our streets or in our communities. The problem is that David Spanbauer and others show us that that is not true.

The good news tonight, if we can call it that, is that statistics tell us the number of repeat child molesters, taken as a percentage of the prison population, is small, relatively small.

The horrific news is that the damage that each of these monsters causes is unbelievable. They destroy lives, they destroy communities, they steal innocence. The recidivism rate for repeat child molesters is extraordinarily high, higher than any other crime with which I am familiar.

The bill that is before us tonight was voice voted once before, again added as part of the Crime Bill. It is a narrowly focused, carefully tailored bill aimed solely and squarely at repeat child molesters. This bill does not Federalize any crime. In fact, it carefully respects State laws in this area. It covers a limited number of the most heinous, most horrible Federal sex crimes against kids: aggravated sexual abuse of a minor, for example; sexual abuse resulting in death.

And what this bill says, ''Two strikes and you're out,'' is real simple. It says that if an individual is arrested and convicted of a serious sex crime against kids and then serves their time, then after serving their time decides to do it yet again, they are going to go to prison for the rest of their life. I make no bones about it with this legislation.

This bill is not about rehabilitation, openly admitted. This bill is not even about deterrence. It is about removing bad people from society. It is about removing from society a very small number of people who cause tremendous damage. And every study tells us they will do it again and again and again, if we let them. They will rob children of their innocence, they will destroy families, and they will destroy our lives.

Mr. Speaker, before I sit down, I would like to point to this graphic. And as some of my colleagues noticed, it was originally upside down. I point to this graphic here, this number. Nothing fancy about it. Not a terribly elaborate graphic. But this graphic right here, this number, this number gives the essence of this bill.

The United States Department of Justice tells us that the average child molester will commit 380 acts of child molestation during his lifetime. Let me repeat that. The average child molester will commit 380 acts of child molestation during his lifetime.

Now, monsters like David Spanbauer, they are at fault, they are guilty, obviously, for their crimes. But I would suggest to my colleagues tonight, in the case of repeat child molesters, those who have been arrested and convicted before, if we let them out, if we fail to take action, do we not bear at least a little responsibility?

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

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to the bill.

Here we are with another series of crime bills which, by their title, make it sound as if we are doing something about crime but really are not.

This time, according to the title of the bill, it is ''Two Strikes and You're Out.'' This bill completes the baseball metaphor sound bites. A few years ago we had ''Three Strikes and You're Out.'' A couple of weeks ago we had the ''No Second Chances'' bill, which was essentially ''One Strike and You're Out.'' And although we have had no evidence that either one strike or three strikes did any good, we are now considering ''Two Strikes and You're Out.''

When we considered ''Three Strikes,'' we asked those who were supporting the bill to explain to us whether or not there were any fourth offenses that we were trying to prevent with the ''Three Strikes and You're Out,'' and we are still waiting for an answer. That was several years ago.

A few weeks ago we did have a hearing on ''One Strike and You're Out,'' and we heard that that bill was onerous, impractical, and unworkable. It was worse than an unfunded mandate, certain to generate a morass of bureaucracy. It is enormous and costly, and with a net probable public safety impact of zero. Those are not my words but the words of the National Governors' Association, the National Conference of State Legislators, the Council of State Governments, the U.S. Department of Justice, and a noted criminologist. Notwithstanding that testimony, however, we passed the bill with an overwhelming majority.

Now we have ''Two Strikes.'' It sounds like we are doing something about the tragic problem of child sexual assault. But this bill, if it has any effect at all, it might affect 10 cases per year. Every year there are approximately 100,000 cases of sexual assaults against children, 100,000; and this bill might affect 10, which in effect ignores 99.99 percent of the cases of sexual assaults against children in America.

Obviously, we ought to be focusing on what we can do to reduce the chances that one of the 99.99 might be assaulted. So long as we keep passing bills that offer virtually no prospect of reducing crime, we will never get the opportunity to consider those bills for which we have research-based evidence that they will demonstrably reduce crime. And therefore, Mr. Speaker, I ask for a ''no'' vote on this bill so we can get to other bills that will actually reduce crime.

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

Mr. GREEN of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a member of the Committee on the Judiciary.

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

There is nothing so despicable as those who prey on children. There is nothing so abhorrent as harming those who are most vulnerable. We have an obligation to do all within our power to protect this Nation's children from the monsters who are out there as we speak.

I want to thank the gentleman from Wisconsin (Mr. GREEN) for his leadership, and actually doing something about the despicable, the abhorrent things which happen to children in this country every day. The gentleman from Wisconsin has shown considerable leadership in offering this legislation. I commend him for that, and I urge my colleagues to support H.R. 4047.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume to read a comment from the United States Sentencing Commission, a letter to myself and the chairman of the Subcommittee on Crime dated May 1.

This is from the United States Sentencing Commission:

> H.R. 4047, as presently written, raises some serious proportionality concerns. The bill would require a mandatory life sentence for any person who is convicted of a Federal sex offense in which a minor is the victim, if the person had a prior sex conviction in which a minor was the victim. This sentence could be mandatory for two defendants convicted of vastly dissimilar crimes.
>
> For example, a defendant convicted of raping a child under 12 using force, who had a prior conviction for a similar offense, currently is subject to a mandatory life sentence. Under H.R. 4047, a 19-year-old defendant, who engaged in consensual sex with a 15-year-old, would be subject to the same life imprisonment if he had a prior statutory rape conviction or conviction for some other prior sex offense in which the victim was a minor. The seriousness of these two offenses and harm to the victims could obviously be very different.

I would just like that note from the Sentencing Commission placed in the RECORD.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GREEN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume to sum up.

First of all, let me say that this will not be the first time or the last time I disagree with the Sentencing Commission, both regarding their opinion and also in their analysis of a bill.

But let me just close by saying this. I would invite all of my colleagues, when they go home this weekend, to go to their computer, go on line, and call up the sexual offender registry in their home State or their home community and take a look at the rogues gallery of sick monsters who prey on our children. What my colleagues will find interesting when they call up those names, in taking a look at for how many of those individuals the record shows that they have done it over and over and over again.

This bill is about removing sick monsters from society.

Mr. KUYKENDALL. Mr. Speaker, I rise today in strong support of H.R. 4047, the Two Strikes and You're Out Child Protection Act. This is important legislation that will help protect our children from sexual predators.

Today, we are sending a message to all pedophiles. You get one chance to reform your ways. If you are caught a second time sexually assaulting a child and are convicted, you will be given a life sentence without parole. The sad truth is that sex offenders and molesters are four times more likely than other

violent criminals to recommit their crimes. A typical molester will abuse between 30 and 60 children before they are finally arrested and the danger to other children eliminated. More shocking, a recent survey conducted by the Washington Post found that each pedophile in the survey had molested an average of 300 innocent victims. Even one more victim is too many, and the Two Strikes and You're Out Child Protection Act will aggressively curb sexual abuses and assaults.

With the emergence of the Internet, children are even more vulnerable to sexual predators. Luring children across state lines has become even more prevalent as a result of the Internet. In this world where state lines have less meaning to our everyday lives, we need a concerted, national effort to combat this perverse threat. The Two Strikes and You're Out legislation does exactly that, not by creating more cumbersome crimes or by removing the role of the states, but by strengthening the penalties for crimes already on the books.

As a state legislator, I worked tirelessly to pass a piece of legislation called the Tyler Jaeger Act. The bill helps California law enforcement officials combat child abuse by strengthening the penalties against individuals who commit child abuse that results in the death of a child. My goal in passing this legislation was to provide a greater level of protection for our children. As a form of child abuse, sexual assault is among the saddest of crimes that can be committed, largely because the victim is defenseless. With high recidivism rates, we know that pedophiles will repeat their crimes until we get them off the streets. Just like Tyler Jaeger gave California new tools to fight child abuse, H.R. 4047 will provide federal law enforcement with a greater ability to remove these threats from society. Supporting this bill is the least we can do for all of our children. I urge my colleagues to vote for this important tool.

Mrs. KELLY. Mr. Speaker, I rise today in support of this legislation offered by the gentleman from Wisconsin.

Child sex offenders are justly condemned by our society as being the worst kind of criminal. The bill being considered today reminds us that perhaps our policies dealing with them do not fully match our rhetorical reproach.

The proposal we will vote on today represents the tough approach that must be taken if we are to succeed in reducing sex crimes against our children. An examination of the issue tells us that pedophiles are more likely than virtually any other type of criminal to repeat the same offense—yet the convicted pedophile currently spends on average less than three years behind bars.

We have got to do better than that. Child sex offenders ruin lives. They are predators with no conscience. The defenseless children upon whom they prey must deal for the rest of their lives with the scars left by a child sex offender's cowardly actions.

We must do more to keep these pedophiles off our streets and away from our children. This bill clearly takes a significant step in this direction through its provision of tougher sentences for repeat offenders, so I thank my colleague from Wisconsin for his efforts on this matter, and join him today in advocating its passage.

Mr. GREEN of Wisconsin. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 2200

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4047.

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

A motion to reconsider was laid on the table.

ILLEGAL PORNOGRAPHY PROSECUTION ACT OF 2000

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4710) to authorize appropriations for the prosecution of obscenity cases.

The Clerk read as follows:

H.R. 4710

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 ''Illegal Pornography Prosecution Act of 2000''.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice for fiscal year 2001 not to exceed $5,000,000 to be used by the Criminal Division, Child Exploitation and Obscenity Section, for the hiring and training of staff, travel, and other necessary expenses, to prosecute obscenity cases, including those arising under chapter 71 of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4710.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma (Mr. LARGENT) be permitted to control the time, and I yield the balance of my time to the gentleman from Oklahoma.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LARGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I would like to first thank the gentleman from Oklahoma (Mr. LARGENT) for yielding this time to me, but, more importantly, for his leadership in combatting the serious problem of child sexual abuse and pornography in this country, particularly the explosion that has taken place with the advent of the Internet.

The Internet is one of the most wonderful developments that we have experienced in the history of this country and the history of mankind. It allows people the opportunity to learn, to experience new things, to have educational opportunities, business opportunities, opportunities to shop on-line. We want people to use the Internet. We want them to feel safe in doing so, but one of the biggest businesses on the Internet is that of obscenity, of hardcore pornography.

There are thousands of sites, estimates range from 40,000 to 100,000 sites. And the gentleman's legislation is designed to provide the resources to law enforcement to combat this problem. He has been very supportive of efforts that I have initiated to combat this by giving grants to local law enforcement agencies.

This $5 million goes to the Department of Justice for funding for the child exploitation and obscenity section of the Department. The monies would be authorized only for prosecutions under title 18, chapter 71, obscenity.

Federal statutes make it illegal to transport obscenity. Obscenity has been defined by the Supreme Court and is not protected by the first amendment. The amount of material on the Internet is growing exponentially.

Law enforcement was doing a pretty good job until a decade or so ago of working with postal authorities and so on to deal with this, of shutting down some adult book stores in many parts of the country. It was a battle that we were in some respects winning.

The Internet has changed that. The feeling that some people have that they are so anonymous they can be in their home viewing this material creates a serious problem, and it is a problem that is not simply a matter of looking at pictures of women under certain circumstances. It is pictures of children engaged in sexual activities, best described to me by a law enforcement officer who said that child pornography is viewing a crime in the process of being committed.

It is entirely appropriate that we devote these resources to this. The prosecutions for obscenity have dropped dramatically over the last 8 years. The excuse used by the Justice Department is they do not have the resources. Let us change that today by making sure that they have adequate resources to prosecute these people who would prey on our children.

Estimates are as high as 400,000 children who are victims of child pornography in this country. I urge my colleagues to support this excellent legislation.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I

rise in opposition to H.R. 4710. It purports to add $5 million to the Department of Justice's 2001 budget for prosecuting obscenity cases. However, in reality, if the bill passes, it probably does not mean any new money to the Department to be used for this purpose. Rather it likely means that money already appropriated to the Department, of that money $5 million must be devoted to prosecuting obscenity cases.

We are told by the Department prosecutors that this would mean that they would have $5 million less to prosecute other serious crimes, such as sexual exploitation, such as child pornography, and other serious crimes which may be a priority now in order to pursue adult obscenity cases.

As the gentleman from Virginia (Mr. GOODLATTE), my colleague, says, the bill restricts the $5 million to obscenity cases, which may not include child pornography, and certainly does not cover child exploitation, nor drug conspiracies, nor organized crime, nor repeat sexual abuse, sexual molestation cases, like the bill that we just finished with would have had, which we could clarify to make sure that these kinds of cases could be covered; but we are under the suspension of the rules and amendments are not allowed.

Congress should not be managing the Department activities to this degree of detail. But even if we did, it makes no sense to prioritize adult obscenity prosecutions which are allowed under this bill over sexual exploitation and child pornography prosecutions.

Rather than making an assessment of the Department of Justice's funding, which they would need to prosecute all serious crimes, including obscenity cases, we are now taking this potshot approach which prioritizes certain politically popular cases of the moment at the expense of prosecuting more serious offenses, including other offenses against children. I, therefore, urge my colleagues to vote no on this bill.

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

Mr. LARGENT. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Speaker, I rise today in support of the Illegal Pornography Prosecution Act introduced by the gentleman from Oklahoma (Mr. LARGENT), my friend. I want to commend the gentleman for introducing this important piece of legislation, because it addresses a growing and serious problem in our communities today, the proliferation of illegal hard-core pornography.

Mr. Speaker, pornographic, obscene material is illegal. It has no protection from the first amendment, nor does it deserve it. Hard-core pornography appeals to the darkest side of humanity, and it debases the value and dignity of human life.

Yet under the current administration, and this is the reason we need to specify, we have allowed obscenity to thrive in the streets of America. In fact, trading of this horrid material has grown exponentially in the last few years because of the new medium of the Internet.

Let me repeat, pornography is illegal; yet it is thriving in America today.

Mr. Speaker, this must change. H.R. 4710 authorizes $5 million in funding for the child exploitation and obscenity section of the Department of Justice. It is unconscionable that, while the current administration pays lip service to the concerns of millions of parents and families, their actions show a total disregard for common decency.

The lack of prosecution has been so noticeable that in the last few years that the adult entertainment industry has acknowledged that it has had years of benevolent neglect from the Justice Department.

Mr. Speaker, this is unacceptable. The children and families of America deserve better. My own hometown of Greenville, South Carolina, has recently waded through the disturbing discovery of patrons viewing pornography in the public library and inviting and even forcing children to view the disgusting material as well.

After documenting the widespread and serious nature of the problem, the library board has taken strong and proper measures to curtail the abuses and to protect children in our community. But this illegal material should not even be available to the public in the first place.

Pornography is illegal, and it should be treated as such; and those who trade in this illicit material should be prosecuted to the fullest extent of the law.

The Justice Department already has the authority to prosecute on-line and off-line obscenity. It has had the general, if not specific, resources to do it. It has heard congressional concern on this issue for years, and it has done nothing. In fact, there has been a precipitous decline in the prosecution of cases.

With H.R. 4710, the administration can no longer use the excuse that it does not have enough money. Congress with this bill is declaring that continued lack of action is unacceptable. We demand that the administration protect our children and our communities.

Mr. Speaker, I am pleased to support H.R. 4710, and I urge all of my colleagues to join me in voting in favor of this important bill.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding the time, as we may disagree on the merits of this bill, because I am one of the sponsors of this bill.

Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. LARGENT) for his leadership on this legislation, and I rise in support of H.R. 4710. What this bill really does is it allows the Department of Justice to keep pace with the challenges posed by the Internet. Everyone is aware of the explosion of the Internet, the explosion of Web sites on the Internet, and with the aggressive marketing tactics of the adult entertainment industry.

Obscene material is being brought into our homes of millions of American families, without their request or without our consent.

Why is there obscenity, and why are we placing the emphasis on this legislation and why is it necessary? Because no one can even be sure of how many sites exist. Estimates range that those sites are from 40,000 to 100,000. These sites feature all types of obscenity from child nudity to graphic sexual depictions. Adult entertainment sites on the Internet account for the third largest, it is the third largest sector of sales in cyberspace with an estimated $1 billion to $2 billion per year in revenue.

Clearly, these Web sites have no incentive to regulate themselves or to restrict access by minors. Innocent adults and minors are increasingly encountering these sites. In fact, these sites are often used in spam e-mail and technical manipulations to trap someone in the site on-line, and they may not even need to escape while they are on-line. Also as the Committee on Commerce noted in some hearings that we had this year, in the past because of sophisticated, yet easy to use navigating software, minors who can read and type are capable of conducting Web searches as easily as it is to operate a television in their own home.

The $5 million that we authorize with this legislation provides essential service for the Justice Department to prosecute obscenity cases on the Internet and elsewhere. Obscenity is not protected speech, and it should not be protected just because we do not have the money to prosecute it. This bill will give it the authorization to put forth $5 million to begin the crackdown on Internet obscenity.

Mr. Speaker, I am pleased to join the gentleman from Oklahoma (Mr. LARGENT), my friend and colleague, to support this legislation that will fund this very important fight. I would hope that we would all support H.R. 4710, the Illegal Pornography Prosecution Act.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. COBURN).

(Mr. COBURN asked and was given permission to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, I come to the floor to strongly support this, and I understand that our job is to set priorities for the administration. There is no question in the debate that this has not been a priority for the administration.

They have said that this has not been a priority, and no matter how much money we send to the Department of Justice, it behooves us to direct the spending of that money in this area.

Mr. Speaker, I want to relate a couple of things to my colleagues. I delivered a 9-year-old child of a baby, 9 years old, pregnant and delivering her. I want to tell my colleagues that that is never going to be and never will be a positive circumstance. The kind of actions that brought about that situation are the very actions that we are trying to get the Justice Department to look at, to follow the law and to prosecute the law.

The problem is much greater than we would say, because if, in fact, we look on the Internet today, under stop AIDS, we will find information under that category that is funded by our own CDC that lists how you participate in S&M sex. Also in that same area, it shows the same type of obscenity that we are paying for with our tax dollars to do that.

So the question is, this bill does not go near far enough. This should just be the first step as we attack this attack on our children.

□ 2215

The other point that I would like to make, if this is an addictive procedure, we are big about protecting our children from tobacco, we are big about protecting our children from alcohol, we are big about protecting our children from drugs, we are big about talking about the violence that our children are seeing, but we are not big when it comes to one of the things that can undermine their future more than any other thing.

So where is our priority? If we are really concerned about our children, then we ought to be concerned about every aspect that will undermine their future. This is one of, if not, the largest threat facing our children today, and I would hope that we would all support this legislation.

Mr. LARGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

(Mr. WAMP asked and was given permission to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, I thank the gentleman for yielding me time.

I serve on the subcommittee of the House Committee on Appropriations that funds the Department of Justice, and on March 8 of this year in the routine annual testimony, Attorney General Janet Reno came before our committee and I asked her specifically to answer six questions about the issue of illegal pornography. She could not answer the questions in person, so she asked for time to answer in writing.

Today is July 25, and I have not heard the first word, the first answer, from the first question. I think that is unfortunate, because I do think this is an issue that we should in a bipartisan way meet at the water's edge. This is like national security, it is undermining, I think, the foundation of our country. I think it is important.

People may say is this one set of people trying to impose their values on another set of people? And I would say there is a differential between pornography which is protected under the first amendment and illegal pornography, the way it is defined under Supreme Court rulings. There is a difference.

This is the stuff we are all supposed to not approve of because it is illegal, and we are not prosecuting it, and the referrals are coming. All this says is it is time to make this a priority, because it is a cancer in our culture.

We are in an unprecedented time of peace and prosperity, but people know there is a deeper issue here. These things cannot be good. As a matter of fact, this is the darkest side of humanity, and we need to draw a line and say it is not right, it is not just, it is a cancer, and this entire country of ours will fall and collapse on the weight of this kind of cultural flaw.

The Word itself, the Good Book, says be wise as serpents, yet innocent as doves.

We need to root this out, and we need to prosecute it in the United States of America for the next generation.

Mr. SCOTT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me time.

Mr. Speaker, for a long time this has been a concern of mine, and I do not know if we are approaching this in the right direction, but I do say that this is an important step, and I support this legislation.

We always could do more. We always could be more precise. We will never find out unless we try. This initiative provides $5 million to the Criminal Division Child Exploitation and Obscenity Section to hire and train those individuals who will be able to prosecute cases that would arise under the chapter 71 of title XVIII.

When we did the Telecommunications Act some few years ago, one of the concerns was how would we stop obscenity on the Internet or on the computer system? Unfortunately, at that time we had difficulty in passing legislation. In fact, I believe the Supreme Court overturned some legislation that we did include in that omnibus bill.

We did manage to pass the V-Chip, which deals with television viewing, so parents could have control over their children and what they watch. Unfortunately, the Internet, the computer, is a vehicle and a tool that children are often using alone.

What I am concerned about is there is a whole range of obscenity and pornography. There is the enticing of children through the Internet. I know that this legislation does not particularly deal with that, but I do think it is important for this Congress to go on record that we oppose the manipulation of our children and pornography concepts that our children may be exposed to as they are attempting to learn on the Internet.

The Internet should be a learning tool for our children.

I might just say my good friend from Oklahoma, who mentioned the Clinton Administration, I would hope and think that the administration is not opposed to fighting pornography on the Internet and would welcome this legislation.

For that reason, let me say that I support the legislation, and as a co-chair of the Democratic Task Force on Children, I believe all of us should be concerned about issues such as this and find a way to make the first step and then look to make legislative initiatives better, but to take the first step.

Mr. Speaker, I thank the gentleman for this legislation.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just make a couple of closing comments. We have heard a lot of comments about obscenity is illegal and child pornography is illegal. The bill, unfortunately, restricts the use of this money to obscenity cases, not child pornography cases.

Now, if we had a hearing and a markup, maybe we could cover what we want to cover, and I assume we are trying to cover child pornography. But you cannot use the $5 million to prosecute child pornography, because it is restricted just to obscenity.

We heard the case of the 9-year-old mother, and obviously there is somebody out there that ought to be prosecuted for rape. This bill is restricted just to obscenity. You cannot use the money to prosecute those rapes.

So, Mr. Speaker, we have $5 million. It has got to be taken out of something. Nobody said we ought to be prosecuting organized crime less or child rapes less or drug conspiracies less. They have not said that we ought to spend $5 million less on that. Obviously the money has to come from somewhere. It is not going to be additional money, because we have already had the appropriations bill pass the House.

So I would hope that we would not get into the minutia of the Justice Department budget and take money from an area, when we have not said where it is coming from, particularly when it could be coming from the prosecutions that we wanted prosecuted, like child pornography, which is illegal, but which you can use this money for.

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

Mr. LARGENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is a cancer in our culture today, and it literally is corroding our national character. The problem of illegal pornography is a cancer, eating away at America. Unless we begin to aggressively treat this cancer by prosecuting it as the law says and intends, it will continue to attack our marriages, our children, and our society.

It used to be that we were concerned about the dirty little bookstore down

at the end of the street and the problems of criminal behavior and declining property values associated with it. Now the aggressive marketing tactics of the pornography industry have brought such material directly into the family rooms, our schools, our libraries, and offices of millions of Americans.

Do we think the social costs and community problems associated with those adult book stores have diminished just because it is on the Internet? Absolutely not. Instead, they have become more internalized and more destructive and more pervasive because of their accessibility, their affordability and the fact that you can now be anonymous. That is the nature of illegal pornography on the Internet today.

So what is the extent of the problem? Well, as has been mentioned already, estimates range somewhere between 40,000 and 100,000 Web sites are pornographic in nature today, and 200 new Web sites are created each day devoted to pornography, most of it illegal pornography, or ''obscenity'' as the legal term of art. Adult entertainment sites on the Internet account for the third largest sector of sales in cyberspace, with an estimated $1 to $2 billion per year in revenue on the Internet alone.

It is a well-known fact that the largest consumer group of this pornography is young boys ages 12 to 17 years old in this country. In fact, the average age of exposure because of the Internet has fallen to the age of 11. Illegal pornography is teaching an entire generation of young men distorted values about their sexuality, about marriage, about healthy relationships with women and respect for others. Rapists, for example, it has been found, are 15 times more likely to have had exposure to hard-core pornography during childhood.

So what exactly has the Department of Justice done in response to this epidemic, this cancer, in our culture? Prosecutions of obscenity have dropped over 75 percent since 1992, this at a time when pornography has become ubiquitous in our culture today, giving a false sense of legitimacy to the pornography industry. In fact, there have been porn industry people that have actually gone with public offerings now on the stock exchanges. The Department of Justice has turned a blind eye to this cancer, allowing America's children to be bombarded with obscenity.

In a Committee on Commerce subcommittee hearing in May of this year, the Department of Justice said that the prosecution of obscenity has not been a priority for them. In fact, it was suggested that if we gave them $50 million more, that they still would refuse to prosecute obscenity. So money is not the issue. It is the fact that this is not a priority. They stated that in the subcommittee hearing that I participated in and actually called for.

Furthermore, they could not name a single major distributor or producer of obscenity, although most Americans access these sites accidentally by searching through innocent key words on the Internet. This at a time when we would like to sit here in Congress and say well, you know, the real producers and purveyors of pornography, they are not from this country. But that is wrong.

Mr. Speaker, I would tell you that the facts are that America is the leading producer and promoter of pornography in the world today, in the world. We are leading in producing material that is degrading towards women, and yet the DOJ was unaware of even one major producer.

But what does the adult industry say about the Department of Justice's turning a blind eye? Here is what Adult Video News said, a trade magazine for the porn industry. They reported in 1996, ''There have been fewer Federal prosecutions of the adult industry under Clinton than under Reagan and Bush. With no reason to change his hands-nearly-off porn policy, vote for Mr. Clinton.''

In March 1998, following just six obscenity prosecutions in 1997 by all 93 U.S. Attorneys, the same magazine announced, ''It's a great time to be an adult retailer.''

In March of this year, the Adult Entertainment Monthly, another publication for the porn industry, mused over how unlikely it is that the adult entertainment industry will enjoy the same ''benevolent neglect'' under the next administration that the industry has enjoyed under Janet Reno.

Lieutenant Ken Seibert of the Los Angeles Administrative Vice Unit, quoted in the Los Angeles Daily News, stated, ''Adult obscenity enforcement by the Federal Government is practically nonexistent since the administration changed in 1992.''

Porn video distributor David Schlesinger told TV Guide in 1998, ''President Clinton is a total supporter of the porn industry, and he's always been on our team.''

These are not my quotes, these are not Republican quotes, these are the quotes from the porn industry itself. Just today a porn industry legal analyst stated, ''On the Federal side the industry has not seen a Federal prosecution in years.'' That is what the porn industry legal analyst said.

H.R. 4710 is important. It is an important first step towards prodding the DOJ's Child Exploitation and Obscenity Section to prosecute obscenity and also holding them accountable to do so. H.R. 4710 authorizes $5 million in funding for the Child Exploitation and Obscenities Section of the Department of Justice for the prosecution of obscenity exclusively.

Obscenity is illegal under Federal law. Obscenity has been defined by the Supreme Court. Obscenity is not protected by the first amendment, and the vast majority of Americans believe obscenity laws should be vigorously enforced.

Mr. Speaker, I urge my colleagues to vote for H.R. 4710, which is a vote to prosecute obscenity, to uphold the law, and to protect our children from illegal pornography.

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

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4710.

The question was taken.

Mr. LARGENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 2230

CONGRATULATING PEOPLE OF UNITED MEXICAN STATES ON SUCCESS OF DEMOCRATIC ELECTIONS HELD ON JULY 2, 2000

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 544) congratulating the people of the United Mexican States on the success of their democratic elections held on July 2, 2000.

The Clerk read as follows:

H. RES. 544

Whereas the United States and Mexico have a long history of close relations and share a wide range of interests;

Whereas the people of the United States and the people of Mexico have extensive cultural and historical ties that bind together families and communities across national boundaries;

Whereas a democratic, peaceful, and prosperous Mexico is of vital importance to the security of the United States;

Whereas a close relationship between the United States and Mexico, based on mutual respect and understanding, is important to the people of both nations;

Whereas Mexican leaders from across the political spectrum and representatives of civil society recognized the need for political and electoral reform and took important steps to achieve these goals;

Whereas on July 2, 2000, nearly two-thirds of all eligible voters in Mexico participated in the national election;

Whereas both domestic and international election observers declared the July 2nd elections to be the fairest and most transparent in Mexico's history;

Whereas the election of Vincente Fox marks the first transition in power at the presidential level in 71 years from the ruling Institutional Revolutionary Party (PRI), completing Mexico's transition to a total multi-party democratic system;

Whereas Vincente Fox, the winning presidential candidate, and Ernesto Zedillo, the current president, have both pledged themselves to a peaceful and cooperative transition of power; and

Whereas this transparent, fair and democratic election should be broadly commended: Now, therefore be it

Resolved, That the House of Representatives—

(1) congratulates the people and Government of the United Mexican States for the

successful completion of the democratic multiparty elections for president and the legislature;

(2) commends all the citizens and political parties of Mexico for their participation in the democratic process and their strong support for the strengthening of their democracy;

(3) congratulates President-elect Vincente Fox for his election victory and his strong commitment to democracy and a free-market oriented economy; and

(4) reaffirms the United States friendship with the United Mexican States and our unequivocal commitment to encouraging democracy throughout Latin America.

The SPEAKER pro tempore (Mr. TANCREDO). Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 544.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.Res. 544, which this Member, along with the distinguished gentleman from Texas (Mr. GONZALEZ) and 26 of our colleagues, introduced to commend the government and people of Mexico on their recent national elections.

While Mexico, in fact, practiced democratic governments for the past several decades, the outcome of the July 2 presidential election ending 71 years of dominance in the office of the presidency by the PRI party represents the most dramatic and historic change in leadership in modern Mexican history.

In addition, this legislation was deemed by both domestic and international electoral monitors as the freest, fairest, and most transparent election in Mexican history; and the broad participation of nearly two-thirds of Mexico's eligible citizenry further evidences the noteworthy success of the election.

Mr. Speaker, aside from this broad recognition of success of the recent election, I want to address one important aspect of this election. I believe it is important to recognize Mexico's current President Ernesto Zedillo for his critical role in initiating reforms which assured the transparent and democratic process witnessed in the recent election.

Two years ago, Mexican leaders from across the political spectrum, led by President Zedillo and representatives of the civil society, recognized the need for political and electoral reform and took important steps to achieve these laudable goals.

One of the reforms he initiated was the establishment of the Independent Federal Electoral Institute, which was to oversee the electoral process, thereby insulating the electoral administration from political influence.

In addition, President Zedillo was instrumental in instituting a primary selection process for future presidential candidates within his own PRI party which has ruled Mexico since 1929. This primary process was a major accomplishment which helped to democratize the party itself.

Finally, Mr. Speaker, we should also recognize the diligent work of the National Action Party, or PAN, as well as the former political talent of President-elect Vicente Fox, which were also key factors in the July 2 electoral process.

This vote for H.Res. 544 not only recognizes Mexico's successful election and congratulates President-elect Fox, but it hopefully ushers in a new chapter in U.S.-Mexican relations which I hope will further bind our nations through our shared aspirations in the future.

Mr. Speaker, I urge our colleagues to join me in congratulating the people of Mexico, members of civil society and the political parties for the dramatic process made over the past several years in bringing about this historic and laudable electoral success.

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

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first just take one moment to publicly thank Dennis McDonough for the great work he has done on the committee. Dennis is abandoning us to go to the other body and join Senator DASCHLE's staff, an excellent choice if he has to go to the Senate. We would have rather he stayed with us. We just want to publicly thank him for all of his fine work and tell him if he changes his mind we will be happy to take him back, at reduced pay, of course.

Mr. Speaker, I rise in support of the resolution. I think all of us were truly impressed by the changes that have occurred in Mexico and the electoral process. The good news is that democratic change has occurred there peacefully with our neighbor to the south, a country that I have great admiration for and have spent many vacations there.

Mr. Speaker, Mexico needs to go beyond simple political reform. It needs economic reform. It needs to be a country that gives not only democratic opportunity politically, it needs to give democratic economic opportunity to its citizenry as well. So I applaud what happened in Mexico, and I hope that we can work together to give every Mexican an opportunity to benefit from this change.

Additionally, I would only like to say, Mr. Speaker, that while we see this good news of democracy in Mexico and Venezuela, Peru and Haiti, we see democracy losing ground, and we all need to keep focused to make sure that in Venezuela, where democracy has been strong for so long, that it is not lost; in Peru and Haiti, that the troubles there do not lead to a continued deterioration in the democratic process.

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

Mr. GALLEGLY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), who recently led a 44-member delegation to oversee the national election in Mexico. He is my good friend and the chairman of the House Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to compliment my very good friend, the gentleman from Simi, California (Mr. GALLEGLY), who has done a superb job on the Committee on International Relations, and having authored this resolution is a demonstration of his strong commitment to building ties between the two very important nations.

I would like to say that the gentleman from Connecticut (Mr. GEJDENSON) is somewhat modest on this when he talks about how he has vacationed in Mexico. He has actually worked in Mexico, too, because he is a veteran member of the Mexico-U.S. Interparliamentary Conference; and over the past 2 decades that he and I have been privileged to serve here in the Congress, he has been an active participant in a number of those meetings and has, as I have, observed the tremendous transition which has taken place.

In fact, when he and I were elected to the Congress exactly 20 years ago, we saw a Mexico which in fact was facing very serious economic problems. In fact, I remember in 1982, after the first Mexico-U.S. Interparliamentary meeting that I attended, we saw President Lopez Portillo nationalize the banking system and we saw a wide range of other steps which were actually retrograde steps when it comes to the issue of economic reform. Beginning in 1988, we saw the economic reform that my friend is actually saying needs to take place.

What we saw was policies put into place in the Salinas administration, led by the likes of Pedro Aspe, the treasury secretary, and Jaime Serra Puce, the commerce secretary who brought about the kind of reform that we as a nation and the rest of the world are moving towards: privatization, decentralization.

They closed down many state-owned enterprises. They, in fact, saw President Salinas because of his concern for environmental issues close down the largest oil refinery, putting 5,000 people out of work in Mexico City because of his commitment to environmental issues. That took place during the 6-year period of the Salinas administration; and, admittedly, there were many

problems. President Salinas continues to face problems there, but his commitment to economic reform which began in 1988 was key to what we saw on July 2.

Now, in 1993 and 1994, my friend the gentleman, from Arizona (Mr. KOLBE), who is going to be speaking in just a few minutes, often at 10:39 in the evening, would stand here and talk about the importance of breaking down barriers, tariff barriers, among Canada, the United States and Mexico as we were seeking to get the Congress to pass the North American Free Trade Agreement. We argued that if we were to pass the North American Free Trade Agreement we would see very positive changes and economic improvement. Mr. Speaker, I am very proud of the fact that that has happened.

We have seen a dramatic improvement in both the standard of living in the United States and in Mexico. In fact, today the Mexican population that is considered to be middle class is larger than the entire Canadian population.

So, sure, there are many poor people in Mexico, and there are many rich people in Mexico. We have often heard that to be the case, but the North American Free Trade Agreement has been key in our quest to see the standard of living improve in Mexico. Much more work remains to be done, but we saw that step take place. We knew, based on the evidence that we have seen in other countries in this hemisphere, Argentina and Chile and the Pacific Rim, South Korea and Taiwan, that focusing on economic reform would in fact bring about an improvement in the issue of self-determination, political rights, human rights.

Mr. Speaker, I will say, having joined with the former Secretary of State, James Baker, and the mayor of San Diego, Susan Golding, in co-leading a delegation of the International Republican Institute, an arm of the National Endowment for Democracy, we saw self-determination finally take hold.

Now we have seen the success of opposition parties in mayoral elections. In fact, 15 of the 16 largest cities in Mexico have opposition party mayors. Governorships throughout the country, of the 32 states, we have seen a number of them with opposition party governors, but for 71 years we continued through a dozen elections to see the Institutional Revolutionary Party, the PRI party, hold control.

In fact, even members within the PRI acknowledged that there were a great deal of problems, to put it mildly, in elections that have taken place in the past. We remember very well in the 1994 election when the computers broke down, the PAN party had actually been ahead, and we saw a change that took place overnight. So that is why the commitment that President Zedillo made to strengthen the FEI, the Federal Electoral Institute, which was designed to have an independent body, independent of the Institutional Revolutionary Party, play a role in encouraging free and fair elections.

We saw it finally work. It is a demonstration of the commitment to economic reform and the success of the North American Free Trade Agreement, the commitment of President Zedillo and as my friend from California, the author of this resolution, along with the gentleman from Texas (Mr. GONZALEZ) made it very, very clear, the success of the National Action Party, the party which has embraced the policies which I believe are key to bringing about the kind of success economically that we have seen in the United States and around the world.

I am happy to see the PRI party embrace many of those PAN party positions during the 1990s, but now the people of Mexico are going to get the real thing with Vicente Fox as its president.

It is a coalition that has been put together, but the sense of optimism that I saw in Mexico was overwhelming. On election night, at about 1:00 in the morning, I joined one of the members of our delegation, M. Delal Baer, who is one of the most prominent Mexicologists at the Center for Strategic International Studies here in Washington, and to stand at what is known as the Plaza, which is the Angel of Independence, when Vicente Fox came out we stood among about 50,000 or 60,000 people, the level of optimism, the confidence that the people had was incredible.

I will say in closing that I will never forget being in a little tiny town called Metepec, which is in the hills above Puebla and Atlisco, when at 6:00 we counted the ballots, which was in a rural area where in fact the Institutional Revolutionary Party, the PRI party, was supposed to be very strong because of a lot of things that they had done to promote incumbency there, and a young 18-year-old woman who was the representative of the National Action Party stood there, and we witnessed the counting of the ballots in this casilla, which was a voting station. The vote was 210 votes for Vicente Fox and 106 for the PRI party candidate, Francisco Labastida.

What we saw was a level of excitement because this woman said to me, my family for years, as members of the National Action Party, we have been working to bring this day about, and it has finally happened. That is why I think it is very important for us as a Nation to say that the already strong relationship between Mexico and the United States will, I believe, be strengthened even more with the election of Vicente Fox. I believe that we have a tremendous potential for the future.

I congratulate the gentleman from Texas (Mr. GONZALEZ) for joining in as a cosponsor of this resolution. I want to again congratulate my friend, the gentleman from Arizona (Mr. KOLBE), who for years and years and years has pursued improvements in Mexico; and I was pleased when he stood in this aisle in 1987 and asked me to join with him as a cosponsors of legislation to eliminate those tariff barriers, and we on July 2 saw that ultimate victory because of the economic reform.

□ 2245

So I congratulate the people of Mexico and, of course, my colleagues who moved ahead with this.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, a special thanks, of course, to everyone that is here to speak to this issue and to this resolution. I especially appreciate the words from the gentleman from California (Mr. DREIER), looking forward to even a better relationship with Mexico and what this election represents.

A special thanks to the gentleman from California (Mr. GALLEGLY) and the gentleman from New Jersey (Mr. MENENDEZ) and their staffs for the privilege they have provided me to work with them on this legislation.

Mr. Speaker, I am honored to congratulate our neighbor, Mexico, for its peaceful, transparent federal election that took place on July 2, 2000. The Mexican citizens, through their participation and dedication to electoral reform in numbers that exceed those by our own voters in our elections, must be credited for assuring that this election was in fact transparent, fair, open, and in the final analysis a democratic success.

The United States and Mexico, joined by a common border, share mutual interests and concerns that make the fate of one country dependent on the other. The City of San Antonio, my city, with its proximity to Mexico, has always had a unique bond with Mexico due to its shared history.

The mutual responsibilities of Mexico and the United States make this a historic election important to our economies and national security. Today, with this election, Mexico will enter a new era that will have consequences for its international relationship, not only with the United States but with the rest of the world.

Mr. Speaker, I know that with President-elect Fox's leadership, as demonstrated during his campaign for office, he will reach out and embrace the different factions in Mexico, joining the country in its united cause to ensure that Mexico's dedication to democracy will not be compromised.

Finally, I would like to congratulate President Zedillo and President-elect Vicente Fox for their commitment to a peaceful transition of power.

In closing, I would hope what this election represents is a fruition of great effort by many of the greatest leaders in Mexico. Mr. Speaker, on reflection, when my grandparents came over in 1908 seeking a certain dream that they felt they could only achieve

under the system in the United States, that after this election and what it brings that it will mean that individuals in Mexico will achieve the same dream that my grandparents sought in the United States, but rather than within their own borders of Mexico.

Mr. GALLEGLY. Mr. Speaker, I reserve the balance of our time.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I rise to join my colleagues in acknowledging this historic moment for our neighbors and friends to the south. We know that just 3 weeks ago Vicente Fox achieved a monumental victory in assuring his ascension to the Mexican Presidency.

I had a chance to meet Mr. Fox during the campaign. I spent several weeks in Mexico watching the election. I saw the hope and the optimism and the excitement engendered by his candidacy; a hope and optimism which I think bodes well for U.S.-Mexico relations.

This election represents also the example of leadership that was shown by President Ernesto Zedillo. He embarked on a reform policy from the beginning of his own 6-year presidency. He stayed committed to it and there was widespread confidence in the fairness of the election throughout Mexico.

On election night, President Zedillo recognized the legitimacy of Mr. Fox's victory and guaranteed the peaceful transfer of power. That will be his most enduring legacy. That legacy, the devotion to democracy, is a legacy to hold sacred the voices of Mexico's people.

Mr. Speaker, the district I represent, California's 50th, part of the City of San Diego, lies directly on the U.S.-Mexico border and my community shares close ties with Mexico. From our homes we look south and see the Mexican hills. We share ocean and river water, businesses and culture. The greatest number of legal cross-border travelers between any two nations in the world pass through my district.

But another highly visible feature of my district is a border fence, a symbolic scar that separates our businesses, our friendships, our families. On each side of that fence is tension, mistrust and violence. At this border we have great problems to solve and great challenges to meet: Immigration problems, environmental problems, infrastructure problems.

But Mr. Fox has already boldly spoken out on these issues. He sees a Mexican economy that will provide 1.5 million new jobs a year and a national campaign to raise standards of living and increase access to health care and education. He sees the breakup of a corrupt bureaucracy. He has promised to deal with human rights concerns in Chiapas. All these steps Mr. Fox rightly knows will reduce the pressure of immigration on our border.

Mr. Speaker, many San Diegans are as excited about the prospects of this new Mexico and this new border as are the Mexican people themselves. I believe now is the time to tear down the barriers, to embrace the new President and the Mexican president. Rather than building walls, it is time to build bridges and encourage Mexico's new and successful commitment to democracy. We can gain so much from this cooperative effort. We have already begun.

Mr. Speaker, I say to the new President, ''Senor Presidente, si, se puede.''

Mr. GALLEGLY. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California (Mr. GALLEGLY) for yielding me this time, and I thank him for his leadership in bringing this resolution to the floor. I also thank the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from Texas (Mr. GONZALEZ) for their efforts as well.

Mr. Speaker, this is a historic moment that we are here on the floor with this resolution, and I rise in strong support of it, a resolution to congratulate the people of Mexico for their historic democratic election which was held just a few days ago.

As a student of U.S.-Mexico relations, I know that history has not always been kind to Mexico. From the Spanish conquest of Mexico to the dictatorship of Porfirio Diaz, Mexico was for too long under the thumb of oppressive governments. The Mexican revolution broke those chains of oppression, but it threw Mexico into years of civil war and infighting. It was not until the PRI consolidated power 70-plus years ago that peace really returned to Mexico.

During the past two PRI presidencies, we began to see real change occurring in Mexico. A traditionally closed and protected economy began to open up to the world. United States and Mexico, sensing an historic opportunity, locked these reforms into place with the conclusion of the North American Free Trade Agreement. But NAFTA was more than a simple trade agreement between our three countries. It symbolized a new sense of partnership between the United States and Mexico. It made concrete what we all know to be true, that like it or not, the United States and Mexico share a common future.

Economically, I think NAFTA has been a huge success. It helps to bring investor confidence to Mexico. It has enabled both the United States and Mexico to specialize its production and it has led to increased exports on both sides of the border. But the true success of NAFTA lies much deeper than that.

As I have always said, with economic reforms, political reforms will follow. And there is no greater testament to this fundamental truth than the recent democratic elections in Mexico.

So, Mr. Speaker, it is with great pleasure that I congratulate the Mexican people for the bold and visionary steps that they have taken in recent years and very dramatically with this election. This month's election is the cumulation of slow political change in Mexico. And so we congratulate President-elect Vicente Fox and his party, the National Action Party.

But we congratulate more than an individual and more than a political party. We congratulate the people of Mexico, for this is a moment that Mexico should be justly proud. It is not the end; it is the beginning of a new era, a new era of openness, of democracy, of prosperity for the Mexican people.

Mr. Speaker, I am pleased to extend my best wishes and sincere congratulations to the people of Mexico. As the Mexicans themselves might say it, ''En hora buena. Muchas Felicidades.'' Well done, congratulations.

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

Mr. GEJDENSON. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Ohio (Mr. BROWN), who is a valuable member of the committee.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman from Connecticut (Mr. GEJDENSON) for yielding me this time.

Mr. Speaker, I rise in support of H. Res. 544 congratulating Vicente Fox and the Mexican people for this very successful election. Vicente Fox as a candidate was in the Capitol some months ago and I talked to him about Chiapas, the very poor state in southern Mexico, talking about rural development, about health care in Chiapas, and especially about the military occupation from the central government of many of the rural areas of Chiapas.

Once a year a Cleveland doctor friend of mine, who practices in the inner-city clinic in Cleveland, goes to Chiapas for a month and practices in a rural Catholic hospital. She has worked on several patients with tuberculosis. She tells me that in order to treat tuberculosis, someone needs to visit a doctor or a health clinic, or the health worker needs to go to the person's home and take medicine there every day for 6 months.

The problem in Chiapas is that patients simply cannot get to and from a clinic, nor can the workers in the clinics get to the patients' homes, because of the check points and the military occupation in southern Mexico in Chiapas. President Fox, back then Candidate Fox, pledged to me and several others publicly and privately that one of the first things he would do is negotiate with those indigenous peoples to get the military out of southern Mexico to get the military occupation out of Chiapas.

Mr. Speaker, that is a very important issue for the health of many of those people in rural southern Mexico, many of the indigenous people. I hope he follows up on that promise.

Second, very quickly, Mr. Speaker, President Fox talked during his campaign, and since, about beginning to

put together if you will a European Union style deepening of the North American Free Trade Agreement. Many of us have mixed feelings about the success of NAFTA. I feel it has not been a success at all, unlike the previous speaker. Nonetheless, if he is going to pursue an EU-style, European Union style deepening of NAFTA, customs issues, currency issues, things like that. It is important that he also with that, as the Europeans have done, enact strong labor standards, strong environmental standards, strong food safety, truck safety standards; all the issues that will raise Mexicans up, not bring American food safety and environmental standards down. That will help build a prosperous middle class in Mexico so we can have real trade between the two countries.

Mr. Speaker, I applaud Mr. Fox's election and applaud the Mexican people for their success. I ask Mr. Fox and again urge him in terms of the indigenous people in Chiapas and the military occupation and the EU-style deepening of NAFTA.

Mr. GEJDENSON. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from American Samoa (Mr. FALEOMAVAEGA), also a member of the committee.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I join strongly with our colleagues in urging the passage of House Resolution 544 which congratulates the people and the government of Mexico for their tremendous success of their democratic elections held earlier this month.

Mr. Speaker, I certainly would want to thank the gentleman from New York (Mr. GILMAN), chairman of our Committee on International Relations, and also the gentleman from Connecticut (Mr. GEJDENSON), the ranking Democratic member, for their leadership and support of this legislation.

I also want to commend the gentleman from California (Mr. GALLEGLY), chairman of the Subcommittee on the Western Hemisphere, my good friend, for introducing this legislation, and thank the gentleman from Connecticut (Mr. GEJDENSON), the ranking Democratic member of the subcommittee, for bringing the measure to the floor. I am proud to join them as a cosponsor and strongly urge my colleagues to support this resolution.

Mr. Speaker, the United States has had a long close and special relationship with Mexico, our nearest neighbor to the south. I, and many of our colleagues, have traveled to that Nation to review issues of mutual concern. That is why we take great pride in Mexico's historic exercise of democracy this month, which saw national elections ending the three-quarters of a century domination and one-party rule by the PRI, or the Institutional Revolutionary Party.

In what is seen as the fairest and most competitive presidential elections ever in Mexico, two-thirds of eligible voters, over 35 million strong, participated.

□ 2300

According to former President Jimmy Carter, who observed the elections from Mexico City, ''The Carter Center has been monitoring elections down here for more than 12 years and this one was almost perfect.''

Mr. Speaker, of Mexico's 113,423 voting stations, it is reported that 99.99 percent functioned normally and without fraud, a country with a population of some 85 million plus. I say what a great example for a country with democratic institutions in place.

Mr. Speaker, there is an extraordinary accomplishment, a sign of political maturity and commitment to democracy, for which the good people of Mexico should be given tremendous credit.

Mr. Speaker, at the eve of such dynamic changes with Mexico's election process, I also want to especially note that Mexico's newly elected leaders to take up more seriously the really needed social and economic issues of the needs of millions of indigenous Indians who live in that country. I am certain that Mexico's first president and leader who liberated Mexico from Maximilian rule and, for that matter, from European colonialism, the irony of all of this, Mr. Speaker, is that Benito Juarez, the George Washington and Abraham Lincoln in Mexico combined, in my humble opinion, was a pure-blooded indigenous Indian who was orphaned at a tender age and educated by Catholic priests, even had personal communications with Abraham Lincoln during the Civil War.

One of the things I want to share with my colleagues, Mr. Speaker, when President Lincoln was assassinated, Mexico was the only country that President Juarez ordered flags half mast to pay honor and homage to President Abraham Lincoln. That is the caliber of this gentleman's leadership. I am very touched by the fact that I am sure that Benito Juarez would have been very happy with the results of the election.

But I want to note and to also send this message: Our friends in Mexico, do not neglect the needs of the indigenous Indians, the millions of indigenous Indians in that country.

Mr. Speaker, as we depart the 20th century, outgoing President Ernesto Zedillo should be recognized and commended for the electoral reforms he instituted that made possible free and fair elections in Mexico, which is truly an admirable legacy.

As we enter the 21st century, the United States should strive to support the President-elect Vicente Fox and his visionary agenda for Mexico to overhaul government and stop corruption, improve employment and strengthen education, and to vigorously combat the international drug trade.

Mr. Speaker, the people of Mexico have spoken, and they clearly want change from the corrupt practices of past administrations. This stunning example of democracy by one of our two closest neighbors are very special at a time when democratic institutions seem threatened in other countries in the Western Hemisphere.

I strongly urge my colleagues to support this legislation. I commend the gentleman from California (Mr. GALLEGLY).

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding me this time. Mr. Speaker, I thank the proponents of this legislation.

Texas has a long-standing relationship, historical relationship with the Nation of Mexico. Let me just congratulate this being the first transition of government in 71 years.

Mr. Fox's election completes Mexico's transition to a total multiparty democratic system. I think the applause goes to the American people and to the Mexican people for their continued friendship, but particularly those who came out to vote in this most recent election where estimates say that more than or almost two-thirds of all eligible voters participated in what domestic and international election observers have declared to be the fairest and most transparent national election in Mexico's history.

I believe this is the road to a longer lasting and continued friendship between the United States and Mexico. As a Representative from Houston, let me say that we have continued and over the years continued to improve and to applaud the relationship that we have had with Mexico City, doing business, exchange of ideas, exchange of educational opportunities, exchange of our legislators. So there is a long-standing friendship, even of my local community.

I look forward to this new democracy being part of Mexico's increased and enhanced prosperity. I applaud the elections, and I wish them the very best.

Mr. Speaker, I rise in support of this resolution congratulating the people of the United Mexican States on their democratic elections held on July 2, 2000. These recent events are truly historical and will not only have an impact on Mexico's citizens, but also the impact of this change will be experienced the world over.

Throughout our history, the United States and Mexico have shared a unique history and continue to share a wide range of interest. In fact, my home state of Texas was once a part Mexico. I have often stated that America is not only a country of laws but also a country of immigrants.

The 18th Congressional District of Texas, which I am proud to represent, has a large number of people who are immigrants from Mexico or are descendants of past Mexican immigrants. I am certain that a number of my colleagues have large Hispanic populations in their home districts as well. With this in mind,

it is easy to understand that many of our nation's Hispanic people still have strong cultural and family ties to Mexico.

The bond between family members is not destroyed because one family member lives in another country. For this reason, we must take care to maintain a close and positive relationship between the United States of America and Mexico.

Such a relationship is important to the people of both nations. A democratic and prosperous Mexico is important to the security of the United States.

A brief historical reflection helps us to better appreciate the significance of these recent elections. Vicente Fox represents the first transition in power at the presidential level in Mexico in 71 years from the ruling Institutional Revolutionary Party. Mr. Fox's election completes Mexico's transition to a total multi-party democratic system.

After a long period of questionable elections, estimates say that two-thirds of all eligible voters participated in what domestic and international election observers have declared to be the fairest and most transparent national election in Mexico's history. As the world's leading democratic system of government, the United States of America should not fail to recognize the magnitude of these July 2nd elections.

Mr. Speaker, because of the important democratic principles that these recent elections represent, principles that serve as the foundation for the American government, I urge all of my colleagues to support the passage of House Resolution 544, congratulating the people of the United Mexican States on their success.

Mr. ORTIZ. Mr. Speaker, I rise in support of House Resolution 544 commending the people of Mexico on their recent elections and congratulating President-elect Vincente Fox on winning a historical election as president of Mexico, an important economic ally of the United States.

It has been noted that, in a democracy, more important than the first election, is the first transition of power from one party to another. It is on this point that the people of Mexico proudly take their place alongside the world's great democracies.

Everyone deserves great credit for this election. As it should be in a democracy, it is the people of Mexico who deserve the greatest credit. They voted in large numbers, unafraid of what change might mean to them and their country.

When it was apparent that a candidate who was not part of the traditional power structure had won the election, Mexicans across the country celebrated; and Mexicans who supported the incumbent party did not riot nor try to undo the vast change wrought by the democratic election. While their revolution was fought from 1910–1920, their long-term democracy was sealed in the first election of the 21st Century.

President-elect Vincente Fox deserves great credit for running a great campaign, a long and steady campaign. He built a coalition composed of people representing various philosophies to include as many points of view as possible in his campaign.

Finally, Ernesto Zedillo, Mexico's sitting president, deserves great credit for accepting the country's decision without dissent. It was due in no small part to Zedillo's steady hand, cool head, and vow to make the transition between political parties go smoothly that led members of his party and the government to accept their defeat with grace and dignity.

The United States and Mexico have a long and storied history. As proud countries which share an international border, we have had more than our share of disagreements as well as victories. Along with that border comes an entire culture unto itself, on both sides of the border, that consists of traditions, unique cuisine, Old West legends and a language that is a mixture of Spanish and English.

In the past decade, we have strengthened our relationship with Mexico by virtue of NAFTA and other trade policies. It is my hope that in this decade and this century, the United States and Mexico will further cement that relationship with closer work on a host of economic and law-enforcement policies. President-elect Fox and the people of Mexico have a great deal to work through in the next year.

I have invited President-elect Fox to the United States to meet with me and other Hispanic Members of Congress to talk about issues that affect both our countries, but I know he has a great deal to do first. Meanwhile, the House of Representatives today offers our congratulations to Mexico and President-elect Fox. Adelante. * * * *

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

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

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 544.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

INTERNATIONAL ANTI-CORRUPTION AND GOOD GOVERNANCE ACT OF 2000

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4697) to amend the Foreign Assistance Act of 1961 to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to promote transparency and increased accountability for all levels of government and throughout the private sector, as amended.

The Clerk read as follows:

H.R. 4697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Anti-Corruption and Good Governance Act of 2000''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Widespread corruption endangers the stability and security of societies, undermines democracy, and jeopardizes the social, political, and economic development of a society.

(2) Corruption facilitates criminal activities, such as money laundering, hinders economic development, inflates the costs of doing business, and undermines the legitimacy of the government and public trust.

(3) In January 1997 the United Nations General Assembly adopted a resolution urging member states to carefully consider the problems posed by the international aspects of corrupt practices and to study appropriate legislative and regulatory measures to ensure the transparency and integrity of financial systems.

(4) The United States was the first country to criminalize international bribery through the enactment of the Foreign Corrupt Practices Act of 1977 and United States leadership was instrumental in the passage of the Organization for Economic Cooperation and Development (OECD) Convention on Combatting Bribery of Foreign Public Officials in International Business Transactions.

(5) The Vice President, at the Global Forum on Fighting Corruption in 1999, declared corruption to be a direct threat to the rule of law and the Secretary of State declared corruption to be a matter of profound political and social consequence for our efforts to strengthen democratic governments.

(6) The Secretary of State, at the Inter-American Development Bank's annual meeting in March 2000, declared that despite certain economic achievements, democracy is being threatened as citizens grow weary of the corruption and favoritism of their official institutions and that efforts must be made to improve governance if respect for democratic institutions is to be regained.

(7) In May 1996 the Organization of American States (OAS) adopted the Inter-American Convention Against Corruption requiring countries to provide various forms of international cooperation and assistance to facilitate the prevention, investigation, and prosecution of acts of corruption.

(8) Independent media, committed to fighting corruption and trained in investigative journalism techniques, can both educate the public on the costs of corruption and act as a deterrent against corrupt officials.

(9) Competent and independent judiciary, founded on a merit-based selection process and trained to enforce contracts and protect property rights, is critical for creating a predictable and consistent environment for transparency in legal procedures.

(10) Independent and accountable legislatures, responsive political parties, and transparent electoral processes, in conjunction with professional, accountable, and transparent financial management and procurement policies and procedures, are essential to the promotion of good governance and to the combat of corruption.

(11) Transparent business frameworks, including modern commercial codes and intellectual property rights, are vital to enhancing economic growth and decreasing corruption at all levels of society.

(12) The United States should attempt to improve accountability in foreign countries, including by—

(A) promoting transparency and accountability through support for independent media, promoting financial disclosure by public officials, political parties, and candidates for public office, open budgeting processes, adequate and effective internal control systems, suitable financial management systems, and financial and compliance reporting;

(B) supporting the establishment of audit offices, inspectors general offices, and anti-corruption agencies;

(C) promoting responsive, transparent, and accountable legislatures that ensure legislative oversight and whistle-blower protection;

(D) promoting judicial reforms that criminalize corruption and promoting law enforcement that prosecutes corruption;

(E) fostering business practices that promote transparent, ethical, and competitive behavior in the private sector through the development of an effective legal framework for commerce, including anti-bribery laws, commercial codes that incorporate international standards for business practices, and protection of intellectual property rights; and

(F) promoting free and fair national, state, and local elections.

(b) PURPOSE.—The purpose of this Act is to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to improve transparency and accountability at all levels of government and throughout the private sector.

SEC. 3. DEVELOPMENT ASSISTANCE POLICIES.

(a) GENERAL POLICY.—Section 101(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151(a)) is amended in the fifth sentence—

(1) by striking ''four'' and inserting ''five'';

(2) in paragraph (3), by striking ''and'' at the end;

(3) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(5) the promotion of good governance through combating corruption and improving transparency and accountability.'' .

(b) DEVELOPMENT ASSISTANCE POLICY.—Paragraph (4) of the third sentence of section 102(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1(b)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(G) progress in combating corruption and improving transparency and accountability in the public and private sector.''.

SEC. 4. DEPARTMENT OF THE TREASURY TECHNICAL ASSISTANCE PROGRAM FOR DEVELOPING COUNTRIES.

Section 129(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151aa(b)) is amended by adding at the end the following:

''(3) EMPHASIS ON ANTI-CORRUPTION.—Such technical assistance shall include elements designed to combat anti-competitive, unethical and corrupt activities, including protection against actions that may distort or inhibit transparency in market mechanisms and, to the extent applicable, privatization procedures.''.

SEC. 5. AUTHORIZATION OF GOOD GOVERNANCE PROGRAMS.

(a) IN GENERAL.—Chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following:

''SEC. 131. PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

''(a) ESTABLISHMENT OF PROGRAMS.—

''(1) IN GENERAL.—The President is authorized to establish programs that combat corruption, improve transparency and accountability, and promote other forms of good governance in countries described in paragraph (2).

''(2) COUNTRIES DESCRIBED.—A country described in this paragraph is a country that is eligible to receive assistance under this part (including chapter 4 of part II of this Act) or the Support for East European Democracy (SEED) Act of 1989.

''(3) PRIORITY.—In carrying out paragraph (1), the President shall give priority to establishing programs in countries that received a significant amount of United States foreign assistance for the prior fiscal year, or in which the United States has a significant economic interest, and that continue to have the most persistent problems with public and private corruption. In determining which countries have the most persistent problems with public and private corruption under the preceding sentence, the President shall take into account criteria such as the Transparency International Annual Corruption Perceptions Index, standards and codes set forth by the International Bank for Reconstruction and Development and the International Monetary Fund, and other relevant criteria.

''(4) REQUIREMENT.—Assistance provided for countries under programs established pursuant to paragraph (1) may be made available notwithstanding any other provision of law that restricts assistance to foreign countries.

''(b) SPECIFIC PROJECTS AND ACTIVITIES.—The programs established pursuant to subsection (a) shall include, to the extent appropriate, projects and activities that—

''(1) support responsible independent media to promote oversight of public and private institutions;

''(2) implement financial disclosure among public officials, political parties, and candidates for public office, open budgeting processes, and transparent financial management systems;

''(3) establish audit offices, inspectors general, and anti-corruption agencies;

''(4) promote responsive, transparent, and accountable legislatures that ensure legislative oversight and whistle-blower protection;

''(5) promote legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of criminal corruption;

''(6) assist in the development of a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of intellectual property rights;

''(7) promote free and fair national, state, and local elections;

''(8) foster public participation in the legislative process and public access to government information; and

''(9) engage civil society in the fight against corruption.

''(c) CONDUCT OF PROJECTS AND ACTIVITIES.—Projects and activities under the programs established pursuant to subsection (a) may include, among other things, training and technical assistance (including drafting of anti-corruption, privatization, and competitive statutory and administrative codes), drafting of anti-corruption, privatization, and competitive statutory and administrative codes, support for independent media and publications, financing of the program and operating costs of nongovernmental organizations that carry out such projects or activities, and assistance for travel of individuals to the United States and other countries for such projects and activities.

''(d) ANNUAL REPORT.—

''(1) IN GENERAL.—The President shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report on—

''(A) projects and activities carried out under programs established under subsection (a) for the prior year in priority countries identified pursuant to subsection (a)(3); and

''(B) projects and activities carried out under programs to combat corruption, improve transparency and accountability, and promote other forms of good governance established under other provisions of law for the prior year in such countries.

''(2) REQUIRED CONTENTS.—The report required by paragraph (1) shall contain the following information with respect to each country described in paragraph (1):

''(A) A description of all United States Government-funded programs and initiatives to combat corruption and improve transparency and accountability in the country.

''(B) A description of United States diplomatic efforts to combat corruption and improve transparency and accountability in the country.

''(C) An analysis of major actions taken by the government of the country to combat corruption and improve transparency and accountability in the country.

''(e) FUNDING.—Amounts made available to carry out the other provisions of this part (including chapter 4 of part II of this Act) and the Support for East European Democracy (SEED) Act of 1989 shall be made available to carry out this section.''.

(b) DEADLINE FOR INITIAL REPORT.—The initial annual report required by section 131(d)(1) of the Foreign Assistance Act of 1961, as added by subsection (a), shall be transmitted not later than 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4697, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as may consume.

Mr. Speaker, I rise in support of H.R. 4697, a bill introduced by the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

This bill amends the Foreign Assistance Act of 1961, to authorize the President to establish programs that combat corruption in developing countries by promoting principles of good governance designed to enhance oversight of private and public programs.

Mr. Speaker, this bill will strengthen our foreign assistance program and represent a sound investment for the future of good governance of developing societies.

I urge my colleagues to vote for its adoption.

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

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. GALLEGLY) for his kind words and just join him first in

thanking him for his efforts and others on the committee. I would also like to thank particularly on my staff, Nisha Desai, that has done so much work in this area, obviously the gentleman from Arizona (Mr. KOLBE), the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Chairman GILMAN).

When we look at this issue, and it is a critical issue in a number of areas, and I want to just go through them quickly. One, the estimates are we have lost $26 billion to bribery with contracts where American companies were in competition. Unethical business practices jeopardize fledgling democracies. It destroys the people's support and trust in their government. It aids criminal transactions.

Vice-President Gore convened a global conference on fighting corruption. We are now seeing progress. Some of our allies in the G–7 that at one point a number of them provided that one could deduct bribes given to other government officials are finally moving to end this practice.

For our part, AID and the administration and Congress have tried to root out corruption and bribery. It makes a big difference especially in the poorest countries as they try to establish good governance and governments that provide the services that their constituents dearly need.

American leadership has led to a beginning to end these corrupt practices. This legislation will help focus our foreign assistance and other government activities to try to work with governments to develop a procedure to root out corruption and bribery.

I urge support of the bill.

Over the past five years, U.S. firms overseas lost nearly $26 billion in business opportunities to foreign competitors offering bribes. Unethical business practices continue to jeopardize our ability to compete effectively in the international market.

Bribery and other forms of corruption impede governments in their efforts to deliver basic services to their citizens; they undermine the confidence of people in democracy; and they are all too often linked with transborder criminal activity, including drug trafficking, organized crime, and money laundering.

In 1999, the Vice President convened a Global Conference on Fighting Corruption where he declared corruption to be a direct threat to the rule of law and a matter of profound political and social consequence for our efforts to strengthen democratic governments. It is inarguably in the U.S. national interest to fight corruption and promote transparency and good governance. My bill will make anti-corruption measures a key principle of our Foreign AID program.

By helping these countries root out corruption, bribery and unethical business practices, we can also help create a level playing field for U.S. companies doing business abroad.

Then Congress passed the Foreign Corrupt Practices Act in 1977, the United States became the first industrialized country to criminalize corruption. It took us nearly two decades to get all the other industrialized nations to do the same. But American leadership and perseverance succeeded in getting countries which once offered tax write-offs for bribes to pass laws that criminalized bribery.

This bill extends our leadership in fighting corruption to the developing countries. The International Good Governance and Anti-Corruption Act of 2000 requires that foreign assistance be used to fight corruption at all levels of government and in the private sector in countries that have persistent problems with corruption, particularly where the United States has a significant economic interest. The bill would also require an annual report on U.S. efforts in fighting corruption in those countries which have the most persistent problems. My intent in requiring this report is to get from the Administration a comprehensive look at all U.S. efforts—diplomatic as well as through our foreign aid program—in those 15–20 countries where we have a significant economic interest or a substantial foreign aid program AND where there is a persistent problem with corruption. This bill makes an important contribution to pro-actively preventing crises that would result from stifled economic growth, lack of foreign investment, and erosion of the public's trust in government. I urge my colleagues to support H.R. 4697.

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

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California for yielding me this time. I again want to thank him for his leadership on this and certainly the gentleman from Connecticut (Mr. GEJDENSON) for introducing this very important legislation, which I think is really very much underestimated in terms of its importance.

For decades, the United States has carried the standard in promoting democracy, market liberalization, economic development abroad.

□ 2310

To further those goals, we have spent literally billions of dollars in developing countries in our aid programs. And those aid programs have made substantial progress. Underdeveloped nations have seen their economies bloom over the last few decades. We have seen democracy take root in some of the rockiest soil on this globe. Thanks to the creation of the World Trade Organization a few years ago, the vast majority of international trade is now governed by clear and transparent rules.

But, as the Asian financial crisis and the theft of billions of dollars of IMF money in Russia shows, we still have a long way to go. Too many places in the world continue to be held in the grip of corruption and cronyism. The obvious impact of these two evils are the loss of untold billions of dollars for people who desperately need the economic benefits those lost dollars might bring to them. But the corrosive effects of corruption and cronyism are worse. They are often hidden and ignored.

Government corruption undermines the rule of law, and that is the very cornerstone of democracy. It undermines economic development, squandering billions of dollars of investment capital on enrichment of the few rather than the benefit of the many. Not only that, it undermines the ability of U.S. business to compete freely and fairly for foreign government contracts, and that costs U.S. corporations millions of dollars in lost sales.

This legislation which we are considering here tonight makes anti-corruption procedures a key principle of our development assistance. The legislation requires that the Treasury Department incorporate anti-corruption measures when providing international technical assistance. The bill also requires the Agency for International Development to establish programs to battle corruption overseas and includes a provision of a bill that I have introduced on third-party monitoring to make sure that contracts are given by development banks and U.S. government agencies are fully monitored.

This legislation will help to ensure that U.S. funds are going for the purpose for which they are intended. It will also help to build a more open and transparent government procurement system in developing countries and help to eliminate corruption around the world.

It is, simply speaking, a much-needed common sense approach to a very serious problem. I urge support for this bill and congratulate the authors of it for bringing it to this body.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Arizona (Mr. KOLBE) for his efforts here. Really, his language has strengthened the whole process. It is an important step forward. It provides for an annual report so we can focus on those countries that have the greatest problems, and I really publicly want to thank the gentleman for his work on this bill, as well as the chairman and other members of the committee.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume to again acknowledge the leadership of the gentleman from Arizona (Mr. KOLBE), and particularly thank the gentleman from Connecticut (Mr. GEJDENSON) on his leadership on this important legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and pass the bill, H.R. 4697, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING BUREAU OF RECLAMATION TO PROVIDE COST SHARING FOR ENDANGERED FISH RECOVERY IMPLEMENTATION PROGRAMS FOR UPPER COLORADO AND SAN JUAN RIVER BASINS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2348) to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, as amended.

The Clerk read as follows:

H.R. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to authorize and provide funding for the Bureau of Reclamation to continue the implementation of the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins in order to accomplish the objectives of these programs within a currently established time schedule.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term ''Recovery Implementation Programs'' means the intergovernmental programs established pursuant to the 1988 Cooperative Agreement to implement the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River dated September 29, 1987, and the 1992 Cooperative Agreement to implement the San Juan River Recovery Implementation Program dated October 21, 1992, and as they may be amended by the parties thereto.

(2) The term ''Secretary'' means the Secretary of the Interior.

(3) The term ''Upper Division States'' means the States of Colorado, New Mexico, Utah, and Wyoming.

(4) The term ''Colorado River Storage Project'' or ''storage project'' means those dams, reservoirs, power plants, and other appurtenant project facilities and features authorized by and constructed in accordance with the Colorado River Storage Project Act (43 U.S.C. 620 et seq.).

(5) The term ''capital projects'' means planning, design, permitting or other compliance, pre-construction activities, construction, construction management, and replacement of facilities, and the acquisition of interests in land or water, as necessary to carry out the Recovery Implementation Programs.

(6) The term ''facilities'' includes facilities for the genetic conservation or propagation of the endangered fishes, those for the restoration of floodplain habitat or fish passage, those for control or supply of instream flows, and those for the removal or translocation of nonnative fishes.

(7) The term ''interests in land and water'' includes, but is not limited to, long-term leases and easements, and long-term enforcement, or other agreements protecting instream flows.

(8) The term ''base funding'' means funding for operation and maintenance of capital projects, implementation of recovery actions other than capital projects, monitoring and research to evaluate the need for or effectiveness of any recovery action, and program management, as necessary to carry out the Recovery Implementation Programs. Base funding also includes annual funding provided under the terms of the 1988 Cooperative Agreement and the 1992 Cooperative Agreement.

(9) The term ''recovery actions other than capital projects'' includes short-term leases and agreements for interests in land, water, and facilities; the reintroduction or augmentation of endangered fish stocks; and the removal, translocation, or other control of nonnative fishes.

(10) The term ''depletion charge'' means a one-time contribution in dollars per acre-foot to be paid to the United States Fish and Wildlife Service based on the average annual new depletion by each project.

SEC. 3. AUTHORIZATION TO FUND RECOVERY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FEDERAL PARTICIPATION IN CAPITAL PROJECTS.—(1) There is hereby authorized to be appropriated to the Secretary, $46,000,000 to undertake capital projects to carry out the purposes of this Act. Such funds shall be considered a nonreimbursable Federal expenditure.

(2) The authority of the Secretary, acting through the Bureau of Reclamation, under this or any other provision of law to implement capital projects for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin shall expire in fiscal year 2005 unless reauthorized by an Act of Congress.

(3) The authority of the Secretary to implement the capital projects for the San Juan River Basin Recovery Implementation Program shall expire in fiscal year 2007 unless reauthorized by an Act of Congress.

(b) COST OF CAPITAL PROJECTS.—The total costs of the capital projects undertaken for the Recovery Implementation Programs receiving assistance under this Act shall not exceed $100,000,000 of which—

(1) costs shall not exceed $82,000,000 for the Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin through fiscal year 2005; and

(2) costs shall not exceed $18,000,000 for the San Juan River Recovery Implementation Program through fiscal year 2007.

The amounts set forth in this subsection shall be adjusted by the Secretary for inflation in each fiscal year beginning after the enactment of this Act.

(c) NON-FEDERAL CONTRIBUTIONS TO CAPITAL PROJECTS.—(1) The Secretary, acting through the Bureau of Reclamation, may accept contributed funds from the Upper Division States, or political subdivisions or organizations with the Upper Division States, pursuant to agreements that provide for the contributions to be used for capital projects costs. Such non-Federal contributions shall not exceed $17,000,000.

(2) In addition to the contribution described in paragraph (1), the Secretary of Energy, acting through the Western Area Power Administration, and the Secretary of the Interior, acting through the Bureau of Reclamation, may utilize power revenues collected pursuant to the Colorado River Storage Project Act to carry out the purposes of this subsection. Such funds shall be treated as reimbursable costs assigned to power for repayment under section 5 of the Colorado River Storage Project Act. This additional contribution shall not exceed $17,000,000. Such funds shall be considered a non-Federal contribution for the purposes of this Act. The funding authorized by this paragraph over any 2-fiscal-year period shall be made available in amounts equal to the contributions for the same two fiscal year period made by the Upper Division States pursuant to paragraph (1).

(3) The additional funding provided pursuant to paragraph (2) may be provided through loans from the Colorado Water Conservation Board Construction Fund (37–60–121 C.R.S.) to the Western Area Power Administration in lieu of funds which would otherwise be collected from power revenues and used for storage project repayments. The Western Area Power Administration is authorized to repay such loan or loans from power revenues collected beginning in fiscal year 2012, subject to an agreement between the Colorado Water Conservation Board, the Western Area Power Administration, and the Bureau of Reclamation. The agreement and any future loan contracts that may be entered into by the Colorado Water Conservation Board, the Western Area Power Administration, and the Bureau of Reclamation shall be negotiated in consultation with Salt Lake City Area Integrated Projects Firm Power Contractors. The agreement and loan contracts shall include provisions designed to minimize impacts on electrical power rates and shall ensure that loan repayment to the Colorado Water Conservation Board, including principal and interest, is completed no later than September 30, 2057. The Western Area Power Administration is authorized to include in power rates such sums as are necessary to carry out this paragraph and paragraph (2).

(4) All contributions made pursuant to this subsection shall be in addition to the cost of replacement power purchased due to modifying the operation of the Colorado River Storage Project and the capital cost of water from Wolford Mountain Reservoir in Colorado. Such costs shall be considered as non-Federal contributions, not to exceed $20,000,000.

(d) BASE FUNDING.—(1) Beginning in the first fiscal year commencing after the date of enactment of this Act, the Secretary may utilize power revenues collected pursuant to the Colorado River Storage Project Act for the annual base funding contributions to the Recovery Implementation Programs by the Bureau of Reclamation. Such funding shall be treated as nonreimbursable and as having been repaid and returned to the general fund of the Treasury as costs assigned to power for repayment under section 5 of the Colorado River Storage Project Act.

(2) For the Recovery Implementation Program for the Endangered Fish Species in the Upper Colorado River Basin, the contributions to base funding referred to in paragraph (1) shall not exceed $4,000,000 per year. For the San Juan River Recovery Implementation Program, such contributions shall not exceed $2,000,000 per year. The Secretary shall adjust such amounts for inflation in fiscal years commencing after the enactment of this Act. The utilization of power revenues for annual base funding shall cease after the fiscal year 2011, unless reauthorized by Congress; except that power revenues may continue to be utilized to fund the operation and maintenance of capital projects and monitoring. No later than the end of fiscal year 2008, the Secretary shall submit a report on the utilization of power revenues for base funding to the appropriate Committees of the United States Senate and the House of Representatives. The Secretary shall also make a recommendation in such report regarding the need for continued base funding after fiscal year 2011 that may be required to fulfill the goals of the Recovery Implementation Programs. Nothing in this Act shall otherwise modify or amend existing agreements among participants regarding base funding and depletion charges for the Recovery Implementation Programs.

(3) The Western Area Power Administration and the Bureau of Reclamation shall maintain sufficient revenues in the Colorado River Basin Fund to meet their obligation to provide base funding in accordance with paragraph (2). If the Western Area Power Administration and the Bureau of Reclamation determine that the funds in the Colorado River Basin Fund will not be sufficient to meet the obligations of section 5(c)(1) of the Colorado River Storage Project Act for a 3-year period, the Western Area Power Administration and the Bureau of Reclamation shall request appropriations to meet base funding obligations.

(e) AUTHORITY TO RETAIN APPROPRIATED FUNDS.—At the end of each fiscal year any unexpended appropriated funds for capital projects under this Act shall be retained for use in future fiscal years. Unexpended funds under this Act that are carried over shall continue to be used to implement the capital projects needed for the Recovery Implementation Programs.

(f) ADDITIONAL AUTHORITY.—The Secretary may enter into agreements and contracts with Federal and non-Federal entities, acquire and transfer interests in land, water, and facilities, and accept or give grants in order to carry out the purposes of this Act.

(g) INDIAN TRUST ASSETS.—The Congress finds that much of the potential water development in the San Juan River Basin and in the Duchesne River Basin (a subbasin of the Green River in the Upper Colorado River Basin) is for the benefit of Indian tribes and most of the federally designated critical habitat for the endangered fish species in the San Juan River Basin is on Indian trust lands, and 2½ miles of critical habitat on the Duchesne River is on Indian Trust Land. Nothing in this Act shall be construed to restrict the Secretary, acting through the Bureau of Reclamation and the Bureau of Indian Affairs, from funding activities or capital projects in accordance with the Federal Government's Indian trust responsibility.

(h) TERMINATION OF AUTHORITY.—All authorities provided by this section for the respective Recovery Implementation Program shall terminate upon expiration of the current time period for the respective Cooperative Agreement referenced in section 2(1) unless, at least one year prior to such expiration, the time period for the respective Cooperative Agreement is extended to conform with this Act.

SEC. 4. EFFECT ON RECLAMATION LAW.

No provision of this Act nor any action taken pursuant thereto or in furtherance thereof shall constitute a new or supplemental benefit under the Act of June 17, 1902 (chapter 1093; 32 Stat. 388), and Acts supplemental thereto and amendatory thereof (43 U.S.C. 371 et seq.).

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

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I rise in strong support of H.R. 2348.

Mr. Speaker, for the last decade, I and many of my colleagues have been wrestling with how to address the problems we are facing with the implementation of the Endangered Species Act and the Colorado River. I personally believe that the current interpretation of the Endangered Species Act has strayed from it's original intent. There is little doubt in my mind that the authors of the bill never envisioned the taking of a person's property rights because of a fly, fish, or misplaced tortoise. I can remember when I was a young man, the same fish we are trying to save, we were unable to get rid of. However, I also believe that if we are ever to move forward on this very emotional issue, we must be willing to find the things we agree on and reach a compromise. This bill is a product of just that sort of compromise. It does not amend the federal Endangered Species Act, nor does it tear down any dams, it is a compromise that allows the water to flow and the fish to swim free.

In the past, request for funding the recovery programs have received support from Congress because they served as a dispute resolution mechanism and provided a means to solve a very complex set of problems in the Upper Colorado River and San Juan River Basins. Since 1998, these programs have relied primarily on the good will of Congressional appropriators and the Department of the Interior for adequate funding. While the U.S. Fish and Wildlife Service has clear authority to undertake capital projects under the federal Endangered Species Act, no such clear authority exists for the U.S. Bureau of Reclamation, the Bureau of Indian Affairs, or the Bureau of Land Management.

With capital construction projects finally underway and the amount of funding required increasing, program participants need to have clear statutory authority to help ensure that needed funds continue to be appropriated by Congress. H.R. 2348 would do this by authorizing the appropriation of $46 million to the Bureau of Reclamation and the Bureau of Indian Affairs for capital projects under the Upper Colorado Endangered Fish Recovery Program and the San Juan Recovery Implementation Program. The Bureau of Reclamation has been funding most of the capital cost to the projects to implement the Upper Colorado River program, like building fish ladders and acquiring flooded bottom lands where the fish thrive. Due to the heavy impact on Indian water development and Indian trust lands, the Bureau of Indian Affairs has shared the funding of the recovery efforts in the San Juan River Basin and would likely have responsibility for much of the construction of capital projects in the future.

By enacting this bill, non-federal participants like the states and those who purchase power from federal hydroelectric projects, will also help pay for capital projects. This cost sharing will be in cash, the value of water dedicated from a reservoir in Colorado, and the costs associated with reoperating the Flaming Gorge Dam. The cost sharing ratio amongst the non-federal participants shall be a true partnership, with the states and those who purchase power from federal hydroelectric projects equally dividing their cost.

Mr. Speaker, in conclusion I would like to thank Resources Chairman DON YOUNG and Ranking Member, GEORGE MILLER, for their leadership, and I urge my colleagues to support this bill.

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

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California, Mr. Speaker, I rise in strong support of H.R. 2348.

This legislation authorizes funding for the Bureau of Reclamation to continue the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins on a cost-shared basis with non-federal participants.

Through these recovery programs, government agencies, Indian tribes and private organizations are working to achieve recovery of endangered fish while balancing the continuing demands for water in the arid West. The participants are equal partners in the recovery programs and decisions are made by consensus. The recovery programs work within state laws and support water development under interstate water compacts.

The recovery programs are succeeding because all participants in the programs recognize that failure to recover the endangered species could result in limitations on current and future water diversions and use in the Upper Basin states. H.R. 2348 provides Congress and the Upper Basin stakeholders with finite limits on the construction costs anticipated by these recovery programs. H.R. 2348 authorizes the use of significant non-federal funding contributions.

Since 1988, the recovery programs have been relied primarily on the good will of congressional appropriators and the Department of the Interior for adequate funding. With the passage of H.R. 2348, funding authorities for the recovery programs will be crystal clear.

This is one of the most successful and broadly supported interagency cooperative programs in the history of fish management in this country. We seldom have an opportunity to pass legislation that enjoys such broad support. Years of cooperative work which brought this legislation before the committee, and I commend the many people both inside and outside government who have contributed to this program and the passage of this legislation.

I strongly urge my colleagues to support H.R. 2348.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2348, as amended.

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

A motion to reconsider was laid on the table.

SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE OF UTAH WATER RIGHTS SETTLEMENT ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3291) to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3291

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 ''Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) It is the official policy of the United States, in keeping with its trust responsibility to Indian tribes, to promote Indian self-determination and economic self-sufficiency, and to settle the water rights claims of Indian tribes to avoid lengthy and costly litigation.

(2) Any meaningful policy of Indian self-determination and economic self-sufficiency requires the development of viable Indian reservation economies.

(3) The quantification of water rights and the development of water use facilities is essential to the development of viable Indian reservation economies, particularly in the arid Western States.

(4) The Act of March 3, 1891, provided for the temporary support of the Shebit (or Shivwits) tribe of Indians in Washington County, Utah, and appropriated moneys for the purchase of improvements on lands along the Santa Clara River for the use of said Indians. Approximately 26,880 acres in the same area were set aside as a reservation for the Shivwits Band by Executive order dated April 21, 1916. Additional lands were added to the reservation by Congress on May 28, 1937.

(5) The waters of the Santa Clara River are fully appropriated except during high flow periods. A water right was awarded to the United States for the benefit of the Shivwits Band in the 1922 adjudication entitled St. George Santa Clara Field Co., et al. v. Newcastle Reclamation Co., et al., for ''1.38 cubic feet of water per second for the irrigation of 83.2 acres of land and for culinary, domestic, and stock watering purposes'', but no provision has been made for water resource development to benefit the Shivwits Band. In general, the remainder of the Santa Clara River's flow is either diverted on the reservation and delivered through a canal devoted exclusively to non-Indian use that traverses the reservation to a reservoir owned by the Ivins Irrigation Company; dedicated to decreed and certificated rights of irrigation companies downstream of the reservation; or impounded in the Gunlock Reservoir upstream of the reservation. The Band's lack of access to water has frustrated its efforts to achieve meaningful self-determination and economic self-sufficiency.

(6) On July 21, 1980, the State of Utah, pursuant to title 73, chapter 4, Utah Code Ann., initiated a statutory adjudication of water rights in the Fifth Judicial District Court in Washington County, Utah, Civil No. 800507596, which encompasses all of the rights to the use of water, both surface and underground, within the drainage area of the Virgin River and its tributaries in Utah (''Virgin River Adjudication''), including the Santa Clara River Drainage (''Santa Clara System'').

(7) The United States was joined as a party in the Virgin River Adjudication pursuant to section 666 of title 43, United States Code. On February 17, 1987, the United States filed a Statement of Water User Claim asserting a water right based on State law and a Federal reserved water rights claim for the benefit of the Shivwits Band to water from the Santa Clara River System. This was the only claim the United States filed for any Indian tribe or band in the Virgin River Adjudication within the period allowed by Title 73, Chapter 4, Utah Code Ann., which bars the filing of claims after the time prescribed therein.

(8) The Virgin River adjudication will take many years to conclude, entail great expense, and prolong uncertainty as to the availability of water supplies, and thus, the parties have sought to settle their dispute over water and reduce the burdens of litigation.

(9) After lengthy negotiation, which included participation by representatives of the United States Government for the benefit of the Shivwits Band, the State of Utah, the Shivwits Band, the Washington County Water Conservancy District, the city of St. George, and others on the Santa Clara River System, the parties have entered into agreements to resolve all water rights claims between and among themselves and to quantify the water right entitlement of the Shivwits Band, and to provide for the construction of water projects to facilitate the settlement of these claims.

(10) Pursuant to the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, the Shivwits Band will receive the right to a total of 4,000 acre-feet of water annually in settlement of its existing State law claims and Federal reserved water right claims.

(11) To advance the goals of Federal Indian policy and consistent with the trust responsibility of the United States to the Shivwits Band, it is appropriate that the United States participate in the implementation of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement in accordance with this Act.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the Santa Clara River for the Shivwits Band, and the United States for the benefit of the Shivwits Band;

(2) to promote the self-determination and economic self-sufficiency of the Shivwits Band, in part by providing funds to the Shivwits Band for its use in developing a viable reservation economy;

(3) to approve, ratify, and confirm the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, and the Shivwits Water Right described therein;

(4) to authorize the Secretary of the Interior to execute the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, and to take such actions as are necessary to implement these agreements in a manner consistent with this Act; and

(5) to authorize the appropriation of funds necessary for implementation of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement.

SEC. 4. DEFINITIONS.

In this Act:

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

(2) UTAH.—The term ''Utah'' means the State of Utah, by and through its Department of Natural Resources.

(3) SHIVWITS BAND.—The term ''Shivwits Band'' means the Shivwits Band of the Paiute Indian Tribe of Utah, a constituent band of the Paiute Indian Tribe of Utah, a federally recognized Indian tribe organized under section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and the Act of April 3, 1980 (94 Stat. 317).

(4) PAIUTE INDIAN TRIBE OF UTAH.—The term ''Paiute Indian Tribe of Utah'' means the federally recognized Indian Tribe organized under section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476), and the Act of April 3, 1980 (94 Stat. 317), comprised of five bands of Southern Paiute Indians (Shivwits, Indian Peaks, Cedar, Koosharem, and Kanosh Bands).

(5) DISTRICT.—The term ''District'' means the Washington County Water Conservancy District, a Utah water conservancy district.

(6) ST. GEORGE.—The term ''St. George'' means St. George City, a Utah municipal corporation.

(7) VIRGIN RIVER ADJUDICATION.—The term ''Virgin River Adjudication'' means the statutory adjudication of water rights initiated pursuant to title 73, chapter 4, Utah Code Ann. and pending in the Fifth Judicial District Court in Washington County, Utah, Civil No. 800507596.

(8) ST. GEORGE WATER REUSE PROJECT AGREEMENT.—The term ''St. George Water Reuse Project Agreement'' means the agreement among the United States for the benefit of the Shivwits Band, Utah, the Shivwits Band, and St. George City, together with all exhibits thereto, as the same is approved and executed by the Secretary of the Interior pursuant to section 8 of this Act.

(9) SANTA CLARA PROJECT AGREEMENT.—The term ''Santa Clara Project Agreement'' means the agreement among the United States for the benefit of the Shivwits Band, Utah, the Shivwits Band, the Washington County Water Conservancy District, St. George City, the New Santa Clara Field Canal Company, the St. George Clara Field Canal Company, the Ivins Irrigation Company, the Southgate Irrigation Company, Bloomington Irrigation Company, Ed Bowler, and the Lower Gunlock Reservoir Company, together with all exhibits thereto, as the same is approved and executed by the Secretary of the Interior pursuant to section 8 of this Act.

(10) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means that agreement among the United States for the benefit of the Shivwits Band, Utah, the Shivwits Band, the Washington County Water Conservancy District, St. George City, the New Santa Clara Field Canal Company, the St. George Clara Field Canal Company, the Ivins Irrigation Company, the Southgate Irrigation Company, Bloomington Irrigation Company, Ed Bowler, and the Lower Gunlock Reservoir Company, together with all exhibits thereto, as the same is approved and executed by the Secretary of the Interior pursuant to section 8 of this Act.

(11) SHIVWITS WATER RIGHT.—The term ''Shivwits Water Right'' means the water rights of the Shivwits Band set forth in the Settlement Agreement and as settled, confirmed, and ratified by section 7 of this Act.

(12) SHIVWITS BAND TRUST FUND.—The term ''Shivwits Band Trust Fund'' means the Trust Fund authorized in section 11 of this Act to further the purposes of the Settlement Agreement and this Act.

(13) VIRGIN RIVER RESOURCE MANAGEMENT AND RECOVERY PROGRAM.—The term ''Virgin River Resource Management and Recovery Program'' means the proposed multiagency program, to be administered by the United States Fish and Wildlife Service, Bureau of Land Management, National Park Service, Utah, and the District, whose primary purpose is to prioritize and implement native fish recovery actions that offset impacts due to future water development in the Virgin River basin.

SEC. 5. ST. GEORGE WATER REUSE PROJECT.

(a) ST. GEORGE WATER REUSE PROJECT.—The St. George Water Reuse Project shall consist of water treatment facilities, a pipeline, and associated pumping and delivery facilities owned and operated by St. George, which is a component of, and shall divert water from, the Water Reclamation Facility located in St. George, Utah, and shall transport this water for delivery to and use by St. George and the Shivwits Band. St. George shall make 2,000 acre-feet of water available annually for use by the Shivwits Band in accordance with the St. George Water Reuse Project Agreement and this Act.

(b) PROJECT CONSTRUCTION OPERATION AND MAINTENANCE.—(1) St. George shall be responsible for the design, engineering, permitting, construction, operation, maintenance, repair, and replacement of the St. George Water Reuse Project, and the payment of its proportionate share of these project costs as provided for in the St. George Water Reuse Project Agreement.

(2) The Shivwits Band and the United States for the benefit of the Shivwits Band shall make available, in accordance with the terms of the St. George Water Reuse Agreement and this Act, a total of $15,000,000 to St. George for the proportionate share of the design, engineering, permitting, construction, operation, maintenance, repair, and replacement of the St. George Water Reuse Project associated with the 2,000 acre-feet annually to be provided to the Shivwits Band.

SEC. 6. SANTA CLARA PROJECT.

(a) SANTA CLARA PROJECT.—The Santa Clara Project shall consist of a pressurized pipeline from the existing Gunlock Reservoir across the Shivwits Reservation to and including Ivins Reservoir, along with main lateral pipelines. The Santa Clara Project shall pool and deliver the water rights of the parties as set forth in the Santa Clara Project Agreement. The Santa Clara Project shall deliver to the Shivwits Band a total of 1,900 acre-feet annually in accordance with the Santa Clara Project Agreement and this Act.

(b) INSTREAM FLOW.—The Santa Clara Project shall release instream flow water from the Gunlock Reservoir into the Santa Clara River for the benefit of the Virgin Spinedace, in accordance with the Santa Clara Project Agreement and this Act.

(c) PROJECT FUNDING.—The Utah Legislature and the United States Congress have each appropriated grants of $750,000 for the construction of the Santa Clara Project. The District shall provide a grant of $750,000 for the construction of the Santa Clara Project. The District shall provide any additional funding required for the construction of the Santa Clara Project.

(d) PROJECT CONSTRUCTION, OPERATION, AND MAINTENANCE.—The District shall be responsible for the permitting, design, engineering, construction, and the initial operation, maintenance, repair, and replacement of the Santa Clara Project. Operation, maintenance, repair, and replacement activities and costs of the Santa Clara Project shall be handled in accordance with the terms of the Santa Clara Project Agreement.

SEC. 7. SHIVWITS WATER RIGHT.

(a) IN GENERAL.—The Shivwits Band and its members shall have the right in perpetuity to divert, pump, impound, use, and reuse a total of 4,000 acre-feet of water annually from the Virgin River and Santa Clara River systems, to be taken as follows:

(1) 1,900 acre-feet annually from the Santa Clara River System, with an 1890 priority date in accordance with the terms of the Santa Clara Project Agreement.

(2) 2,000 acre-feet of water annually from the St. George Water Reuse Project as provided for in the St. George Water Reuse Project Agreement. The Shivwits Band shall have first priority to the reuse water provided from the St. George Water Reclamation Facility.

(3) 100 acre-feet annually, with a 1916 priority date, from groundwater on the Shivwits Reservation.

(b) WATER RIGHTS CLAIMS.—All water rights claims of the Shivwits Band, and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band, are hereby settled. The Shivwits Water Right is hereby ratified, confirmed, and shall be held in trust by the United States for the benefit of the Shivwits Band.

(c) SETTLEMENT.—The Shivwits Band may use water from the springs and runoff located on the Shivwits Reservation. The amount used from these sources will be reported annually to the Utah State Engineer by the Shivwits Band and shall be counted against the annual 4,000 acre-feet Shivwits Water Right.

(d) ABANDONMENT, FORFEITURE, OR NONUSE.—The Shivwits Water Right shall not be subject to loss by abandonment, forfeiture, or nonuse.

(e) USE OR LEASE.—The Shivwits Band may use or lease the Shivwits Water Right for either or both of the following:

(1) For any purpose permitted by tribal or Federal law anywhere on the Shivwits Band Reservation. Once the water is delivered to the Reservation, such use shall not be subject to State law, regulation, or jurisdiction.

(2) For any beneficial use off the Shivwits Reservation in accordance with the St. George Water Reuse Agreement, the Santa Clara Project Agreement, the Settlement Agreement, and all applicable Federal and State laws.

No service contract, lease, exchange, or other agreement entered into under this subsection may permanently alienate any portion of the Shivwits Water Right.

SEC. 8. RATIFICATION OF AGREEMENTS.

Except to the extent that the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement conflict with the provisions of this Act, such agreements are hereby approved, ratified, and confirmed. The Secretary is hereby authorized to execute, and take such other actions as are necessary to implement, such agreements.

SEC. 9. SATISFACTION OF CLAIMS.

(a) FULL SATISFACTION OF CLAIMS.—The benefits realized by the Shivwits Band and its members under the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, the Settlement Agreement, and this Act shall constitute full and complete satisfaction of all water rights claims, and any continuation thereafter of any of these claims, of the Shivwits Band and its members, and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band, for water rights or injuries to water rights under Federal and State laws from time immemorial to the effective date of this Act. Notwithstanding the foregoing, nothing in this Act shall be—

(1) deemed to recognize or establish any right of a member of the Shivwits Band to water on the Shivwits Reservation; or

(2) interpreted or construed to prevent or prohibit the Shivwits Band from participating in the future in other water projects, or from purchasing additional water rights for their benefit and use, to the same extent as any other entity.

(b) WAIVER AND RELEASE.—By the approval, ratification, and confirmation herein of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, the United States executes the following waiver and release in conjunction with the Reservation of Rights and Retention of Claims set forth in the Settlement Agreement, to be effective upon satisfaction of the conditions set forth in section 14 of this Act. Except as otherwise provided in the Settlement Agreement, this Act, or the proposed judgment and decree referred to in section 14(a)(7) of this Act, the United States, on behalf of the Shivwits Band and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band, waives and releases the following:

(1) All claims for water rights or injuries to water rights for lands within the Shivwits Reservation that accrued at any time up to and including the effective date determined by section 14 of this Act, and any continuation thereafter of any of these claims, that the United States for the benefit of the Shivwits Band may have against Utah, any agency or political subdivision thereof, or any person, entity, corporation, or municipal corporation.

(2) All claims for water rights or injuries to water rights for lands outside of the Shivwits Reservation, where such claims are based on aboriginal occupancy of the Shivwits Band, its members, or their predecessors, that accrued at any time up to and including the effective date determined by section 14 of this Act, and any continuation thereafter of any of these claims, that the United States for the benefit of the Shivwits Band may have against Utah, any agency or political subdivision thereof, or any person, entity, corporation, or municipal corporation.

(3) All claims for trespass to lands on the Shivwits Reservation regarding the use of Ivins Reservoir that accrued at any time up to and including the effective date determined by section 14 of this Act.

(c) DEFINITIONS.—For purposes of this section—

(1) ''water rights'' means rights under State and Federal law to divert, pump, impound, use, or reuse, or to permit others to divert, pump, impound, use or reuse water; and

(2) ''injuries to water rights'' means the loss, deprivation, or diminution of water rights.

(d) SAVINGS PROVISION.—In the event the waiver and release contained in subsection (b) of this section do not become effective pursuant to section 14, the Shivwits Band and the United States shall retain the right to assert past and future water rights claims as to all lands of the Shivwits Reservation, and the water rights claims and defenses of all other parties to the agreements shall also be retained.

SEC. 10. WATER RIGHTS AND HABITAT ACQUISITION PROGRAM.

(a) IN GENERAL.—The Secretary is authorized to establish a water rights and habitat acquisition program in the Virgin River Basin—

(1) primarily for the benefit of native plant and animal species in the Santa Clara River Basin which have been listed, are likely to be listed, or are the subject of a duly approved conservation agreement under the Endangered Species Act; and

(2) secondarily for the benefit of native plant and animal species in other parts of the Virgin River Basin which have been listed, are likely to be listed, or are the subject of a duly approved conservation agreement under the Endangered Species Act.

(b) WATER AND WATER RIGHTS.—The Secretary is authorized to acquire water and water rights, with or without the lands to which such rights are appurtenant, and to acquire shares in irrigation and water companies, and to transfer, hold, and exercise such water and water rights and related interests to assist the conservation and recovery of any native plant or animal species described in subsection (a).

(c) REQUIREMENTS.—Acquisition of the water rights and related interests pursuant to this section shall be subject to the following requirements:

(1) Water rights acquired must satisfy eligibility criteria adopted by the Secretary.

(2) Water right purchases shall be only from willing sellers, but the Secretary may target purchases in areas deemed by the Secretary to be most beneficial to the water rights acquisition program established by this section.

(3) All water rights shall be transferred and administered in accordance with any applicable State law.

(d) HABITAT PROPERTY.—The Secretary is authorized to acquire, hold, and transfer habitat property to assist the conservation and recovery of any native plant or animal species described in section 10(a). Acquisition of habitat property pursuant to this section shall be subject to the following requirements:

(1) Habitat property acquired must satisfy eligibility criteria adopted by the Secretary.

(2) Habitat property purchases shall be only from willing sellers, but the Secretary may target purchases in areas deemed by the Secretary to be most beneficial to the habitat acquisition program established by this section.

(e) CONTRACT.—The Secretary is authorized to administer the water rights and habitat

acquisition program by contract or agreement with a non-Federal entity which the Secretary determines to be qualified to administer such program. The water rights and habitat acquisition program shall be administered pursuant to the Virgin River Resource Management and Recovery Program.

(f) AUTHORIZATION.—There is authorized to be appropriated from the Land and Water Conservation Fund for fiscal years prior to the fiscal year 2004, a total of $3,000,000 for the water rights and habitat acquisition program authorized in this section. The Secretary is authorized to deposit and maintain this appropriation in an interest bearing account, said interest to be used for the purposes of this section. The funds authorized to be appropriated by this section shall not be in lieu of or supersede any other commitments by Federal, State, or local agencies. The funds appropriated pursuant to this section shall be available until expended, and shall not be expended for the purpose set forth in subsection (a)(2) until the Secretary has evaluated the effectiveness of the instream flow required and provided by the Santa Clara Project Agreement, and has assured that the appropriations authorized in this section are first made available for the purpose set forth in subsection (a)(1).

SEC. 11. SHIVWITS BAND TRUST FUND.

(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a fund to be known as the ''Shivwits Band Trust Fund'' (hereinafter called the ''Trust Fund''). The Secretary shall deposit into the Trust Fund the funds authorized to be appropriated in subsections (b) and (c). Except as otherwise provided in this Act, the Trust Fund principal and any income accruing thereon shall be managed in accordance with the American Indian Trust Fund Management Reform Act (108 Stat. 4239; 25 U.S.C. 4001 et seq.).

(b) AUTHORIZATION.—There is authorized to be appropriated a total of $20,000,000, for fiscal years prior to the fiscal year 2004 for the following purposes:

(1) $5,000,000, which shall be made available to the Shivwits Band from the Trust Fund for purposes including but not limited to those that would enable the Shivwits Band to put to beneficial use all or part of the Shivwits Water Right, to defray the costs of any water development project in which the Shivwits Band is participating, or to undertake any other activity that may be necessary or desired for implementation of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, the Settlement Agreement, or for economic development on the Shivwits Reservation.

(2) $15,000,000, which shall be made available by the Secretary and the Shivwits Band to St. George for the St. George Water Reuse Project, in accordance with the St. George Water Reuse Project Agreement.

(c) SHARE OF CERTAIN COSTS.—There is authorized to be appropriated to the Trust Fund in fiscal years prior to the fiscal year 2004 a total of $1,000,000 to assist with the Shivwits Band's proportionate share of operation, maintenance, repair, and replacement costs of the Santa Clara Project as provided for in the Santa Clara Project Agreement.

(d) USE OF THE TRUST FUND.—Except for the $15,000,000 appropriated pursuant to subsection (b)(2), all Trust Fund principal and income accruing thereon may be used by the Shivwits Band for the purposes described in subsections (b)(1) and (c). The Shivwits Band, with the approval of the Secretary, may withdraw the Trust Fund and deposit it in a mutually agreed upon private financial institution. That withdrawal shall be made pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.). If the Shivwits Band exercises its right pursuant to this subsection to withdraw the Trust Fund and deposit it in a private financial institution, except as provided in the withdrawal plan, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of the funds.

(e) NO PER CAPITA PAYMENTS.—No part of the principal of the Trust Fund, or of the income accruing thereon, or of any revenue generated from any water use subcontract, shall be distributed to any member of the Shivwits Band on a per capita basis.

(f) LIMITATION.—The moneys authorized to be appropriated under subsections (b) and (c) shall not be available for expenditure or withdrawal by the Shivwits Band until the requirements of section 14 have been met so that the decree has become final and the waivers and releases executed pursuant to section 9(b) have become effective. Once the settlement becomes effective pursuant to the terms of section 14 of this Act, the assets of the Trust Fund belong to the Shivwits Band and are not returnable to the United States Government.

SEC. 12. ENVIRONMENTAL COMPLIANCE.

(a) NATIONAL ENVIRONMENTAL POLICY ACT.—Signing by the Secretary of the St. George Water Reuse Project Agreement, the Santa Clara Project Agreement, or the Settlement Agreement does not constitute major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) OTHER REQUIREMENTS.—The Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and other applicable environmental laws in implementing the terms of the St. George Water Reuse Agreement, the Santa Clara Project Agreement, the Settlement Agreement, and this Act.

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) OTHER INDIAN TRIBES.—Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community, other than the Shivwits Band and the Paiute Indian Tribe of Utah acting on behalf of the Shivwits Band.

(b) PRECEDENT.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement Acts.

(c) WAIVER OF SOVEREIGN IMMUNITY.—Except to the extent provided in subsections (a), (b), and (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this Act may be construed to waive the sovereign immunity of the United States. Furthermore, the submission of any portion of the Settlement Agreement to the District Court in the Virgin River Adjudication shall not expand State court jurisdiction or expand in any manner the waiver of sovereign immunity of the United States in section 666 of title 43, United States Code, or any other provision of Federal law.

(d) APPRAISALS.—Notwithstanding any other law to the contrary, the Secretary is authorized to approve any right-of-way appraisal which has been completed in accordance with the provisions of the Santa Clara Project Agreement.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—The waiver and release contained in section 9(b) of this Act shall become effective as of the date the Secretary causes to be published in the Federal Register a statement of findings that—

(1) the funds authorized by sections 11(b) and 11(c) have been appropriated and deposited into the Trust Fund;

(2) the funds authorized by section 10(f) have been appropriated;

(3) the St. George Water Reuse Project Agreement has been modified to the extent it is in conflict with this Act and is effective and enforceable according to its terms;

(4) the Santa Clara Project Agreement has been modified to the extent it is in conflict with this Act and is effective and enforceable according to its terms;

(5) the Settlement Agreement has been modified to the extent it is in conflict with this Act and is effective and enforceable according to its terms;

(6) the State Engineer of Utah has taken all actions and approved all applications necessary to implement the provisions of the St. George Water Reuse Agreement, the Santa Clara Project Agreement, and the Settlement Agreement, from which no further appeals may be taken; and

(7) the court has entered a judgment and decree confirming the Shivwits Water Right in the Virgin River Adjudication pursuant to Utah Rule of Civil Procedure 54(b), that confirms the Shivwits Water Right and is final as to all parties to the Santa Clara Division of the Virgin River Adjudication and from which no further appeals may be taken, which the United States and Utah find is consistent in all material aspects with the Settlement Agreement and with the proposed judgment and decree agreed to by the parties to the Settlement Agreement.

(b) DEADLINE.—If the requirements of paragraphs (1) through (7) of subsection (a) are not completed to allow the Secretary's statement of findings to be published by December 31, 2003—

(1) except as provided in section 9(d), this Act shall be of no further force and effect; and

(2) all unexpended funds appropriated under section 11(b) and (c), together with all interest earned on such funds shall revert to the general fund of the United States Treasury on October 1, 2004.

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

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I rise in strong support of H.R. 3291.

As anyone from the Western part of our great Nation can tell you, water is one of the most critical factors to our communities. This said, disputes over water are difficult to resolve and the outcomes rarely satisfy anyone. Today we have the opportunity to resolve potentially heated disputes and bring about a solution that will uncharacteristically satisfy all parties involved.

I introduced H.R. 3291 to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indians. On July 21, 1980, the controversy over water came to a head when the State of Utah initiated a statutory adjudication of water rights within the drainage of the Virgin River, including the Santa Clara River. The United States, as trustee for the Shivwits Band, filed a water user claim in the ongoing statutory adjudication of

water rights in Washington County claiming a right to 11,355 acre feet of water for the benefit of the Shivwits. However, due to the time and expense of such adjudication, the parties have entered into agreements to resolve the water rights claims by construction of two water projects that will stabilize the erratic flow of the Santa Clara River and guarantee 4,000 acre-feet of water per year to the Shivwits. This stabilization of the water flow will not only help alleviate water shortages and bring an end to the water claim dispute, but also provide much needed water for endangered fish.

Along with the two water projects, H.R. 3291, authorizes the Secretary of Interior to create a water rights and habitat acquisition program. This program would be established in the Virgin River Basin for the benefit of species, primarily in the Santa Clara River Basin and secondarily in other parts of the Virgin River, Basin, which have been listed, are likely to be listed, or are the subject of a conservation agreement under the Endangered Species Act. Acquisition of water rights and habitat property must be from willing sellers and would be funded by an appropriation of $3 million.

Mr. Speaker, in conclusion I would like to thank Resources Chairman, Don Young, for his leadership in the Committee and I urge my colleagues to support this bill.

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

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California, Mr. Speaker, I rise in strong support of H.R. 3291.

Mr. Speaker, H.R. 3291 provides for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah. The bill would make 2,000 acre-feet of water available annually to the Shivwits Band of the Paiute Indian Tribe. The water would be diverted from the water reclamation facility in St. George, Utah.

This settlement will provide the tribe with a significant and long-overdue economic boost.

We have no objections to the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3291, as amended.

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

A motion to reconsider was laid on the table.

GREAT APE CONSERVATION ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4320) to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes, as amended.

The Clerk read as follows:

H.R. 4320

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 ''Great Ape Conservation Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) great ape populations have declined to the point that the long-term survival of the species in the wild is in serious jeopardy;

(2) the chimpanzee, gorilla, bonobo, orangutan, and gibbon are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and under Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(3) because the challenges facing the conservation of great apes are so immense, the resources available to date have not been sufficient to cope with the continued loss of habitat due to human encroachment and logging and the consequent diminution of great ape populations;

(4) because great apes are flagship species for the conservation of the tropical forest habitats in which they are found, conservation of great apes provides benefits to numerous other species of wildlife, including many other endangered species;

(5) among the threats to great apes, in addition to habitat loss, are population fragmentation, hunting for the bushmeat trade, live capture, and exposure to emerging or introduced diseases;

(6) great apes are important components of the ecosystems they inhabit, and studies of their wild populations have provided important biological insights;

(7) although subsistence hunting of tropical forest animals has occurred for hundreds of years at a sustainable level, the tremendous increase in the commercial trade of tropical forest species is detrimental to the future of these species; and

(8) the reduction, removal, or other effective addressing of the threats to the long-term viability of populations of great apes in the wild will require the joint commitment and effort of countries that have within their boundaries any part of the range of great apes, the United States and other countries, and the private sector.

(b) PURPOSES.—The purposes of this Act are—

(1) to sustain viable populations of great apes in the wild; and

(2) to assist in the conservation and protection of great apes by supporting conservation programs of countries in which populations of great apes are located and by supporting the CITES Secretariat.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITES.—The term ''CITES'' means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249), including its appendices.

(2) CONSERVATION.—The term ''conservation''—

(A) means the use of methods and procedures necessary to prevent the diminution of, and to sustain viable populations of, a species; and

(B) includes all activities associated with wildlife management, such as—

(i) conservation, protection, restoration, acquisition, and management of habitat;

(ii) in-situ research and monitoring of populations and habitats;

(iii) assistance in the development, implementation, and improvement of management plans for managed habitat ranges;

(iv) enforcement and implementation of CITES;

(v) enforcement and implementation of domestic laws relating to resource management;

(vi) development and operation of sanctuaries for members of a species rescued from the illegal trade in live animals;

(vii) training of local law enforcement officials in the interdiction and prevention of the illegal killing of great apes;

(viii) programs for the rehabilitation of members of a species in the wild and release of the members into the wild in ways which do not threaten existing wildlife populations by causing displacement or the introduction of disease;

(ix) conflict resolution initiatives;

(x) community outreach and education; and

(xi) strengthening the capacity of local communities to implement conservation programs.

(3) FUND.—The term ''Fund'' means the Great Ape Conservation Fund established by section 5.

(4) GREAT APE.—The term ''great ape'' means a chimpanzee, gorilla, bonobo, orangutan, or gibbon.

(5) MULTINATIONAL SPECIES CONSERVATION FUND.—The term ''Multinational Species Conservation Fund'' means such fund as established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999, under the heading ''MULTINATIONAL SPECIES CONSERVATION FUND''.

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

SEC. 4. GREAT APE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of great apes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of great apes may be submitted to the Secretary by—

(A) any wildlife management authority of a country that has within its boundaries any part of the range of a great ape if the activities of the authority directly or indirectly affect a great ape population;

(B) the CITES Secretariat; or

(C) any person or group with the demonstrated expertise required for the conservation of great apes.

(2) REQUIRED ELEMENTS.—A project proposal shall include—

(A) a concise statement of the purposes of the project;

(B) the name of the individual responsible for conducting the project;

(C) a description of the qualifications of the individuals who will conduct the project;

(D) a concise description of—

(i) methods for project implementation and outcome assessment;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(E) an estimate of the funds and time required to complete the project;

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(G) information regarding the source and amount of matching funding available for the project; and

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine if the proposal meets the criteria specified in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be conducted;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to the person who submitted the proposal, other appropriate Federal officials, and each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will enhance programs for conservation of great apes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and great apes that arise from competition for the same habitat;

(3) enhance compliance with CITES and other applicable laws that prohibit or regulate the taking or trade of great apes or regulate the use and management of great ape habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition and health of great ape habitat;

(B) great ape population numbers and trends; or

(C) the current and projected threats to the habitat, current and projected numbers, or current and projected trends; or

(5) promote cooperative projects on the issues described in paragraph (4) among government entities, affected local communities, nongovernmental organizations, or other persons in the private sector.

(e) PROJECT SUSTAINABILITY.—To the maximum extent practicable, in determining whether to approve project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of great apes and their habitats.

(f) MATCHING FUNDS.—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which matching funds are available.

(g) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary considers necessary) that include all information that the Secretary, after consultation with other appropriate government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this Act, shall be made available to the public.

(h) LIMITATIONS ON USE FOR CAPTIVE BREEDING.—Amounts provided as a grant under this Act—

(1) may not be used for captive breeding of great apes other than for captive breeding for release into the wild; and

(2) may be used for captive breeding of a species for release into the wild only if no other conservation method for the species is biologically feasible.

(i) PANEL.—Every 2 years, the Secretary shall convene a panel of experts to identify the greatest needs for the conservation of great apes.

SEC. 5. GREAT APE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund a separate account to be known as the ''Great Ape Conservation Fund'', consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 6; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 4.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the account available for each fiscal year, the Secretary may expand not more than 3 percent, or up to $80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(c) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to provide assistance under section 4. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2001 through 2005.

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

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HANSEN asked and was given permission to revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I rise in strong support of H.R. 4320.

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

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California, Mr. Speaker, I rise in strong support of H.R. 4320.

The magnitude of the crisis facing the great apes is quite alarming. Populations of chimpanzees, gorillas, bonobos, and orangutans in Africa and Asia are disappearing at a record pace, and scientists have warned they could become extinct in the wild within the next twenty years.

A broad range of actions will be needed to conserve and recover great ape populations in Africa and Asia. Logging companies must halt the flow of illegal bushmeat from their operations. Long term support for protected areas, national parks, and buffer zones must be secured to protect habitat and wildlife. Law enforcement capacity to enable countries to enforce wildlife protection laws must be developed to prevent poaching. Finally, efforts must be undertaken to help rural populations develop alternative sources of protein that will reduce the demand for bushmeat.

While it is a formidable task, we cannot let the desperate straights of the great apes immobilize us. We must do what we can as quickly as possible. H.R. 4320 bill is a good step in the direction and will hopefully inspire a broad scale effort to restore ape populations worldwide.

Modeled after the successful and widely supported African and Asian Elephant Conservation Acts, the Great Ape Conservation Act would authorize the Secretary to provide up to $5 million a year in grants to local wildlife management authorities and other entities in the ranges states to conserve and rebuild great ape populations. This is important because without the cooperation and commitment of the range states and the local communities, conservation efforts cannot be successful.

H.R. 4320 is supported by the Administration and a broad range of interest groups, and I hope Members can support its passage today.

Mr. SAXTON. Mr. Speaker, I rise in strong support of H.R. 4320, the Great Ape Conservation Act, and I compliment the author.

Today, great apes face multiple threats to their very survival. These include habitat destruction, civil wars, and an explosion in the devastating illegal hunting of apes for the commercial enterprise known as bushmeat trade. Unless immediate steps are taken, these magnificent animals will continue their slide toward extinction. We must not allow that to occur.

This legislation would continue the successful partnership established by the African Elephant Conservation Act by creating the Great Ape Conservation Fund, which would make grant money available to assist range state governments and nongovernmental organizations involved in the front-line battles to protect great apes.

These monies will complement established programs and, at the same time, leverage additional financial support from other organizations.

Mr. Speaker, great apes—defined as gorillas, orangutans, chimpanzees, bonobos, and gibbons—are listed both as endangered under the Endangered Species Act and Appendix I under CITES. In fact, one subspecies of gorilla—the mountain gorilla—made famous by the movie, ''Gorillas in the Mist,'' has been decimated to less than 700 animals, making it more endangered than the giant panda.

These grand animals—with whom we share 98 percent of our genetic material—deserve our help.

This bill is supported by the administration and by a diverse group of conservation leaders, including the American Zoo and Aquarium Association, World Wildlife Fund, Wildlife Conservation Society, and many other organizations.

H.R. 4320 is noncontroversial and should be supported by all Members.

I urge an ''aye'' vote on this important conservation legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4320, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. 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. 2348, H.R. 3291, and H.R. 4320, the three bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

RECOGNIZING IMPORTANCE OF CHILDREN IN THE UNITED STATES AND SUPPORTING GOALS AND IDEAS OF NATIONAL YOUTH DAY

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 375) recognizing the importance of children in the United States and supporting the goals and ideas of National Youth Day, as amended.

The Clerk read as follows:

H. CON. RES. 375

Whereas national evidence indicates that America's youth are faced with oppressive issues, such as violence, drugs, abuse, and even family stress, causing the future of the youth of the United States, and therefore the future of the Nation, to be at risk;

Whereas youth in America, regardless of their economic status, ethnic or cultural heritage, or geographic location, are experiencing the pressures caused by contemporary society;

Whereas although Americans realize the challenges of today's busy lifestyles and balancing work schedules and youth activities, they remain committed to education, physical fitness, and civic-mindedness;

Whereas it is imperative that the people of the United States act willfully and purposely to secure a positive future for the Nation by devoting time to youth, sharing traditions, and communicating values to children in an effort to sustain ongoing relationships with caring adults;

Whereas America's Promise—The Alliance for Youth, led by General Colin L. Powell, United States Army (retired), is one of the Nation's most comprehensive nonprofit organizations dedicated to building and strengthening the character and competence of youth by mobilizing the Nation to fulfill the organization's ''Five Promises'' for young people:

(1) ongoing relationships with caring adults;

(2) safe places with structured activities during nonschool hours;

(3) a healthy start and future;

(4) marketable skills through effective education; and

(5) opportunities to give back through community service;

Whereas the citizens of the United States will celebrate American Youth Day and encourage all youth organizations to participate annually on a Saturday near the beginning of the school year; and

Whereas American Youth Day will provide opportunities for America's youth to reclaim the values which foster trust and build better communication and which will encourage parents, grandparents, and extended families to recognize the importance of being involved in the physical and emotional lives of their children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the importance of youth to the future of the United States;

(2) supports the goals and ideas of American Youth Day; and

(3) encourages the people of the United States to participate in local and national activities that seek to fulfill the Five Promises to America's youth, as established by America's Promise—The Alliance for Youth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and a member of the minority each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 375.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 375, offered by my colleague, the gentleman from Florida (Mr. MCCOLLUM).

House Concurrent Resolution 375 recognizes the importance of children and supports the goals and ideas of American youth today. This resolution enjoys bipartisan support, and I am pleased to have the opportunity today to speak on behalf of it.

America's young people, regardless of their economic status, ethnic heritage, or geographic location are faced every day with difficult problems, such as violence, drug abuse, and even family stress.

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Unfortunately, these problems also put the future of our youth and Nation at risk. Yet, these same young people are the key to the future of our country. They will eventually be making decisions that will not only affect current generations, but many generations to follow.

Accordingly, the people of the United States should act purposefully to help secure a positive future for the Nation by devoting time to our youth, sharing traditions and communicating moral values to our children.

One organization dedicated to helping our youth and getting adults involved in the lives of children and young people is America's Promise, the Alliance for Youth. This nonprofit organization chaired by General Colin Powell is devoted to strengthening the character and competence of children through the fulfillment of five promises.

These five promises are: every young person deserves ongoing relationships with caring adults; secondly, every young person deserves safe places with structured activities during nonschool hours; third, every young person deserves a healthy start and future; fourth, every young person deserves marketable skills through effective education; and, fifth, every young person deserves opportunities to give back through community service.

Mr. Speaker, research on the impact of these five promises is compelling. Studies show that children and young people who are guided by these promises are less likely to engage in negative behaviors. In fact, children that have mentors or adults involved in their lives are 46 percent less likely to start using drugs, 27 percent less likely to start using alcohol, 33 percent less likely to hit or strike others, and 53 percent less likely to skip school.

Mr. Speaker, this concurrent resolution is very simple and straightforward. It rightfully recognizes the importance of our Nation's children. It supports the goals and ideals of Youth Day. American Youth Day will help to provide opportunities for America's youth to reclaim the values that foster trust and the building of better relationships with adults and others.

American Youth Day will also serve to encourage parents, grandparents, and extended families to be actively involved in the physical and emotional lives of their children, grandchildren and others.

I commend the gentleman from Florida (Mr. MCCOLLUM) for his leadership on the matter, and I urge my colleagues to vote in support of the resolution.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume, and I rise to support the legislation.

Mr. Speaker, this is a legislative initiative offered by a member of my committee, the gentleman from Florida (Mr. MCCOLLUM), chairman of the Subcommittee on Crime. I am an original

cosponsor of this legislation, and I rise to support the legislation for American Youth Day.

It was a few years ago that Colin Powell came to Texas, as he did to many other States, to begin to talk to Americans about the importance of focusing on children, the importance of focusing on youth. We have seen the results of the devastation of the different lives that our youth live, and that is, of course, the challenges of violence and drug abuse, the challenges of living in families that have been separated.

It is important for our children to be affirmed. This resolution affirms the fact that our youth have the right to have promises. Those promises include ongoing relationships with caring adults, safe places with structured activities during nonschool hours, a healthy start and future, marketable skills through effective education, and opportunities to give back through community service. I would add to that, Mr. Speaker, the opportunity for good housing, the opportunity for good food and to be nourished, the opportunity for good health care.

This legislation will remind this Congress and remind Americans to reaffirm our values and our commitment to youth.

Mr. Speaker, I say to my colleagues, the supporters of this legislation, this is also a resolution to support American Youth Day. I would like to salute a constituent of mine, Ovide Duncantell, who came to me some years ago to advocate for a children's day. We have now come to that point, and I hope that Americans all over the Nation will support our commitment to our youth and to add their support of our youth with these five promises.

Mr. Speaker, I rise today in support of all children, but more specifically for a sound solution before the floor today, H. Con. Res. 375. This resolution titled ''Recognizing the Importance of Children in the U.S. and Supporting National Youth Day'' sums up in few words, what I myself feel very strongly about.

It is indeed imperative that we take the time to acknowledge and support our children everyday, and that as a nation we recognize all children regardless of economic, religious, or ethnic background. Highlighting affirmatives steps at least one week of the year as this resolution requests is very important.

General Colin Powell began ''America's Promise—The Alliance for Youth'' in 1997. His dream as well as the dream of the entire organization was that as a nation we reached a specified goal where children are concerned.

Under a National Youth Day program certain steps would be implemented to achieve desired effects. The five main goals that are listed in this resolution include strong relationships with adults, structured after-school activities, a healthy outlook, education, and community service.

The idea is that children will gain enrichment with these elements presented if only for a week in schools nationwide. That the effects of this one week in the schools will extend to children's personal lives, as well as infiltrating their home to affect the entire family.

This week would encompass having the ideas of positive adult role models that should be present in an ongoing relationship, whether it is in the home or through mentorship. The week emphasizes: An increased awareness of structured activities during non-school hours that are available in the neighborhood, for all children to participate in; a dedication from each school that participates to provide healthy starts and futures for each child in their care; to help provide future initiatives by establishing marketable skills through effective education; and finally, the involvement of children in programs that allows them to connect to their communities through service projects.

These five combined goals will allow for positive development within America's homes and schools. Recognition of youth is essential to the well being of our country. I know this is something we as Members of congress all understand and wish to make strides towards accomplishing. In the process of developing these programs that encompass our youth, we the members of a legislative body are taking a much larger step in building the future of our country.

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

Mr. GOODLING. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I am one of the supporters of this. I believe very strongly in Colin Powell's America's Promise to Youth. We have such a program in Montgomery County in which we engage, and I salute the measure. Mr. Speaker, I ask for the support of this body.

Mr. Speaker, I rise in support of H. Con. Res. 375 which recognizes the importance of children in the United States and encourages the efforts of groups such as General Colin Powell's America's Promise.

By establishing a Youth Day prior to the coming school year, local communities will be able to promote General Powell's ''Five Promises'' to our nation's youth. These ostensibly simple promises of providing our children with caring adults, safe places, healthy starts, marketable skills, and opportunities to serve, enable us to foster future generations of productive and contributing Americans.

It is crucial for our community and business leaders to take an active role in the lives of our youth. Each year, in my district, members of my staff participate in a program called ''Partners in Education'' which pairs businesses with schools for the purpose of tutoring.

The program's greatest strength is its direct link to local school districts and community leaders throughout the country. Through its 7,500 grassroots member programs, Partners In Education connects children and classroom teachers with corporate, education, volunteer, government, and civic leaders. These partners play significant roles in changing the content and delivery of education services to children and their families.

During the 1999–2000 school year, my staff tutored Fourth and Fifth graders from Hall Elementary School in Gaithersburg, Maryland. This school has an amazingly diverse student body with 42 percent Latino, 29 percent African American, 8 percent Asian, and 21 percent White. Summit Hall also had over 62 percent of its students participating in the Free And Reduced Meals (FARM) program in their cafeterias. By helping Principal Craig Logue and the hard working teachers of Summit Hall, members of my staff provided the students they tutored with the extra one-on-one attention that they needed. The National Youth Day legislation continues in this same spirit of service to the youth of our nation.

I often tell educators in my district that when you touch a rock . . . you touch the past . . . When you touch a flower . . . you touch the present . . . When you touch a child . . . you touch the future.

I ask for your support of H. Con. Res. 375 and encourage all members of this body to sponsor a Youth Day in their district.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 375, as amended.

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

The title of the concurrent resolution was amended so as to read: ''Recognizing the importance of children in the United States and supporting the goals and ideas of American Youth Day''.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING IMPORTANCE OF FAMILIES EATING TOGETHER

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that we take from the Speaker's table the concurrent resolution (H. Con. Res. 343), expressing the sense of the Congress regarding the importance of families eating together, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. RANGEL. Mr. Speaker, reserving the right to object, and I will not object, I just want to support this legislation. It is the National Eat Dinner with your Children Day, June 19. It was requested by former Secretary of HEW Joe Califano, who now works with the National Center on Addiction and Substance Abuse at Columbia University where extensive research is proven that families that eat with their children, the children are less likely to engage in illegal activities, illegal drugs, cigarettes and alcohol.

Mr. McCOLLUM. Mr. Speaker, I rise today in support of H. Con. Res. 343, the National Eat Dinner With Your Children Day Resolution. This legislation recognizes the importance of families eating together in order to

help reduce substance abuse among teenagers.

As many of you know, I am a proud father of three wonderful sons. My wife, Ingrid, and I have always made it a priority for our family to sit down together for dinner. During our dinner conversations, Ingrid and I would inquire as to what each of our children accomplished or struggled with that day. We offered words of wisdom and support to our children throughout their formidable years and fostered the notion we would always be there for them in times of need. It is my belief that these consistent family times also served to make our children confident and responsible decision-makers.

The idea for this resolution grew out of research done by the National Center on Addiction and Substance abuse at Columbia University (CASA). In its latest survey, CASA found the more often a child eats dinner with his or her parents, the less likely that child is to smoke, drink, or use illegal drugs. The result was consistent throughout the five years of the CASA survey, but never in as striking a manner as in the most recent survey.

The survey showed that teens from families who almost never eat dinner together are 72 percent more likely than the average teen to use illegal drugs, cigarettes, and alcohol, while those from families who almost always eat dinner together are 31 percent less likely than the average teen to engage in these activities. In an effort to raise awareness about the powerful impact parents can have on their children's decisions about the drug use, Congressman RANGEL and I felt compelled to introduce this resolution to show the nation cares about our youth. We want America's children to know we will stand behind them as they deal with the growing pressures prevalent as an adolescent.

I thank Congressman RANGEL for his efforts in bringing this measure to the floor. I enthusiastically support H. Con. Res. 343, the National Eat Dinner With Your Children Day, and encourage my colleagues to vote in support of this important resolution.

Mr. LARSON. Mr. Speaker, I rise today in support of H. Con. Resolution 343, regarding the importance of families eating together. I would like to commend my colleague Mr. RANGEL for bringing this important piece of legislation to my attention and the attention of the American people. Families eating together have long been a pillar of American Family Life and should be part future generations as well. Family Dinners are a dying commodity or infrequent at best. Having dinner as a family opens up communication lines between parents and their children. One will know more and have more influence on their child if they spend time talking to them. What better time to talk and communicate, then sitting around the dinner table sharing a meal. We need to spend more time with our children to influence them to do their best in school, to avoid tobacco, alcohol, illegal drugs and to make them productive, healthy citizens.

One of my constituents, Chris Lenihan, who is now an intern in my office, a nice young gentleman, told me that he had dinner as a family every night when he lived at home. He has benefited greatly from the discussion at the dinner table and feels that his parents David and Midge had a great impact on him as result of eating dinner every night as a family.

We need to make sure that the Youth of America grow up to become healthy productive citizens. We can start by having more dinners with our families. I realize that parents can not immediately have dinner every night with their children, but establishing a National ''Eat Dinner with Your Children Day'' is a step in the right direction. I fully support this resolution and urge the rest of my colleagues to do the same.

Mr. RANGEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 343

Whereas the use and abuse of illegal drugs, nicotine, and alcohol are the greatest threat to the health and well-being of American children;

Whereas parental influence is one of the most crucial factors in determining the likelihood of teenage substance abuse;

Whereas family dinners have long been a pillar of American family life;

Whereas the correlation between the frequency of family dinners and the risk of substance abuse is well documented;

Whereas surveys conducted by the National Center on Addiction and Substance Abuse at Columbia University have found, for each of the past 4 years, that children and teenagers who routinely eat dinner with their families are far less likely to use illegal drugs, cigarettes, and alcohol;

Whereas, according to these surveys, teenagers from families that seldom eat dinner together are 72 percent more likely than the average teenager to use illegal drugs, cigarettes, and alcohol, and teenagers from families that eat dinner together are 31 percent less likely than the average teenager to use illegal drugs, cigarettes, and alcohol;

Whereas one method for families to eat dinner together more often would be for them to select a recurring occasion for doing so, such as the third Monday of each month; and

Whereas a National Eat-Dinner-With-Your-Children Day on Monday, June 19, 2000, would encourage families to eat together: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) eating dinner together is a critical step for a family in raising healthy, drug-free children; and

(2) a National Eat-Dinner-With-Your-Children Day should be established in order to encourage families to eat together as often as possible.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

Mr. COBURN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4807) to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4807

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 ''Ryan White CARE Act Amendments of 2000''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

Sec. 101. Membership of councils.
Sec. 102. Duties of councils.
Sec. 103. Open meetings; other additional provisions.

Subtitle B—Type and Distribution of Grants

Sec. 111. Formula grants.
Sec. 112. Supplemental grants.

Subtitle C—Other Provisions

Sec. 121. Use of amounts.
Sec. 122. Application.
Sec. 123. Review of administrative costs and compensation.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

Sec. 201. Priority for women, infants, and children.
Sec. 202. Use of grants.
Sec. 203. Grants to establish HIV care consortia.
Sec. 204. Provision of treatments.
Sec. 205. State application.
Sec. 206. Distribution of funds.
Sec. 207. Supplemental grants for certain States.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

Sec. 211. Repeals.
Sec. 212. Grants.
Sec. 213. Study by Institute of Medicine.

Subtitle C—Certain Partner Notification Programs

Sec. 221. Grants for compliant partner notification programs.

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

Sec. 301. Repeal of program.

Subtitle B—Categorical Grants

Sec. 311. Preferences in making grants.
Sec. 312. Planning and development grants.
Sec. 313. Authorization of appropriations.

Subtitle C—General Provisions

Sec. 321. Provision of certain counseling services.
Sec. 322. Additional required agreements.

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

Sec. 401. Grants for coordinated services and access to research for women, infants, children, and youth.
Sec. 402. AIDS education and training centers.

Subtitle B—General Provisions in Title XXVI

Sec. 411. Evaluations and reports.
Sec. 412. Data collection through Centers for Disease Control and Prevention.
Sec. 413. Coordination.
Sec. 414. Plan regarding release of prisoners with HIV disease.
Sec. 415. Audits.
Sec. 416. Administrative simplification.
Sec. 417. Authorization of appropriations for parts A and B.

TITLE V—GENERAL PROVISIONS

Sec. 501. Studies by Institute of Medicine.
Sec. 502. Development of rapid HIV test.

TITLE VI—EFFECTIVE DATE

Sec. 601. Effective date.

TITLE I—EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES

Subtitle A—HIV Health Services Planning Councils

SEC. 101. MEMBERSHIP OF COUNCILS.

(a) IN GENERAL.—Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff–12(b)) is amended—

(1) in paragraph (1), by striking ''demographics of the epidemic in the eligible area involved,'' and inserting ''demographics of the population of individuals with HIV disease in the eligible area involved,''; and

(2) in paragraph (2)—

(A) in subparagraph (G), by striking ''or AIDS'';

(B) in subparagraph (K), by striking ''and'' at the end;

(C) in subparagraph (L), by striking the period and inserting the following: '', including but not limited to providers of HIV prevention services; and''; and

(D) by adding at the end the following subparagraph:

''(M) representatives of individuals who formerly were Federal, State, or local prisoners, were released from the custody of the penal system during the preceding three years, and had HIV disease as of the date on which the individuals were so released.''.

(b) CONFLICTS OF INTERESTS.—Section 2602(b)(5) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(5)) is amended by adding at the end the following subparagraph:

''(C) COMPOSITION OF COUNCIL.—The following applies regarding the membership of a planning council under paragraph (1):

''(i) Not less than 33 percent of the council shall be individuals who are receiving HIV-related services pursuant to a grant under section 2601(a), are not officers, employees, or consultants to any entity that receives amounts from such a grant, and do not represent any such entity, and reflect the demographics of the population of individuals with HIV disease as determined under paragraph (4)(A). For purposes of the preceding sentence, an individual shall be considered to be receiving such services if the individual is a parent of, or a caregiver for, a minor child who is receiving such services.

''(ii) With respect to membership on the planning council, clause (i) may not be construed as having any effect on entities that receive funds from grants under any of parts B through F but do not receive funds from grants under section 2601(a), on officers or employees of such entities, or on individuals who represent such entities.''.

SEC. 102. DUTIES OF COUNCILS.

(a) IN GENERAL.—Section 2602(b)(4) of the Public Health Service Act (42 U.S.C. 300ff–12(b)(4)) is amended—

(1) by redesignating subparagraphs (A) through (E) as subparagraphs (C) through (G), respectively;

(2) by inserting before subparagraph (C) (as so redesignated) the following subparagraphs:

''(A) determine the size and demographics of the population of individuals with HIV disease;

''(B) determine the needs of such population, with particular attention to—

''(i) individuals with HIV disease who are not receiving HIV-related services; and

''(ii) disparities in access and services among affected subpopulations and historically underserved communities;'';

(3) in subparagraph (C) (as so redesignated), by striking clauses (i) through (iv) and inserting the following:

''(i) size and demographics of the population of individuals with HIV disease (as determined under subparagraph (A)) and the needs of such population (as determined under subparagraph (B));

''(ii) demonstrated (or probable) cost effectiveness and outcome effectiveness of proposed strategies and interventions, to the extent that data are reasonably available;

''(iii) priorities of the communities with HIV disease for whom the services are intended;

''(iv) availability of other governmental and nongovernmental resources to provide HIV-related services to individuals and families with HIV disease, including the State plan under title XIX of the Social Security Act (relating to the Medicaid program) and the program under title XXI of such Act (relating to the program for State children's health insurance); and

''(v) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities;'';

(4) in subparagraph (D) (as so redesignated), by amending the subparagraph to read as follows:

''(D) develop a comprehensive plan for the organization and delivery of health and support services described in section 2604 that—

''(i) includes a strategy for identifying individuals with HIV disease who are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

''(ii) includes a strategy to coordinate the provision of such services with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment services for such abuse; and

''(iii) is compatible with any State or local plan for the provision of services to individuals with HIV disease;'';

(5) in subparagraph (F) (as so redesignated), by striking ''and'' at the end;

(6) in subparagraph (G) (as so redesignated)—

(A) by striking ''public meetings,'' and inserting ''public meetings (in accordance with paragraph (7)),''; and

(B) by striking the period and inserting ''; and''; and

(7) by adding at the end the following subparagraph:

''(H) coordinate with Federal grantees that provide HIV-related services within the eligible area.''.

(b) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff–12) is amended by adding at the end the following subsection:

''(d) PROCESS FOR ESTABLISHING ALLOCATION PRIORITIES.—Promptly after the date of the submission of the report required in section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease), the Secretary, in consultation with entities that receive amounts from grants under section 2601(a) or 2611, shall develop epidemiologic measures—

''(1) for establishing the number of individuals living with HIV disease who are not receiving HIV-related health services; and

''(2) for carrying out the duties under subsection (b)(4) and section 2617(b).''.

(c) TRAINING.—Section 2602 of the Public Health Service Act (42 U.S.C. 300ff–12), as amended by subsection (b) of this section, is amended by adding at the end the following subsection:

''(e) TRAINING GUIDANCE AND MATERIALS.—The Secretary shall provide to each chief elected official receiving a grant under 2601(a) guidelines and materials for training members of the planning council under paragraph (1) regarding the duties of the council.''.

SEC. 103. OPEN MEETINGS; OTHER ADDITIONAL PROVISIONS.

Section 2602(b) of the Public Health Service Act (42 U.S.C. 300ff–12(b)) is amended—

(1) in paragraph (3), by striking subparagraph (C); and

(2) by adding at the end the following paragraph:

''(7) PUBLIC DELIBERATIONS.—With respect to a planning council under paragraph (1), the following applies:

''(A) The council may not be chaired solely by an employee of the grantee under section 2601(a).

''(B) In accordance with criteria established by the Secretary:

''(i) The meetings of the council shall be open to the public and shall be held only after adequate notice to the public.

''(ii) The records, reports, transcripts, minutes, agenda, or other documents which were made available to or prepared for or by the council shall be available for public inspection and copying at a single location.

''(iii) Detailed minutes of each meeting of the council shall be kept. The accuracy of all minutes shall be certified to by the chair of the council.

''(iv) This subparagraph does not apply to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personnel matters.''.

Subtitle B—Type and Distribution of Grants

SEC. 111. FORMULA GRANTS.

(a) EXPEDITED DISTRIBUTION.—Section 2603(a)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(2)) is amended in the first sentence by striking ''for each of the fiscal years 1996 through 2000'' and inserting ''for a fiscal year''.

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—

(1) IN GENERAL.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(A) in subparagraph (C)(i), by inserting before the semicolon the following: '', except that (subject to subparagraph (D)), for grants made pursuant to this paragraph for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome''; and

(B) in subparagraph (C), in the matter after and below clause (ii)(X)—

(i) in the first sentence, by inserting before the period the following: '', and shall be reported to the congressional committees of jurisdiction''; and

(ii) by adding at the end the following sentence: ''Updates shall as applicable take into account the counting of cases of HIV disease pursuant to clause (i).''

(2) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—Section 2603(a)(3)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(3)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following subparagraph:

''(D) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—

''(i) IN GENERAL.—Not later than July 1, 2004, the Secretary shall determine whether there is data on cases of HIV disease from all eligible areas (reported to and confirmed by the Director of the Centers for Disease Control and Prevention) sufficiently accurate and reliable for use for purposes of subparagraph (C)(i). In making such a determination, the Secretary shall take into consideration the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease), the fiscal impact of the use of such data,

the impact of the use of such data on the organization and delivery of HIV-related services in eligible areas, and the fiscal impact of not using such data.

''(ii) EFFECT OF ADVERSE DETERMINATION.—If under clause (i) the Secretary determines that data on cases of HIV disease is not sufficiently accurate and reliable for use for purposes of subparagraph (C)(i), then notwithstanding such subparagraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.

''(iii) GRANTS AND TECHNICAL ASSISTANCE REGARDING COUNTING OF HIV CASES.—Of the amounts appropriated under section 2675 for a fiscal year, the Secretary shall reserve amounts to make grants and provide technical assistance to States and eligible areas with respect to obtaining data on cases of HIV disease to ensure that data on such cases is available from all States and eligible areas as soon as is practicable but not later than the beginning of fiscal year 2007.''.

(c) INCREASES IN GRANT.—Section 2603(a)(4)) of the Public Health Service Act (42 U.S.C. 300ff–13(a)(4)) is amended to read as follows:

''(4) INCREASES IN GRANT.—

''(A) IN GENERAL.—For each fiscal year in a protection period for an eligible area, the Secretary shall increase the amount of the grant made pursuant to paragraph (2) for the area to ensure that—

''(i) for the first fiscal year in the protection period, the grant is not less than 98 percent of the amount of the grant made for the eligible area pursuant to such paragraph for the base year for the protection period;

''(ii) for any second fiscal year in such period, the grant is not less than 95.7 percent of the amount of such base year grant;

''(iii) for any third fiscal year in such period, the grant is not less than 91.1 percent of the amount of the base year grant;

''(iv) for any fourth fiscal year in such period, the grant is not less than 84.2 percent of the amount of the base year grant; and

''(v) for any fifth or subsequent fiscal year in such period, the grant is not less than 75 percent of the amount of the base year grant.

''(B) BASE YEAR; PROTECTION PERIOD.—With respect to grants made pursuant to paragraph (2) for an eligible area:

''(i) The base year for a protection period is the fiscal year preceding the trigger grant-reduction year.

''(ii) The first trigger grant-reduction year is the first fiscal year (after fiscal year 2000) for which the grant for the area is less than the grant for the area for the preceding fiscal year.

''(iii) A protection period begins with the trigger grant-reduction year and continues until the beginning of the first fiscal year for which the amount of the grant for the area equals or exceeds the amount of the grant for the base year for the period.

''(iv) Any subsequent trigger grant-reduction year is the first fiscal year, after the end of the preceding protection period, for which the amount of the grant is less than the amount of the grant for the preceding fiscal year.''.

SEC. 112. SUPPLEMENTAL GRANTS.

(a) IN GENERAL.—Section 2603(b)(2) of the Public Health Service Act (42 U.S.C. 300ff–13(b)(2)) is amended—

(1) in the heading for the paragraph, by striking ''DEFINITION'' and inserting ''AMOUNT OF GRANT'';

(2) by redesignating subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following subparagraph:

''(A) IN GENERAL.—The amount of each grant made for purposes of this subsection shall be determined by the Secretary based on a weighting of factors under paragraph (1), with severe need under subparagraph (B) of such paragraph counting one-third.'';

(4) in subparagraph (B) (as so redesignated)—

(A) in clause (ii), by striking ''and'' at the end;

(B) in clause (iii), by striking the period and inserting a semicolon; and

(C) by adding at the end the following clauses:

''(iv) the current prevalence of HIV disease;

''(v) an increasing need for HIV-related services, including relative rates of increase in the number of cases of HIV disease; and

''(vi) unmet need for such services, as determined under section 2602(b)(4).'';

(5) in subparagraph (C) (as so redesignated)—

(A) by striking ''subparagraph (A)'' each place such term appears and inserting ''subparagraph (B)'';

(B) in the second sentence, by striking ''2 years after the date of enactment of this paragraph'' and inserting ''18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000''; and

(C) by inserting after the second sentence the following sentence: ''Such a mechanism shall be modified to reflect the findings of the study under section 501(b) of the Ryan White CARE Act Amendments of 2000 (relating to the relationship between epidemiological measures and health care for certain individuals with HIV disease).''; and

(6) in subparagraph (D) (as so redesignated), by striking ''subparagraph (B)'' and inserting ''subparagraph (C)''.

(b) REQUIREMENTS FOR APPLICATION.—Section 2603(b)(1)(E) of the Public Health Service Act (42 U.S.C. 300ff–13(b)(1)(E)) is amended by inserting ''youth,'' after ''children,''.

(c) CONFORMING AMENDMENT.—Section 2603(b) of the Public Health Service Act (42 U.S.C. 300ff–13(b)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraph (5) as paragraph (4).

Subtitle C—Other Provisions

SEC. 121. USE OF AMOUNTS.

(a) PRIMARY PURPOSES.—Section 2604(b)(1) of the Public Health Service Act (42 U.S.C. 300ff–14(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''HIV-related—'' and inserting ''HIV-related services, as follows:'';

(2) in subparagraph (A)—

(A) by striking ''outpatient'' and all that follows through ''substance abuse treatment and'' and inserting the following: ''Outpatient and ambulatory health services, including substance abuse treatment,''; and

(B) by striking ''; and'' and inserting a period;

(3) in subparagraph (B), by striking ''(B) inpatient case management'' and inserting ''(C) Inpatient case management'';

(4) by inserting after subparagraph (A) the following subparagraph:

''(B) Outpatient and ambulatory support services (including case management), to the extent that such services facilitate, support, or sustain the delivery, or benefits of health services for individuals and families with HIV disease.''; and

(5) by adding at the end the following:

''(D) Outreach activities that are intended to identify individuals with HIV disease who are not receiving HIV-related services, and that are—

''(i) necessary to implement the strategy under section 2602(b)(4)(D), including activities facilitating the access of such individuals to HIV-related primary care services at entities described in paragraph (3);

''(ii) conducted in a manner consistent with the requirements under sections 2605(a)(3) and 2651(b)(2); and

''(iii) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.''.

(b) ADDITIONAL PURPOSES.—Section 2604(b) (42 U.S.C. 300ff–14(b)) of the Public Health Service Act is amended—

(1) by redesignating paragraph (3) as paragraph (4);

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

''(3) EARLY INTERVENTION SERVICES.—

''(A) IN GENERAL.—The purposes for which a grant under section 2601 may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2) (including referrals under subparagraph (C) of such section), subject to subparagraph (B). The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by States or eligible areas, federally qualified health centers, and entities described in section 2652(a).

''(B) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under subparagraph (A), such subparagraph applies only if the entity demonstrates to the satisfaction of the chief elected official for the eligible area involved that—

''(i) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(ii) the entity will expend funds pursuant to such subparagraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.''; and

(3) in paragraph (4) (as so redesignated), by inserting ''youth,'' after ''children,'' each place such term appears;

(c) QUALITY MANAGEMENT.—Section 2604 of the Public Health Service Act (42 U.S.C. 300ff–14) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

''(c) QUALITY MANAGEMENT.—

''(1) REQUIREMENT.—The chief elected official of an eligible area that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines.

''(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the chief elected official of an eligible area may (in addition to amounts to which subsection (f)(1) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

''(A) 5 percent of amounts received under the grant; or

''(B) $3,000,000.''.

SEC. 122. APPLICATION.

Section 2605(a) of the Public Health Service Act (42 U.S.C. 300ff–15(a)) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

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

''(3) that entities within the eligible area that receive funds under a grant under section 2601(a) will maintain relationships with appropriate entities in the area, including entities described in section 2604(b)(3);''.

SEC. 123. REVIEW OF ADMINISTRATIVE COSTS AND COMPENSATION.

Each chief elected official of an eligible area (as defined in section 2607 of the Public Health

Service Act) shall ensure that, not later than one year after the date of the enactment of this Act, the planning council for the eligible area—

(1) conducts a review of the existing, available data on the extent to which entities in the area that receive amounts from a grant under section 2601(a) of the Public Health Service Act have from their overall budget expended amounts for administrative costs (including financial compensation and benefits), expressed as a proportion and indicating the growth in such expenditures, including a statement of the average amount expended for such costs per client served and the average amount expended for such costs per client served in providing HIV-related services; and

(2) makes a determination of whether the financial compensation of any officers or employees of such entities exceeds that of the chief elected official of the eligible area.

TITLE II—CARE GRANT PROGRAM

Subtitle A—General Grant Provisions

SEC. 201. PRIORITY FOR WOMEN, INFANTS, AND CHILDREN.

Section 2611(b) of the Public Health Service Act (42 U.S.C. 300ff–21(b)) is amended by inserting ''youth,'' after ''children,'' each place such term appears.

SEC. 202. USE OF GRANTS.

Section 2612 of the Public Health Service Act (42 U.S.C. 300ff–22) is amended—

(1) by striking ''A State may use'' and inserting ''(a) IN GENERAL.—A State may use''; and

(2) by adding at the end the following subsections:

''(b) SUPPORT SERVICES; OUTREACH.—The purposes for which a grant under this part may be used include delivering or enhancing the following:

''(1) Support services under section 2611(a) (including case management) to the extent that such services facilitate, support, or sustain the delivery, or benefits of health services for individuals and families with HIV disease.

''(2) Outreach activities that are intended to identify individuals with HIV disease who are not receiving HIV-related services, and that are—

''(A) necessary to implement the strategy under section 2617(b)(4)(B);

''(B) conducted in a manner consistent with the requirement under section 2617(b)(6)(G); and

''(C) supplement, and do not supplant, such activities that are carried out with amounts appropriated under section 317.

''(c) EARLY INTERVENTION SERVICES.—

''(1) IN GENERAL.—The purposes for which a grant under this part may be used include providing to individuals with HIV disease early intervention services described in section 2651(b)(2) (including referrals under subparagraph (C) of such section), subject to paragraph (2). The entities through which such services may be provided under the grant include public health departments, emergency rooms, substance abuse and mental health treatment programs, detoxification centers, detention facilities, clinics regarding sexually transmitted diseases, homeless shelters, HIV disease counseling and testing sites, health care points of entry specified by States or eligible areas, federally qualified health centers, and entities described in section 2652(a).

''(2) CONDITIONS.—With respect to an entity that proposes to provide early intervention services under paragraph (1), such paragraph applies only if the entity demonstrates to the satisfaction of the State involved that—

''(A) Federal, State, or local funds are otherwise inadequate for the early intervention services the entity proposes to provide; and

''(B) the entity will expend funds pursuant to such paragraph to supplement and not supplant other funds available to the entity for the provision of early intervention services for the fiscal year involved.

''(d) QUALITY MANAGEMENT.—

''(1) REQUIREMENT.—Each State that receives a grant under this part shall provide for the establishment of a quality management program to assess the extent to which HIV health services provided to patients under the grant are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infection, and as applicable, to develop strategies for ensuring that such services are consistent with the guidelines.

''(2) USE OF FUNDS.—From amounts received under a grant awarded under this part for a fiscal year, the State may (in addition to amounts to which section 2618(c)(5) applies) use for activities associated with the quality management program required in paragraph (1) not more than the lesser of—

''(A) 5 percent of amounts received under the grant; or

''(B) $3,000,000.''.

SEC. 203. GRANTS TO ESTABLISH HIV CARE CONSORTIA.

Section 2613 of the Public Health Service Act (42 U.S.C. 300ff–23) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (A), by inserting before the semicolon the following: '', particularly those experiencing disparities in access and services and those who reside in historically underserved communities''; and

(B) in subparagraph (B), by inserting after ''by such consortium'' the following: ''is consistent with the comprehensive plan under 2617(b)(4) and'';

(2) in subsection (c)(1)—

(A) in subparagraph (D), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (E), by striking the period and inserting ''; and'';

(C) by adding at the end the following subparagraph:

''(F) demonstrates that adequate planning occurred to address disparities in access and services and historically underserved communities.''; and

(3) in subsection (c)(2)—

(A) in subparagraph (B), by striking ''and'' after the semicolon;

(B) in subparagraph (C), by striking the period and inserting ''; and''; and

(C) by inserting after subparagraph (C) the following subparagraph:

''(D) entities described in section 2602(b)(2).''.

SEC. 204. PROVISION OF TREATMENTS.

Section 2616 of the Public Health Service Act (42 U.S.C. 300ff–26) is amended by adding at the end the following subsection:

''(e) USE OF HEALTH INSURANCE AND PLANS.—In carrying out subsection (a), a State may expend a grant under this part to provide the therapeutics described in such subsection by paying on behalf of individuals with HIV disease the costs of purchasing or maintaining health insurance or plans whose coverage includes a full range of such therapeutics and appropriate primary care services.''.

SEC. 205. STATE APPLICATION.

(a) DETERMINATION OF SIZE AND NEEDS OF POPULATION; COMPREHENSIVE PLAN.—Section 2617(b) of the Public Health Service Act (42 U.S.C. 300ff–27(b)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(2) by inserting after paragraph (1) the following paragraphs:

''(2) a determination of the size and demographics of the population of individuals with HIV disease in the State;

''(3) a determination of the needs of such population, with particular attention to—

''(A) individuals with HIV disease who are not receiving HIV-related services; and

''(B) disparities in access and services among affected subpopulations and historically underserved communities;''; and

(3) in paragraph (4) (as so redesignated)—

(A) by striking ''comprehensive plan for the organization'' and inserting ''comprehensive plan that describes the organization'';

(B) by striking '', including—'' and inserting '', and that—'';

(C) by redesignating subparagraphs (A) through (C) as subparagraphs (D) through (F), respectively;

(D) by inserting before subparagraph (C) the following subparagraphs:

''(A) establishes priorities for the allocation of funds within the State based on—

''(i) size and demographics of the population of individuals with HIV disease (as determined under paragraph (2)) and the needs of such population (as determined under paragraph (3));

''(ii) availability of other governmental and nongovernmental resources to provide HIV-related services to individuals and families with HIV disease;

''(iii) capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities and rural communities; and

''(iv) the efficiency of the administrative mechanism of the State for rapidly allocating funds to the areas of greatest need within the State;

''(B) includes a strategy for identifying individuals with HIV disease who are not receiving such services and for informing the individuals of and enabling the individuals to utilize the services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities, and including discrete goals, a timetable, and an appropriate allocation of funds;

''(C) includes a strategy to coordinate the provision of such services with programs for HIV prevention and for the prevention and treatment of substance abuse, including programs that provide comprehensive treatment services for such abuse;'';

(E) in subparagraph (D) (as redesignated by subparagraph (C) of this paragraph), by inserting ''describes'' before ''the services and activities'';

(F) in subparagraph (E) (as so redesignated), by inserting ''provides'' before ''a description''; and

(G) in subparagraph (F) (as so redesignated), by inserting ''provides'' before ''a description''.

(b) PUBLIC PARTICIPATION.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

(1) in paragraph (5), by striking ''HIV'' and inserting ''HIV disease''; and

(2) in paragraph (6), by amending subparagraph (A) to read as follows:

''(A) the public health agency that is administering the grant for the State engages in a public advisory planning process, including public hearings, that includes the participants under paragraph (5), and entities described in section 2602(b)(2), in developing the comprehensive plan under paragraph (4) and commenting on the implementation of such plan;''.

(c) HEALTH CARE RELATIONSHIPS.—Section 2617(b) of the Public Health Service Act, as amended by subsection (a) of this section, is amended in paragraph (6)—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting ''; and''; and

(3) by adding at the end the following subparagraph:

''(G) entities within areas in which activities under the grant are carried out will maintain relationships with appropriate entities in the area, including entities described in section 2612(c);''.

SEC. 206. DISTRIBUTION OF FUNDS.

(a) MINIMUM ALLOTMENT.— Section 2618(b)(1)(A)(i) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(1)(A)(i)) is amended—

(1) in subclause (I), by striking ''$100,000'' and inserting ''$200,000''; and

(2) in subclause (II), by striking ''$250,000'' and inserting ''$500,000''.

(b) AMOUNT OF GRANT; ESTIMATE OF LIVING CASES.—Section 2618(b)(2) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(2)) is amended—

(1) in subparagraph (D)(i), by inserting before the semicolon the following: '', except that (subject to subparagraph (E)), for grants made pursuant to this paragraph for fiscal year 2005 and subsequent fiscal years, the cases counted for each 12-month period beginning on or after July 1, 2004, shall be cases of HIV disease (as reported to and confirmed by such Director) rather than cases of acquired immune deficiency syndrome'';

(2) by redesignating subparagraphs (E) through (H) as subparagraphs (F) through (I), respectively; and

(3) by inserting after subparagraph (D) the following subparagraph:

''(E) DETERMINATION OF SECRETARY REGARDING DATA ON HIV CASES.—If under 2603(a)(3)(D)(i) the Secretary determines that data on cases of HIV disease is not sufficiently accurate and reliable, then notwithstanding subparagraph (D) of this paragraph, for any fiscal year prior to fiscal year 2007 the references in such subparagraph to cases of HIV disease do not have any legal effect.''.

(c) INCREASES IN FORMULA AMOUNT.—Section 2618(b) of the Public Health Service Act (42 U.S.C. 300ff–28(b)) is amended—

(1) in paragraph (1)(A)(ii), by inserting before the semicolon the following: ''and then, as applicable, increased under paragraph (2)(H)''; and

(2) in paragraph (2)—

(A) in subparagraph (A)(i), by striking ''subparagraph (H)'' and inserting ''subparagraphs (H) and (I)''; and

(B) in subparagraph (H) (as redesignated by subsection (b)(2) of this section), by amending the subparagraph to read as follows:

''(H) LIMITATION.—

''(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory under section 2611 for a fiscal year is not less than—

''(I) with respect to fiscal year 2001, 99 percent;

''(II) with respect to fiscal year 2002, 98 percent;

''(III) with respect to fiscal year 2003, 97 percent;

''(IV) with respect to fiscal year 2004, 96 percent; and

''(V) with respect to fiscal year 2005, 95 percent;

of the amount such State or territory received for fiscal year 2000 under such section. In administering this subparagraph, the Secretary shall, with respect to States or territories that will under such section receive grants in amounts that exceed the amounts that such States received under such section for fiscal year 2000, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 2000.

''(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 for a fiscal year and available for grants under section 2611 is less than the amount appropriated and available under such section for fiscal year 2000, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.''.

(d) TERRITORIES.—Section 2618(b)(1)(B) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(1)(B)) is amended by inserting ''the greater of $50,000 or'' after ''shall be''.

(e) SEPARATE TREATMENT DRUG GRANTS.—Section 2618(b)(2) of the Public Health Service Act, as amended by subsection (b)(3) of this section, is amended in subparagraph (I)—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by striking ''(I) APPROPRIATIONS'' and all that follows through ''With respect to'' and inserting the following:

''(I) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—

''(i) FORMULA GRANTS.—With respect to'';

(3) in subclause (I) of clause (i) (as designated by paragraphs (1) and (2)), by striking ''100 percent'' and inserting ''98 percent''; and

(4) by adding at the end the following clause:

''(ii) SUPPLEMENTAL TREATMENT DRUG GRANTS.—

''(I) IN GENERAL.—With respect to the fiscal year involved, if under section 2677 an appropriations Act provides an amount exclusively for carrying out section 2616, and such amount is not less than the amount so provided for the preceding fiscal year, the Secretary shall reserve 2 percent of such amount for making grants to States whose population of individuals with HIV disease has, as determined by the Secretary, a need for quantities of therapeutics described in section 2616(a) greater than the quantities available pursuant to clause (i). Such a grant is available for purposes of obtaining such therapeutics. The Secretary shall carry out this clause as a program of discretionary grants, and not as a program of formula grants.

''(II) DISTRIBUTION OF GRANTS.—The Secretary shall disburse all amounts under grants under subclause (I) for a fiscal year not later than 240 days after the date on which the amount referred to in such subclause with respect to section 2616 becomes available.

''(III) REQUIREMENT OF MATCHING FUNDS.—A condition for receiving a grant under subclause (I) is that the State agree to make available (directly or through donations from public or private entities) non-Federal contributions toward the costs of obtaining the therapeutics involved in an amount that is not less than 25 percent of such costs (determined in the same manner as under 2617(d)(2)(A)).''.

(f) TECHNICAL AMENDMENT.—Section 2618(b)(3)(B) of the Public Health Service Act (42 U.S.C. 300ff–28(b)(3)(B)) is amended by striking ''and the Republic of the Marshall Islands'' and inserting ''the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, and only for purposes of paragraph (1) the Commonwealth of Puerto Rico''.

SEC. 207. SUPPLEMENTAL GRANTS FOR CERTAIN STATES.

Subpart I of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) is amended—

(1) by striking section 2621; and

(2) by inserting after section 2620 the following section:

''SEC. 2621. SUPPLEMENTAL GRANTS.

''(a) IN GENERAL.—From amounts available pursuant to subsection (d) for a fiscal year, the Secretary shall make grants to States that meet the conditions to receive grants under section 2611, and that have one or more eligible communities, for the purpose of providing in such communities comprehensive services of the type described in section 2612(a) to supplement the development and care activities, primary care, and support services otherwise provided in such communities by the State under a grant under section 2611.

''(b) ELIGIBLE COMMUNITY.—For purposes of this section, the term 'eligible community' means a geographic area that—

''(1) is not within any eligible area as defined in section 2607; and

''(2) has a severe need for supplemental financial assistance to combat the HIV epidemic, according to criteria developed by the Secretary in consultation with the States, including evidence of underserved or rural areas or both.

''(c) APPLICATION.—A grant under subsection (a) may be made to a State if the State submits to the Secretary, as part of the State application submitted under section 2617, such information as required to apply for funds under this section as determined by the Secretary in consultation with the States.

''(d) FUNDING.—

''(1) IN GENERAL.—For the purpose of making grants under subsection (a) for a fiscal year, the Secretary shall reserve 50 percent of the amount specified in paragraph (2).

''(2) INCREASES IN PART B FUNDING.—

''(A) IN GENERAL.—For purposes of paragraph (1), the amount specified in this paragraph is the amount by which the amount appropriated under section 2677 for the fiscal year involved and available for carrying out part B is an increase over the amount so appropriated and available for the preceding fiscal year, subject to subparagraphs (B) and (C).

''(B) INITIAL ALLOCATION YEAR.—The allocation under paragraph (1) shall not be made until the first fiscal year for which the amount appropriated under section 2677 for the fiscal year involved and available for carrying out part B is an increase of not less than $20,000,000 over the amount so appropriated and available for fiscal year 2000, subject to subparagraph (C).

''(C) EXCLUSION REGARDING SEPARATE TREATMENT DRUG GRANTS.—Each determination under subparagraph (A) or (B) of the amount appropriated under section 2677 for a fiscal year and available for carrying out part B shall be made without regard to any amount to which section 2618(b)(2)(I)(i) applies.''.

Subtitle B—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

SEC. 211. REPEALS.

Subpart II of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–33 et seq.) is amended—

(1) in section 2626, by striking each of subsections (d) through (f); and

(2) by striking section 2627.

SEC. 212. GRANTS.

(a) IN GENERAL.—Section 2625(c) of the Public Health Service Act (42 U.S.C. 300ff–33) is amended—

(1) in paragraph (1), by inserting at the end the following subparagraph:

''(F) Making available to pregnant women with HIV disease, and to the infants of women with such disease, treatment services for such disease in accordance with applicable recommendations of the Secretary.'';

(2) by amending paragraph (2) to read as follows:

''(2) FUNDING.—

''(A) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated $30,000,000 for each of the fiscal years 2001 through 2005. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

''(B) ALLOCATIONS FOR CERTAIN STATES.—

''(i) IN GENERAL.—Of the amounts appropriated under subparagraph (A) for a fiscal year in excess of $10,000,000, the Secretary shall reserve the applicable percentage under clause (ii) for making grants under paragraph (1) to States that under law (including under regulations or the discretion of State officials) have—

''(I) a requirement that all newborn infants born in the State be tested for HIV disease; or

''(II) a requirement that newborn infants born in the State be tested for HIV disease in circumstances in which the attending obstetrician for the birth does not know the HIV status of the mother of the infant.

''(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable amount for a fiscal year is as follows:

''(I) For fiscal year 2001, 25 percent.

''(II) For fiscal year 2002, 50 percent.

''(III) For fiscal year 2003, 50 percent.

''(IV) For fiscal year 2004, 75 percent.

''(V) For fiscal year 2005, 75 percent.

''(C) CERTAIN PROVISIONS.—With respect to grants under paragraph (1) that are made with amounts reserved under subparagraph (B) of this paragraph:

''(i) Such a grant may not be made in an amount exceeding $4,000,000.

''(ii) If pursuant to clause (i) or pursuant to an insufficient number of qualifying applications for such grants (or both), the full amount reserved under subparagraph (B) for a fiscal year is not obligated, the requirement under such subparagraph to reserve amounts ceases to apply.''; and

(3) by adding at the end the following paragraph:

''(4) MAINTENANCE OF EFFORT.—A condition for the receipt of a grant under paragraph (1) is that the State involved agree that the grant will be used to supplement and not supplant other funds available to the State to carry out the purposes of the grant.''.

(b) SPECIAL FUNDING RULE FOR FISCAL YEAR 2001.—

(1) IN GENERAL.—If for fiscal year 2001 the amount appropriated under paragraph (2)(A) of section 2625(c) of the Public Health Service Act is less than $14,000,000—

(A) the Secretary of Health and Human Services shall, for the purpose of making grants under paragraph (1) of such section, reserve from the amount specified in paragraph (2) of this subsection an amount equal to the difference between $14,000,000 and the amount appropriated under paragraph (2)(A) of such section for such fiscal year;

(B) the amount so reserved shall, for purposes of paragraph (2)(B)(i) of such section, be considered to have been appropriated under paragraph (2)(A) of such section; and

(C) the percentage specified in paragraph (2)(B)(ii)(I) of such section is deemed to be 50 percent.

(2) ALLOCATION FROM INCREASES IN FUNDING FOR PART B.—For purposes of paragraph (1), the amount specified in this paragraph is the amount by which the amount appropriated under section 2677 of the Public Health Service Act for fiscal year 2001 and available for grants under section 2611 of such Act is an increase over the amount so appropriated and available for fiscal year 2000.

SEC. 213. STUDY BY INSTITUTE OF MEDICINE.

Subpart II of part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–33 et seq.) is amended by adding at the end the following section:

''SEC. 2630. RECOMMENDATIONS FOR REDUCING INCIDENCE OF PERINATAL TRANSMISSION.

''(a) STUDY BY INSTITUTE OF MEDICINE.—

''(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

''(A) For the most recent fiscal year for which the information is available, a determination of the number of newborn infants with HIV born in the United States with respect to whom the attending obstetrician for the birth did not know the HIV status of the mother.

''(B) A determination for each State of any barriers, including legal barriers, that prevent or discourage an obstetrician from making it a routine practice to offer pregnant women an HIV test and a routine practice to test newborn infants for HIV disease in circumstances in which the obstetrician does not know the HIV status of the mother of the infant.

''(C) Recommendations for each State for reducing the incidence of cases of the perinatal transmission of HIV, including recommendations on removing the barriers identified under subparagraph (B).

If such Institute declines to conduct the study, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

''(2) REPORT.—The Secretary shall ensure that, not later than 18 months after the effective date of this section, the study required in paragraph (1) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress, the Secretary, and the chief public health official of each of the States.

''(b) PROGRESS TOWARD RECOMMENDATIONS.—Each State shall comply with the following (as applicable to the fiscal year involved):

''(1) For fiscal year 2004, the State shall submit to the Secretary a report describing the actions taken by the State toward meeting the recommendations specified for the State under subsection (a)(1)(C).

''(2) For fiscal year 2005 and each subsequent fiscal year—

''(A) the State shall make reasonable progress toward meeting such recommendations; or

''(B) if the State has not made such progress—

''(i) the State shall cooperate with the Director of the Centers for Disease Control and Prevention in carrying out activities toward meeting the recommendations; and

''(ii) the State shall submit to the Secretary a report containing a description of any barriers identified under subsection (a)(1)(B) that continue to exist in the State; as applicable, the factors underlying the continued existence of such barriers; and a description of how the State intends to reduce the incidence of cases of the perinatal transmission of HIV.

''(c) SUBMISSION OF REPORTS TO CONGRESS.—The Secretary shall submit to the appropriate committees of the Congress each report received by the Secretary under subsection (b)(2)(B)(ii).''.

Subtitle C—Certain Partner Notification Programs

SEC. 221. GRANTS FOR COMPLIANT PARTNER NOTIFICATION PROGRAMS.

Part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–21 et seq.) is amended by adding at the end the following subpart:

''Subpart III—Certain Partner Notification Programs

''SEC. 2631. GRANTS FOR PARTNER NOTIFICATION PROGRAMS.

''(a) IN GENERAL.—In the case of States whose laws or regulations are in accordance with subsection (b), the Secretary, subject to subsection (c)(2), may make grants to the States for carrying out programs to provide partner counseling and referral services.

''(b) DESCRIPTION OF COMPLIANT STATE PROGRAMS.—For purposes of subsection (a), the laws or regulations of a State are in accordance with this subsection if under such laws or regulations (including programs carried out pursuant to the discretion of State officials) the following policies are in effect:

''(1) The State requires that the public health officer of the State carry out a program of partner notification to inform partners of individuals with HIV disease that the partners may have been exposed to the disease.

''(2)(A) In the case of a health entity that provides for the performance on an individual of a test for HIV disease, or that treats the individual for the disease, the State requires, subject to subparagraph (B), that the entity confidentially report the positive test results to the State public health officer in a manner recommended and approved by the Director of the Centers for Disease Control and Prevention, together with such additional information as may be necessary for carrying out such program.

''(B) The State may provide that the requirement of subparagraph (A) does not apply to the testing of an individual for HIV disease if the individual underwent the testing through a program designed to perform the test and provide the results to the individual without the individual disclosing his or her identity to the program. This subparagraph may not be construed as affecting the requirement of subparagraph (A) with respect to a health entity that treats an individual for HIV disease.

''(3) The program under paragraph (1) is carried out in accordance with the following:

''(A) Partners are provided with an appropriate opportunity to learn that the partners have been exposed to HIV disease, subject to subparagraph (B).

''(B) The State does not inform partners of the identity of the infected individuals involved.

''(C) Counseling and testing for HIV disease are made available to the partners and to infected individuals, and such counseling includes information on modes of transmission for the disease, including information on prenatal and perinatal transmission and preventing transmission.

''(D) Counseling of infected individuals and their partners includes the provision of information regarding therapeutic measures for preventing and treating the deterioration of the immune system and conditions arising from the disease, and the provision of other prevention-related information.

''(E) Referrals for appropriate services are provided to partners and infected individuals, including referrals for support services and legal aid.

''(F) Notifications under subparagraph (A) are provided in person, unless doing so is an unreasonable burden on the State.

''(G) There is no criminal or civil penalty on, or civil liability for, an infected individual if the individual chooses not to identify the partners of the individual, or the individual does not otherwise cooperate with such program.

''(H) The failure of the State to notify partners is not a basis for the civil liability of any health entity who under the program reported to the State the identity of the infected individual involved.

''(I) The State provides that the provisions of the program may not be construed as prohibiting the State from providing a notification under subparagraph (A) without the consent of the infected individual involved.

''(4) The State annually reports to the Director of the Centers for Disease Control and Prevention the number of individuals from whom the names of partners have been sought under the program under paragraph (1), the number of such individuals who provided the names of partners, and the number of partners so named who were notified under the program.

''(5) The State cooperates with such Director in carrying out a national program of partner notification, including the sharing of information between the public health officers of the States.

''(c) REPORTING SYSTEM FOR CASES OF HIV DISEASE.—

''(1) PREFERENCE IN MAKING GRANTS THROUGH FISCAL YEAR 2003.—In making grants under subsection (a) for each of the fiscal years 2001 through 2003, the Secretary shall give preference to States whose reporting systems for cases of HIV disease produce data on such cases that is sufficiently accurate and reliable for use for purposes of section 2618(b)(2)(D)(i).

''(2) ELIGIBILITY CONDITION AFTER FISCAL YEAR 2003.—For fiscal year 2004 and subsequent fiscal years, a State may not receive a grant under subsection (a) unless the reporting system of the State for cases of HIV disease produces data on such cases that is sufficiently accurate and reliable for purposes of section 2618(b)(2)(D)(i).

''(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $30,000,000 for fiscal year 2001, and such sums as may be necessary for each of the fiscal years 2002 through 2005.''.

TITLE III—EARLY INTERVENTION SERVICES

Subtitle A—Formula Grants for States

SEC. 301. REPEAL OF PROGRAM.

Subpart I of part C of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–41 et seq.) is repealed.

Subtitle B—Categorical Grants

SEC. 311. PREFERENCES IN MAKING GRANTS.

Section 2653 of the Public Health Service Act (42 U.S.C. 300ff–53) is amended by adding at the end the following subsection:

''(d) UNDERSERVED AND RURAL AREAS.—Of the applicants who qualify for preference under this section, the Secretary shall give preference to applicants that will expend the grant under section 2651 to provide early intervention under such section in rural areas or in areas that are underserved with respect to such services.''.

SEC. 312. PLANNING AND DEVELOPMENT GRANTS.

(a) IN GENERAL.—Section 2654(c)(1) of the Public Health Service Act (42 U.S.C. 300ff–54(c)(1)) is amended by striking ''planning grants'' and all that follows and inserting the following: ''planning grants to public and nonprofit private entities for purposes of—

''(A) enabling such entities to provide HIV early intervention services; and

''(B) assisting the entities in expanding their capacity to provide HIV-related health services, including early intervention services, in low-income communities and affected subpopulations that are underserved with respect to such services (subject to the condition that a grant pursuant to this subparagraph may not be expended to purchase or improve land, or to purchase, construct, or permanently improve, other than minor remodeling, any building or other facility).''.

(b) AMOUNT; DURATION.—Section 2654(c) of the Public Health Service Act (42 U.S.C. 300ff–54(c)) is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) AMOUNT AND DURATION OF GRANTS.—

''(A) EARLY INTERVENTION SERVICES.—A grant under paragraph (1)(A) may be made in an amount not to exceed $50,000.

''(B) CAPACITY DEVELOPMENT.—

''(i) AMOUNT.—A grant under paragraph (1)(B) may be made in an amount not to exceed $150,000.

''(ii) DURATION.—The total duration of a grant under paragraph (1)(B), including any renewal, may not exceed 3 years.''.

(c) INCREASE IN LIMITATION.—Section 2654(c)(5) of the Public Health Service Act (42 U.S.C. 300ff–54(c)(5)), as redesignated by subsection (b), is amended by striking ''1 percent'' and inserting ''5 percent''.

SEC. 313. AUTHORIZATION OF APPROPRIATIONS.

Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended by striking ''in each of'' and all that follows and inserting ''for each of the fiscal years 2001 through 2005.''.

Subtitle C—General Provisions

SEC. 321. PROVISION OF CERTAIN COUNSELING SERVICES.

Section 2662(c)(3) of the Public Health Service Act (42 U.S.C. 300ff–62(c)(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''counseling on—'' and inserting ''counseling—'';

(2) in each of subparagraphs (A), (B), and (D), by inserting ''on'' after the subparagraph designation; and

(3) in subparagraph (C)—

(A) by striking ''(C) the benefits'' and inserting ''(C)(i) that explains the benefits''; and

(B) by inserting after clause (i) (as designated by subparagraph (A) of this paragraph) the following clause:

''(ii) that emphasizes it is the duty of infected individuals to disclose their infected status to their sexual partners and their partners in the sharing of hypodermic needles; that provides advice to infected individuals on the manner in which such disclosures can be made; and that emphasizes that it is the continuing duty of the individuals to avoid any behaviors that will expose others to HIV;

SEC. 322. ADDITIONAL REQUIRED AGREEMENTS.

Section 2664(g) of the Public Health Service Act (42 U.S.C. 300ff–64(g)) is amended—

(1) in paragraph (3)—

(A) by striking ''7.5 percent'' and inserting ''10 percent''; and

(B) by striking ''and'' after the semicolon at the end;

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following paragraph:

''(5) the applicant will provide for the establishment of a quality management program to assess the extent to which medical services funded under this title that are provided to patients are consistent with the most recent Public Health Service guidelines for the treatment of HIV disease and related opportunistic infections and that improvements in the access to and quality of medical services are addressed.''.

TITLE IV—OTHER PROGRAMS AND ACTIVITIES

Subtitle A—Certain Programs for Research, Demonstrations, or Training

SEC. 401. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

Section 2671 of the Public Health Service Act (42 U.S.C. 300ff–71) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (C) and (D) and inserting the following:

''(C) The applicant will demonstrate linkages to research and how access to such research is being offered to patients.''; and

(B) by striking paragraphs (3) and (4);

(2) in subsection (g), by adding at the end the following: ''In addition, the Secretary, in coordination with the Director of such Institutes, shall examine the distribution and availability of appropriate HIV-related research projects with respect to grantees under subsection (a) for purposes of enhancing and expanding HIV-related research, especially within communities that are underrepresented with respect to such projects.'';

(3) in subsection (f)—

(A) by striking the subsection heading and designation and inserting the following:

''(f) ADMINISTRATION.—

''(1) APPLICATION.—''; and

(B) by adding at the end the following paragraph:

''(2) QUALITY MANAGEMENT PROGRAM.—A grantee under this section shall implement a quality management program.''; and

(4) in subsection (j), by striking ''1996 through 2000'' and inserting ''2001 through 2005''.

SEC. 402. AIDS EDUCATION AND TRAINING CENTERS.

(a) SCHOOLS; CENTERS.—

(1) IN GENERAL.—Section 2692(a)(1) of the Public Health Service Act (42 U.S.C. 300ff–111(a)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking ''training'' and inserting ''to train'';

(ii) by striking ''and including'' and inserting '', including''; and

(iii) by inserting before the semicolon the following: '', and including (as applicable to the type of health professional involved), prenatal and other gynecological care for women with HIV disease'';

(B) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(C) in subparagraph (C), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(D) to develop protocols for the medical care of women with HIV disease, including prenatal and other gynecological care for such women.''.

(2) DISSEMINATION OF TREATMENT GUIDELINES; MEDICAL CONSULTATION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue and begin implementation of a strategy for the dissemination of HIV treatment information to health care providers and patients.

(b) DENTAL SCHOOLS.—Section 2692(b) of the Public Health Service Act (42 U.S.C. 300ff–111(b)) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—

''(A) GRANTS.—The Secretary may make grants to dental schools and programs described in subparagraph (B) to assist such schools and programs with respect to oral health care to patients with HIV disease.

''(B) ELIGIBLE APPLICANTS.—For purposes of this subsection, the dental schools and programs referred to in this subparagraph are dental schools and programs that were described in section 777(b)(4)(B) as such section was in effect on the day before the date of enactment of the Health Professions Education Partnerships Act of 1998 (Public Law 105–392) and in addition dental hygiene programs that are accredited by the Commission on Dental Accreditation.'';

(2) in paragraph (2), by striking ''777(b)(4)(B)'' and inserting ''the section referred to in paragraph (1)(B)''; and

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

''(5) COMMUNITY-BASED CARE.—The Secretary may make grants to dental schools and programs described in paragraph (1)(B) that partner with community-based dentists to provide oral health care to patients with HIV disease in unserved areas. Such partnerships shall permit the training of dental students and residents and the participation of community dentists as adjunct faculty.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) SCHOOLS; CENTERS.—Section 2692(c)(1) of the Public Health Service Act (42 U.S.C. 300ff–111(c)(1)) is amended by striking ''fiscal years 1996 through 2000'' and inserting ''fiscal years 2001 through 2005''.

(2) DENTAL SCHOOLS.—Section 2692(c)(2) of the Public Health Service Act (42 U.S.C. 300ff–111(c)(2)) is amended to read as follows:

''(2) DENTAL SCHOOLS.—

''(A) IN GENERAL.—For the purpose of grants under paragraphs (1) through (4) of subsection (b), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(B) COMMUNITY-BASED CARE.—For the purpose of grants under subsection (b)(5), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

Subtitle B—General Provisions in Title XXVI

SEC. 411. EVALUATIONS AND REPORTS.

Section 2674(c) of the Public Health Service Act (42 U.S.C. 300ff–74(c)) is amended by striking ''1991 through 1995'' and inserting ''2001 through 2005''.

SEC. 412. DATA COLLECTION THROUGH CENTERS FOR DISEASE CONTROL AND PREVENTION.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71 et seq.) is amended—

(1) by redesignating section 2675 as section 2675A; and

(2) by inserting after section 2674 the following section:

''SEC. 2675. DATA COLLECTION.

''For the purpose of collecting and providing data for program planning and evaluation activities under this title, there are authorized to

be appropriated to the Secretary (acting through the Director of the Centers for Disease Control and Prevention) such sums as may be necessary for each of the fiscal years 2001 through 2005. Such authorization of appropriations is in addition to other authorizations of appropriations that are available for such purpose.''.

SEC. 413. COORDINATION.

Section 2675A of the Public Health Service Act, as redesignated by section 412 of this Act, is amended—

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

''(a) REQUIREMENT.—The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Health Care Financing Administration coordinate the planning, funding, and implementation of Federal HIV programs to enhance the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease. The Secretary shall consult with other Federal agencies, including the Department of Veterans Affairs, as needed and utilize planning information submitted to such agencies by the States and entities eligible for support.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (b) the following subsection:

''(b) REPORT.—The Secretary shall biennially prepare and submit to the appropriate committees of the Congress a report concerning the coordination efforts at the Federal, State, and local levels described in this section, including a description of Federal barriers to HIV program integration and a strategy for eliminating such barriers and enhancing the continuity of care and prevention services for individuals with HIV disease or those at risk of such disease.''; and

(4) in each of subsections (c) and (d) (as redesignated by paragraph (2) of this section), by inserting ''and prevention services'' after ''continuity of care'' each place such term appears.

SEC. 414. PLAN REGARDING RELEASE OF PRISONERS WITH HIV DISEASE.

Section 2675A of the Public Health Service Act, as amended by section 413(2) of this Act, is amended by adding at the end the following subsection:

''(e) RECOMMENDATIONS REGARDING RELEASE OF PRISONERS.—After consultation with the Attorney General and the Director of the Bureau of Prisons, with States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary, consistent with the coordination required in subsection (a), shall develop a plan for the medical case management of and the provision of support services to individuals who were Federal or State prisoners and had HIV disease as of the date on which the individuals were released from the custody of the penal system. The Secretary shall submit the plan to the Congress not later than two years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.''.

SEC. 415. AUDITS.

Part D of title XXVI of the Public Health Service Act, as amended by section 412 of this Act, is amended by inserting after section 2675A the following section:

''SEC. 2675B. AUDITS.

''For fiscal year 2002 and subsequent fiscal years, the Secretary may reduce the amounts of grants under this title to a State or political subdivision of a State for a fiscal year if, with respect to such grants for the second preceding fiscal year, the State or subdivision fails to prepare audits in accordance with the procedures of section 7502 of title 31, United States Code. The Secretary shall annually select representative samples of such audits, prepare summaries of the selected audits, and submit the summaries to the Congress.''.

SEC. 416. ADMINISTRATIVE SIMPLIFICATION.

Part D of title XXVI of the Public Health Service Act, as amended by section 415 of this Act, is amended by inserting after section 2675B the following section:

''SEC. 2675C. ADMINISTRATIVE SIMPLIFICATION REGARDING PARTS A AND B.

''(a) COORDINATED DISBURSEMENT.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for coordinating the disbursement of appropriations for grants under part A with the disbursement of appropriations for grants under part B in order to assist grantees and other recipients of amounts from such grants in complying with the requirements of such parts. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than two years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.

''(b) BIENNIAL APPLICATIONS.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall make a determination of whether the administration of parts A and B by the Secretary, and the efficiency of grantees under such parts in complying with the requirements of such parts, would be improved by requiring that applications for grants under such parts be submitted biennially rather than annually. The Secretary shall submit such determination to the Congress not later than two years after the date of the enactment of the Ryan White CARE Act Amendments of 2000.

''(c) APPLICATION SIMPLIFICATION.—After consultation with the States, with eligible areas under part A, and with entities that receive amounts from grants under part A or B, the Secretary shall develop a plan for simplifying the process for applications under parts A and B. The Secretary shall submit the plan to the Congress not later than 18 months after the date of the enactment of the Ryan White CARE Act Amendments of 2000. Not later than two years after the date on which the plan is so submitted, the Secretary shall complete the implementation of the plan, notwithstanding any provision of this title that is inconsistent with the plan.''.

SEC. 417. AUTHORIZATION OF APPROPRIATIONS FOR PARTS A AND B.

Section 2677 of the Public Health Service Act (42 U.S.C. 300ff–77) is amended to read as follows:

''SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

''(a) PART A.—For the purpose of carrying out part A, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

''(b) PART B.—For the purpose of carrying out part B, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.''.

TITLE V—GENERAL PROVISIONS

SEC. 501. STUDIES BY INSTITUTE OF MEDICINE.

(a) STATE SURVEILLANCE SYSTEMS ON PREVALENCE OF HIV.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study to provide the following:

(1) A determination of whether the surveillance system of each of the States regarding the human immunodeficiency virus provides for the reporting of cases of infection with the virus in a manner that is sufficient to provide adequate and reliable information on the number of such cases and the demographic characteristics of such cases, both for the State in general and for specific geographic areas in the State.

(2) A determination of whether such information is sufficiently accurate for purposes of formula grants under parts A and B of title XXVI of the Public Health Service Act.

(3) With respect to any State whose surveillance system does not provide adequate and reliable information on cases of infection with the virus, recommendations regarding the manner in which the State can improve the system.

(b) RELATIONSHIP BETWEEN EPIDEMIOLOGICAL MEASURES AND HEALTH CARE FOR CERTAIN INDIVIDUALS WITH HIV DISEASE.—

(1) IN GENERAL.—The Secretary shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study concerning the appropriate epidemiological measures and their relationship to the financing and delivery of primary care and health-related support services for low-income, uninsured, and under-insured individuals with HIV disease.

(2) ISSUES TO BE CONSIDERED.—The Secretary shall ensure that the study under paragraph (1) considers the following:

(A) The availability and utility of health outcomes measures and data for HIV primary care and support services and the extent to which those measures and data could be used to measure the quality of such funded services.

(B) The effectiveness and efficiency of service delivery (including the quality of services, health outcomes, and resource use) within the context of a changing health care and therapeutic environment, as well as the changing epidemiology of the epidemic, including determining the actual costs, potential savings, and overall financial impact of modifying the program under title XIX of the Social Security Act to establish eligibility for medical assistance under such title on the basis of infection with the human immunodeficiency virus rather than providing such assistance only if the infection has progressed to acquired immune deficiency syndrome.

(C) Existing and needed epidemiological data and other analytic tools for resource planning and allocation decisions, specifically for estimating severity of need of a community and the relationship to the allocations process.

(D) Other factors determined to be relevant to assessing an individual's or community's ability to gain and sustain access to quality HIV services.

(c) OTHER ENTITIES.—If the Institute of Medicine declines to conduct a study under this section, the Secretary shall enter into an agreement with another appropriate public or nonprofit private entity to conduct the study.

(d) REPORT.—The Secretary shall ensure that—

(1) not later than three years after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made in the study is submitted to the appropriate committees of the Congress; and

(2) not later than two years after the date of the enactment of this Act, the study required in subsection (b) is completed and a report describing the findings made in the study is submitted to such committees.

SEC. 502. DEVELOPMENT OF RAPID HIV TEST.

(a) EXPANSION, INTENSIFICATION, AND COORDINATION OF RESEARCH AND OTHER ACTIVITIES.—

(1) IN GENERAL.—The Director of NIH shall expand, intensify, and coordinate research and other activities of the National Institutes of Health with respect to the development of reliable and affordable tests for HIV disease that can rapidly be administered and whose results can rapidly be obtained (in this section referred to a ''rapid HIV test'').

(2) REPORT TO CONGRESS.—The Director of NIH shall periodically submit to the appropriate

committees of Congress a report describing the research and other activities conducted or supported under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

(b) PREMARKET REVIEW OF RAPID HIV TESTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, shall submit to the appropriate committees of the Congress a report describing the progress made towards, and barriers to, the premarket review and commercial distribution of rapid HIV tests. The report shall—

(A) assess the public health need for and public health benefits of rapid HIV tests, including the minimization of false positive results through the availability of multiple rapid HIV tests;

(B) make recommendations regarding the need for the expedited review of rapid HIV test applications submitted to the Center for Biologics Evaluation and Research and, if such recommendations are favorable, specify criteria and procedures for such expedited review; and

(C) specify whether the barriers to the premarket review of rapid HIV tests include the unnecessary application of requirements—

(i) necessary to ensure the efficacy of devices for donor screening to rapid HIV tests intended for use in other screening situations; or

(ii) for identifying antibodies to HIV subtypes of rare incidence in the United States to rapid HIV tests intended for use in screening situations other than donor screening.

(c) GUIDELINES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.—Promptly after commercial distribution of a rapid HIV test begins, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish or update guidelines that include recommendations for States, hospitals, and other appropriate entities regarding the ready availability of such tests for administration to pregnant women who are in labor or in the late stage of pregnancy and whose HIV status is not known to the attending obstetrician.

TITLE VI—EFFECTIVE DATE

SEC. 601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect October 1, 2000, or upon the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

GENERAL LEAVE

Mr. COBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 4807, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to make a statement. We are getting ready to talk a bill that will spend $7.1 billion over the next 5 years. We have 32 minutes to do it in; that is about $215 million a minute as we talk. I think it is unconscionable that we are doing this at this time at night, where the American public cannot see the extent of this epidemic and the problems we have facing it, the way the epidemic has moved into our minority communities, unfortunately, and in a greater rate than in any other communities, and that we are not going to put the resources that are necessarily needed to address that.

Mr. Speaker, I would just make that point; that this is the wrong time of the evening for us to be doing this. I stand here embarrassed that we are not going to be able to have an opportunity to educate the American public about the needs that are addressed in this bill.

Mr. Speaker, first of all, we need to recognize Jeanne White and the loss that she had and her vigor and desire to bring forward a bill to care for people with HIV. We have spent a lot of money in this country already, some of it very successfully, some of it not very successfully; but we have with this bill made some very significant major changes in this legislation.

In 1988, a Presidential commission made recommendations to the Congress and to the Government on what we should do. One of the things that they described in that report is the importance that should be placed on prevention. We have heard our grandmoms tell us for years that an ounce of prevention is worth a pound of cure.

□ 2330

We know that. And I am very thankful for the gentleman from California (Mr. WAXMAN) and his staff as we have been able to work together and with others on the other side of the aisle to bring to the body this bill. Again, I think it is very unfortunate that we, in fact, are doing this at this time.

There are several other components to the bill that we will discuss as we proceed through it.

Mr. Speaker, I include the report referred to earlier.

REPORT OF THE PRESIDENTIAL COMMISSION ON THE HUMAN IMMUNODEFICIENCY VIRUS EPIDEMIC

Submitted to The President of the United States, June 24, 1988

Commissioners: Admiral James D. Watkins, Chairman, United States Navy (Retired); Colleen Conway-Welch, Ph.D.; John J. Creedon; Theresa L. Crenshaw, M.D.; Richard M. Devos; Kristine M. Gebbie, R.N., M.N.; Burton James Lee III, M.D.; Frank Lilly, Ph.D.; His Eminence John Cardinal O'Connor; Beny J. Primm, M.D.; Representative Penny Pullen; Cory Servaas, M.D.; William B. Walsh, M.D.

EXECUTIVE SUMMARY

The Human Immunodeficiency Virus (HIV) epidemic will be a challenging factor in American life for years to come and should be a concern to all Americans. Recent estimates suggest that almost 500,000 Americans will have died or progressed to later stages of the disease by 1992.

Even this incredible number, however, does not reflect the current gravity of the problem. One to 1.5 million Americans are believed to be infected with the human immunodeficiency virus but are not yet ill enough to realize it.

The recommendations of the Commission seek to strike a proper balance between our obligation as a society toward those members of society who have HIV and those members of society who do not have the virus. To slow or stop the spread of the virus, to provide proper medical care for those who have contracted the virus, and to protect the rights of both infected and non-infected persons requires a careful balancing of interests in a highly complex society.

Knowledge is a critical weapon against HIV—knowledge about the virus and how it is transmitted, knowledge of how to maintain one's health, knowledge of one's own infection status. It is critical too that knowledge lead to responsibility toward oneself and others. It is the responsibility of all Americans to become educated about HIV. It is the responsibility of those infected not to infect others. It is the responsibility of all citizens to treat those infected with HIV with respect and compassion. All individuals should be responsible for their actions and the consequences of those actions.

The urgency and breadth of the nation's HIV research effort is without precedent in the history of the Federal Government's response to an infectious disease crisis. However, we are a long way from all the answers. The directing of more resources toward managing this epidemic is critical; equally important is the judicious use of those resources.

The term ''AIDS'' is obsolete. ''HIV infection'' more correctly defines the problem. The medical, public health, political, and community leadership must focus on the full course of HIV infection rather than concentrating on later stages of the disease (ARC and AIDS). Continual focus on AIDS rather than the entire spectrum of HIV disease has left our nation unable to deal adequately with the epidemic. Federal and state data collection efforts must now be focused on early HIV reports, while still collecting data on symptomatic disease.

Early diagnosis of HIV infection is essential, not only for proper medical treatment and counseling of the infected person but also for proper follow-up by the public health authorities. HIV infection, like other chronic conditions—heart disease, high blood pressure, diabetes, cancer—can be treated more effectively when detected early. Therefore, HIV tests should be offered regularly by health care providers in order to increase the currently small percentage of those infected who are aware of the fact and under appropriate care. Since many manifestations of HIV are treatable, those infected should have ready access to treatment for the opportunistic infections which often prove fatal for those with HIV.

Better understanding of the true incidence and prevalence of HIV infection is critical and can be developed only through careful accumulation of data from greatly increased testing. Quality assured testing should be easily accessible, confidential, voluntary, and associated with appropriate counseling and care services. At the present time, a relatively small percentage of those infected with HIV are aware of their infected status.

Some preventive measures must be undertaken immediately.

Public health authorities across the United States must begin immediately to institute confidential partner notification, the system by which intimate contacts of persons carrying sexually transmitted diseases, including HIV, are warned of their exposure.

The HIV epidemic has highlighted several ethical considerations and responsibilities, including:

the responsibility of those who are HIV-infected not to infect others;

the responsibility of the health care community to offer comprehensive and compassionate care to all HIV-infected persons; and

the responsibility of all citizens to treat HIV infected persons with respect and compassion.

The Commission believes that if the recommendations in this report are fully implemented, we will have achieved the delicate balance between the complex needs and responsibilities encountered throughout our society when responding to the HIV epidemic.

MODELING HIV INFECTION

Disease surveillance began early in the epidemic, before the human immunodeficiency virus (HIV) had been identified or isolated, and before it was known that there could be a lengthy period of infection prior to illness. Because at that time it was possible to identify only those individuals in whom disease are far enough advanced to be symptomatic, monitoring the epidemic meant monitoring disease, rather than monitoring infection. The early concentration on the clinical manifestation of AIDS has had the unintended effect of misleading the public as to the extent of the infection in the population, from initial infection to sero-conversion, to an antibody positive asymptomatic stage to initial indicative symptoms to full-blown AIDS. Continued emphasis on AIDS has also impeded long-term planning efforts necessary to effectively allocate resources for prevention and health care. Decisions on who will receive care, and whose costs will be covered, focused only on those most seriously ill. Continuing to use only the term ''AIDS'' to make treatment, reimbursement, or prevention program decisions is anachronistic and a policy we can no longer afford.

While it is of value to continue monitoring diagnosed AIDS cases, public policy and prevention efforts should be based on an understanding of the extent and distribution of HIV in the population and on the rate at which new infections occur. This is especially critical in dealing with HIV, for which the average length of time between infection and diagnosis is at least eight years, according to the Institute of Medicine.

It is critical that CDC begin now to collect HIV infection data from the states, not just case reports.

The success of any disease or infection surveillance effort is dependent upon coordination at the national, state, and local levels and the sharing of resources and expenses.

The public health profession has a long tradition of respectful, confidential handling of sensitive data and of affected persons; those currently holding public health posts and should be striving to build public confidence by stressing the profession's traditional adherence to this standard.

Until CDC changes the focus of data collection from diagnosed AIDS cases to HIV infections, effectiveness of planning and intervention will be limited.

As of March 1988, CDC acknowledged that a precise statement of the prevalence and rate of spread of HIV infection in the general population is still not available. Most analysts concur with CDC that, based on presently available data, the best estimate of seroprevalence is one million, with a range of up to 1.5 million. Repeatedly, witnesses before the Commission agreed that every reasonable effort should be made to increase the precision of this number, and of the rate of infection within specific population groups.

OBSTACLES TO PROGRESS

The Commission has identified the following obstacles to a nationwide effort to improve the public's response to and participation in programs designed to quantify the HIV epidemic at the federal, state and local levels:

Continued focus on the label ''AIDS,'' contributing to lack of understanding of the importance of HIV infection as the more significant element for taking control of the epidemic.

Lack of strong CDD leadership in the public health community for obtaining and coordinating HIV infection data.

Inadequate counseling resources to assist those tested makes many support and interest groups reluctant to recommend widespread HIV testing.

RECOMMENDATIONS

To respond to these obstacles, the Commission recommends the following:

The Centers for Disease Control must provide clear direction for expanded and improved surveillance, including endorsement and support by national leaders, other federal agencies, and state and local leaders.

States should require reporting of HIV infections. This information should be given to the Centers for Disease Control in appropriate form for statistical analysis, without identifiers.

WOMEN WITH HIV INFECTION

With little exception, HIV research and programs have focused exclusively on homosexual men and intravenous drug users. As a result, there is limited information about the course of HIV infection in women. Diagnosis of AIDS in women may be late or less accurate because the natural history of infection in women is so poorly understood to date. There is some evidence to suggest that it differs from men. The problem of women with HIV infection is particularly important because it is directly linked to the rapid growth of the pediatric AIDS population.

The greatest number of AIDS cases among women occur in the black and Hispanic populations. Of all cases of AIDS in women, 51 percent are black, and 20 percent are Hispanic. The routes of viral transmission are the same for women as for men, but in women, HIV infection occurring directly from intravenous drug use, and through heterosexual contact with an infected man rank first and second, respectively.

One of the most serious problems facing the HIV-infected mother is the guilt she may feel after giving birth to an infected child, her despair as she watches that child die, or her anguish, knowing that after her own imminent death, she will leave children behind.

MINORITIES

The impact of HIV infection on black and Hispanic communities has been felt very strongly; individuals from these groups comprise about 40 percent of all persons with symptomatic HIV infection.

Leadership is critically needed from major national minority organizations and from churches in minority communities.

PARTNER NOTIFICATION

Both public health practice and case law makes clear that persons put at risk of exposure to an infectious disease should be alerted to their exposure. The Commission believes that there should be a process in place in every state by which the official state health agency is responsible for assuring that those persons put unsuspectingly at risk for HIV infection are notified of that exposure. Such a process will enable that agency to work with the infected individual and the patient's primary health care provider to assure that contacts are notified of their exposure and urged to take advantage of the opportunity for testing and counseling.

When interviewed appropriately, any person infected should be able to identify one or more persons from whom the infection may have come or to whom it may have been given. There are options for contacting those persons and ensuring that they, too, are aware of their risks. Those options include patient-managed referral and professional-assisted referral (with notification by an individual's health care provider or with notification by the health department).

As an example, consider the women who has been married for 30 years to a man who, unknown to her, is a bisexual, or the person who believes he or she is involved in a completely monogamous marriage when, in fact, his or her spouse has been having sex with others. These people are completely ignorant of their exposure to the virus and would probably remain so until either their spouse, their child, or they, themselves, developed the clinical symptoms of AIDS. The Commission firmly believes in these individuals' right to be notified of their possible exposure so that they can seek prompt medical attention and avoid potentially exposing others.

RECOMMENDATIONS

The public health department has an obligation to ensure that any partners are aware of their exposure to the virus.

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

PARLIAMENTARY INQUIRY

Mr. BROWN of Ohio. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. TANCREDO). The gentleman will state it.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Oklahoma (Mr. COBURN) implied that we had less than 20 minutes per side. How much time do we have?

The SPEAKER pro tempore. The gentleman from Oklahoma was recognized for 20 minutes.

Without objection, the gentleman from Ohio (Mr. BROWN) is recognized for 20 minutes.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Oklahoma (Mr. COBURN) complained about the lateness of the hour, and all of us concur with that. An issue as important as this was scheduled literally last among 35 suspensions. We are behind tonight naming post offices, regarding celebrating anniversaries; we are after our sense of Congress resolution regarding the importance of families eating together, something we all support, but a Congressional resolution for that; recognizing the importance of children in the U.S. We obviously recognize that. But to put all of that before this, it is again the sort of do-nothing Republican leadership in Congress that makes these decisions to schedule bills as important as this that we bipartisanly agree on finally after negotiations to put this bill last.

It is clearly not the way this Congress should operate. We should be doing this during the day when Members of Congress are awake and in this Chamber and watching from their offices. Instead we are doing a very, very important bill, the Ryan White CARE Act, in literally the middle of the night. Mr. Speaker, I think none of us approve of that kind of lack of leadership by Republicans in this Chamber.

I want to commend the gentleman from Oklahoma (Mr. COBURN) for his work; the gentleman from California (Mr. WAXMAN) for his work; Roland Foster, in the office of the gentleman from Oklahoma (Mr. COBURN); Paul Kim, in the office of the gentleman from California (Mr. Waxman); and Ellie Dehoney, in my office, for their exceptional work on this legislation.

The battle against HIV/AIDS is more than a medical challenge, although that challenge alone is overwhelming. It is a battle against ignorance, against intolerance, against apathy. It is a battle against isolation, against alienation, against despair. It is a battle against time, it is international, and it is down the street. AIDS is set to kill more people worldwide than World War I, World War II, the Korean War, and the Vietnam War combined.

The Ryan White CARE Act responds to HIV/AIDS, not just as a public health crisis, but as a threat to the stability and cohesiveness of communities and the rights of individuals. It fights the medical epidemic with prevention and with treatment. It fights ignorance, it fights intolerance, it fights apathy with awareness, commitment and compassion, and it fights alienation, isolation and despair by engaging communities in a focus that emphasizes living with HIV/AIDS, not dying with it.

The act was created in the memory of Ryan White, a young teenager who became a national hero in this fight. He was a hemophiliac and contracted HIV through a bad blood transfusion, but Ryan White fought against ignorance, fear and prejudice on behalf of all individuals with HIV/AIDS.

Ryan White died on April 8, 1990, at the age of 18. Ten years later the law named after him carries on his legacy. The Ryan White CARE Act has made a tremendous difference in the lives of people living with HIV/AIDS.

In my district, which includes much of Ohio's only title I eligible metropolitan area, Ryan White programs provide primary care and support services and the kinds of medication that contain HIV/AIDS into a chronic, rather than an acute illness. There is more to do and Ryan White will continue to play a pivotal role.

In Ohio, while AIDS deaths have declined, the incidence of HIV/AIDS has increased dramatically. After declining steadily, the incidence among young gay males is on the rise. HIV/AIDS is expanding into new populations, while continuing to spread in those populations originally at risk.

Prevention is vital, treatment is vital, The Ryan White programs are vital.

Mr. Speaker, I ask for passage of this legislation.

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

Mr. COBURN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me time. I thank the gentleman particularly for his leadership on this issue. We have always been very fortunate in this House to have his expertise.

I want to commend the gentleman from California (Mr. WAXMAN), the gentleman from Ohio (Mr. BROWN), and others, including the staff who have worked very hard on this.

I do agree, this is one of the most important measures that we will be voting on. It has made a difference, it will continue to make a tremendous difference, and the need is now greater than ever. I urge my colleagues obviously to support this bill, H.R. 4807, unanimously.

What the bill does is it reauthorizes and enhances care and treatment programs vital to the health and survival of Americans with HIV and AIDS. HIV/AIDS is not a disease that discriminates. It touches all. In fact, my State of Maryland is now known as one of the top ten states and territories reporting the highest number of AIDS cases. This is in part due to the pandemic growth of HIV and AIDS in rural areas and how AIDS is disproportionately affecting women, youth and communities of color.

This is a good bill. It has strong bipartisan support. Our States need this bill to be passed. Women need it, our youth need it; yes, all Americans need it. I urge strong support of this measure.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN), the author of the first Ryan White Act a decade or so ago.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend the leadership of the House, the Republican leaders of the House for scheduling this bill. While it is 11:36 in Washington, it is only 8:36 in California.

Mr. Speaker, I rise also to urge my colleagues to support H.R. 4807. As the original author of the Ryan White CARE Act and the coauthor of H.R. 4807, I am pleased that this consensus bill is before the House today. With more than 250 bipartisan cosponsors and being reported by voice vote from committee, H.R. 4807 should be acted on expeditiously by the House.

Since we last authorized the CARE Act in 1996, there has been dramatic progress in treating AIDS, but there is still much more to be done. There are new treatments, but there still is no cure. There are fewer deaths, but no new HIV infections and dangerous complacency are on the rise, and the treatment gap grows wider every day for the poor and communities of color.

This is why the CARE Act is so important. Its reauthorization is crucial to the lives and health of hundreds of thousands of Americans, and it is essential that we refine and expand the CARE Act to respond to the epidemic's growing impact on women and adolescents.

H.R. 4807 preserves the structure of the original law and enhances its funding, but it also focuses on services for reaching individuals with HIV and AIDS who are not in care, eliminating disparities in services and access and helping historically underserved communities.

The legislation also begins to shift Ryan White funding to the HIV infected population, not just individuals with AIDS. This is an important transition which will occur when reliable data on HIV prevalence is available, and it is an important transition because we need to find the people who are HIV infected, because with appropriate treatment perhaps many of them can be helped not to develop full-blown AIDS.

The bill will also give priority to communities in severe need of supplemental funds. As HRSA Administrator Claude Fox testified, ''These efforts, building on the current CARE Act, will significantly improve access to important health services for low-income, underinsured, and uninsured persons with HIV.''

The bill also expands the perinatal HIV grant program to $30 million, with an increasing set aside for States with mandatory newborn testing laws. While I do not share the belief that this set aside is necessary, I am pleased that Dr. Fox confirmed that the program will greatly increase the funds available to help end the transmission of HIV to newborns.

The bill also enhances public participation in CARE Act programs and prevention efforts at the Federal, State and local levels, and adopts many important provisions in from the Senate bill.

I want to applaud the gentleman from Oklahoma (Dr. COBURN) for his cooperation on authoring this consensus bill, and acknowledge the contributions of the many community organizations to the legislation.

I want to thank the staff for their hard work, Roland Foster, Paul Kim, Karen Nelson, Marc Wheat, John Ford, Brent Delmonte, and Pete Goodloe.

Mr. Speaker, our friends and colleagues are right, this is an important bill, and I urge full support for it.

Mr. Speaker, I rise in support of H.R. 4807 and urge my colleagues to support the bill.

As the original author of the Ryan White CARE Act and the co-author of H.R. 4807, I am pleased that this consensus legislation is before the House today.

The bill has more than 250 bipartisan cosponsors and was reported by voice vote by the Commerce Committee. The Senate has already acted on its own bill, and H.R. 4807 should be acted on expeditiously by the House.

BACKGROUND ON THE CARE ACT

Mr. Speaker, until 1990, it was volunteers, cities and States who carried the burden of care in the AIDS epidemic—not the Federal government. Enacting the Ryan White CARE Act into law was our government's overdue response to the AIDS crisis, providing urgently needed care to tens of thousands of Americans living with AIDS.

Since we last reauthorized the CARE Act in 1996, there has been dramatic progress in

treating AIDS. Lives have been extended and hope has been renewed. Deaths from AIDS have declined in our country.

But while progress has been made, progress must also be measured by the length of the road ahead. There are treatments, but there is still no cure. There are fewer deaths, but new HIV infections and a dangerous complacency are on the rise.

The epidemic is reaching into every community and every State in America. The treatment gap is growing wider than ever for the poor and for communities of color. And worldwide, the epidemic has killed 18 million people, orphaned millions of children and devastated entire countries.

This is why the CARE Act is so important. The CARE Act is the foundation of our country's response to the AIDS epidemic. Its reauthorization is crucial to the lives and health of hundreds of thousands of Americans. And as AIDS increasingly threatens women, adolescents and our communities of color, it is essential that we refine and expand the CARE Act to respond to these changes in the epidemic.

WHAT H.R. 4807 DOES

Today, the CARE Act provides early intervention services to prevent infection and to forestall illness in those who are infected. It furnishes medicines and outpatient and home health services to those who are ill. And the Act gives direct assistance to States and to the cities hardest hit by the epidemic.

H.R. 4807 preserves the structure of the CARE Act and enhances its funding. But it focuses services for the first time on—reaching individuals with HIV and AIDS who are not in care; eliminating disparities in services and access; and helping historically underserved communities.

The legislation also begins to shift Ryan White funding and services towards the HIV-infected population, not just individuals with AIDS. This is an important transition, and will mean a more equitable and accurate allocation of funds in relation to the demographics of the epidemic. But it will only occur when the Secretary determines that adequate and reliable data on HIV prevalence is available from all States and cities.

The bill also addresses disparities in care through the Title I supplemental funds and a newly created Title II supplemental. Communities and cities in ''severe need'' of additional resources will be given increased priority for these funds, so that all underserved areas—rural or urban—may better serve their patients.

These and other provisions enhance the responsiveness of the CARE Act to the needs of ethnic and racial minorities, consistent with the intent of the Congressional Black Caucus Minority AIDS Initiative. And as HRSA Administrator Claude Fox testified two weeks ago, ''These efforts, building on the current CARE Act, will significantly improve access to important health services for low-income, underinsured, and uninsured persons with HIV.''

When the Title I formula was modified five years ago, a ''hold harmless'' was added to limit any Eligible Metropolitan Area's (EMA) losses over five years to 5 percent of its Title I formula allocation. Our intention was to provide some time to allow EMAs to prepare for changes in their services and reductions in their funding. While there is broad agreement that the best way to avoid the need for a hold harmless is to increase funding overall to Title I, the funding increases to date unfortunately have not been so great as to render the ''hold harmless'' unnecessary. Now that five years have already passed since the formula was changed, the ''hold harmless'' has been adjusted to ensure greater funding equity in the Title I formula. I am particularly pleased that the Administration has made clear that it is unlikely that any new EMA will make use of such a hold harmless for the next three to four years.

H.R. 4807 also expands an existing grant program to end perinatal HIV transmission to $30 million, with an increasing set-aside for States with mandatory newborn testing laws. While I do not share the belief that this set-aside is necessary, I am pleased that all of the funds will be available for voluntary counseling, testing, treatment and outreach to pregnant mothers, as well as for implementing newborn testing programs. Dr. Fox confirmed two weeks ago that this program will greatly increase the funds available to help end the transmission of HIV to newborns.

This bill enhances public participation in both Title I and Title II, with greater representation of persons living with HIV and AIDS. Title I Planning Council meetings and records are opened to public ''sunshine.'' And we call on States to engage in a more participatory public planning process.

The legislation makes other important reforms. It calls for greater coordination of HIV care and prevention efforts at the Federal, State and local levels—something I have always strongly supported. Patients are entitled to a seamless continuum of HIV prevention and care services from outreach, counseling and testing through to diagnostics, treatment and care.

Finally, H.R. 4807 also adopts many important provisions from the Senate's bill, particularly the authorization of early intervention services in Titles I and II, and the creation of new quality management programs for CARE Act services.

CONCLUSION

I want to applaud Dr. Coburn for his personal commitment to fighting AIDS and his cooperation on the bill. I also want to acknowledge the contributions of the many community organizations that participated in developing this legislation. And I want to thank the staff for their diligence and hard work—Roland Foster, Paul Kim, Karen Nelson, Marc Wheat, John Ford, Brent Delmonte and Pete Goodloe.

Mr. Speaker, I want to conclude by citing my friend and colleague the Minority Leader. Two weeks ago, Mr. GEPHARDT spoke on this floor about AIDS in Africa. He said—

> There has never in the history of the world been a threat to life like this . . . This is the moral issue of our time. I pray that this House and all of our great Representatives will stand and deliver on this, the most important moral issue we will ever face.

Mr. Speaker, our friend and colleague was right. His words hold true the world over.

So I ask my colleagues to commit themselves anew to ending the epidemic. I ask them to support this legislation. And I ask them to dedicate this legislation to the memory of our friends, our family and our countrymen who have died of AIDS.

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MAKING IN ORDER ON LEGISLATIVE DAY OF TODAY CONSIDERATION OF H.R. 4920 UNDER SUSPENSION OF THE RULES

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to entertain a motion that the House suspend the rules and pass H.R. 4920, as amended, at any time on the present legislative day.

The SPEAKER pro tempore (Mr. TANCREDO). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COBURN. Mr. Speaker, I continue to reserve my time.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. TOWNS), who has been a leader in fighting for health care for the disadvantaged.

Mr. TOWNS. Mr. Speaker, let me begin by first thanking the gentleman from Oklahoma (Mr. COBURN) and, of course, the gentleman from California (Mr. WAXMAN) for bringing this bill forward. It is a very important bill, with the way things are going today in this Nation.

I support the Ryan White CARE Act of 2000. We should pass this legislation, which is so vital to this Nation and its future.

Approximately 19 percent of the AIDS cases are in New York State. That means one in five living with AIDS reside in New York State. There are 8,200 living AIDS cases in Brooklyn, the borough that I represent, alone. Seventy-five percent of the cases are minorities and 25 percent are women.

This is just the beginning. I have yet to talk about the 100,000 people estimated to be living with HIV disease who may or may not know their status.

These numbers are truly staggering, and they show the importance and need of reauthorization of the Ryan White CARE Act.

I will not stand here and say that this bill is perfect because it is not, but it does represent a balance and I congratulate my colleagues again for their creativity and strong leadership. However, I must admit there are some things that I would like to see modified, and let me name them; namely, the hold harmless provision in title I of the bill, which my colleague, the gentlewoman from California (Ms. ESHOO) framed so well during the markup in the full Committee on Commerce. I think the point that she made should have been accepted. All the EMAs should be held harmless and brought up to a higher funding level.

There are many good provisions in this bill. It increases consumer participation on the planning council and ensures that the consumers are representative of the epidemic in that particular area. This change will enable the councils to be proactive when it comes to the disease, and the bill moves in the direction of counting HIV not AIDS cases.

In addition, I would like to highlight the Congressional Black Caucus' AIDS initiative language within the Committee Report. The initiative is intended to be a critical component of the strategy of the Department of Health and Human Services to comprehensively address HIV/AIDS. It focuses on the communities hardest hit by the epidemic, and that is the most effective way to tackle the problem. Therefore, I urge my colleagues to support this act.

Mr. COBURN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I also have a chart I want to show. Firstly, I thank the gentleman from New York (Mr. TOWNS) for his support of the bill and his fair criticism of what he sees as maybe a problem in funding disparities. However, I would tell him that the concerns of the State of New York were really of title II in this bill and not title I, and we changed that funding formula to meet the concerns of the State of New York.

I also would point out, as he can see on a cost adjusted basis, that the State of New York on a basis of a per AIDS case gets approximately $1,900 less per individual in New York City than somebody in San Francisco, and the whole disparity that we are trying to address is not to harm San Francisco but is to make an equalization for those in New York City that they might have an increase in funds.

The gentleman from New York (Mr. TOWNS) also made the statement that probably our problem is that there is just not enough money here, and I would probably tend to agree with him, that that is the base problem.

The other thing that I want to correct in his statement is there are 350,000, at least 350,000 in this country today that are infected with HIV that do not know it. It is not 100,000. It is 350,000. There are another 350,000 who have HIV and do know it, and there are another 350,000 who have full-blown AIDS. The problem is, and the reason this bill has moved some direction towards prevention, is we have made no dent in the case of new HIV infections in 7 years in this country.

The fact is that 40,000 this year, 40,000 next year and 40,000 last year and the 2 years before continue to get infected with this virus and that is why this bill is so important, because it redirects us to where the epidemic is, not to where it was.

We still recognize where it was but we want to put the dollars where the epidemic is.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO), who has been an outspoken and tireless advocate on behalf of AIDS patients.

Ms. ESHOO. Mr. Speaker, I thank the ranking member, the gentleman from Ohio (Mr. BROWN) for yielding me this time.

Mr. Speaker, I rise this evening in support of the Ryan White CARE Act because without question it is the most important legislation Congress has ever enacted to provide life-saving and life-enhancing medical care and social services for people living with HIV and AIDS.

It was intended as a safety net for people battling HIV and AIDS and these are really the two cornerstones of the CARE Act, reliability and stability. Yet contained in this bill that is on the floor this evening is a provision that I and others believe runs contradictory to that safety net principle. Under existing law, an eligible metropolitan area, we call them EMAs, that is our Federal shorthand, those areas receiving title I funds can lose no more than 5 percent of its funding over a 5-year period. This hold harmless provision was specifically designed to prevent the rapid destabilization of existing systems of care when changes in the title I formula were adopted by Congress in 1996. H.R. 4807 changes this dramatically, allowing an EMA to lose 25 percent of its funding over the same time period.

The result will be a rapid decline in availability and quality of care, particularly in EMAs like San Francisco, where the epidemic has hit the hardest. AIDS advocates and EMAs across the country, not just the Bay Area, not just California but the entire country, including the State of New York, have expressed concern that a 25 percent hold harmless could destabilize the systems of care and undermine the very goals of the act. They fear what we already know in our area, that the 25 percent hold harmless could ironically cause great harm.

I support the Senate approach of 10 percent over 5 years and I urge my colleagues, that will eventually become conferees, to support the Senate language. We want to move ahead with this bill but we need to stay true of the hallmark of the act.

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Mr. COBURN. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, the AIDS Action Council, the largest AIDS organization in the United States, supports this funding formula. Let us be clear about that.

Number two is Ryan White title I funds, San Francisco last year received over $35 million. At the end of the year, they had a $7 million balance in their checking account. If we take the growth in title I funds that we have seen in this Congress and the two congresses previously, we are averaging 24 to 29 percent per year increase.

Take a million dollars. Under this hold harmless, at the end of 5 years that means they would have $750,000. But at a growth rate of 24 to 29 percent, what they would actually have is well over a million dollars at the end of that 5 years. So we are into the specifics of talking about a cut when there is no cut.

The fact is there is extreme imbalance in the amount of funding that is going to the EMA in San Francisco versus other areas and it is recognized. This legislation is not intended to hurt San Francisco. I will have a private wager with the gentleman and gentlewomen from California that in 5 years there will be more money under this formula for each of those EMAs than there is today, including San Francisco.

Because, in fact, if we increase something 25 percent per year, at the end of 5 years we will not have 200 percent, we will have about 270 percent. So even with the 25 percent cut, if that would happen, and that is just the potential. I understand my colleagues should be concerned to protect what is already coming in.

The second point that I would make is that the testimony from the GAO clearly said that there is a disparity in the funding. And they clearly said that the foundational factor under which we made that funding was based on what the funding was in 1990, which was evidence of those who had HIV, had AIDS, and had died.

So the base that is used for the San Francisco EMA continues to recognize in its base not people living with HIV, but people who have died from AIDS, people living with AIDS. What our formula will say is if HIV increases in San Francisco, they will get more money. As people live longer, they will get more money. And what we do is to make sure somebody who lives in South Carolina in the rural areas has the same opportunity for care and treatment as somebody in San Francisco.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I too rise in support of H.R. 4807, the Ryan White CARE Act Amendments of 2000. I commend my colleagues, the gentleman from Oklahoma (Mr. COBURN) and the gentleman from California (Mr. WAXMAN) for their hard work and their leadership in crafting this legislation which is so important to people with HIV and AIDS and their families.

While this bill is not perfect and needs to be fine-tuned, the product we have before us provides a good framework. One of my major concerns with this legislation remains the funding provided for States which have laws requiring mandatory testing of newborns. I oppose mandatory testing of any subpopulation and I strongly believe that this body must give full consideration to the Institute of Medicine study as it relates to this.

I am encouraged, on the other hand, that H.R. 4807 changes funding formulas to encompass all who are infected with HIV and not just provide resources for individuals who have progressed to AIDS. This amendment responds to the changing nature of the

epidemic and the newer treatment protocols. It allows and enables treatment programs to begin and expand critical prevention efforts and encourages reporting of HIV infections by States which do not now report by infection.

Another major area which is of critical concern to the Congressional Black Caucus Health Brain Trust is the community planning councils, their compensation, effectiveness, and operation.

Mr. Speaker, we are encouraged by this bill's requiring that the local planning bodies and grantees reflect the demographics of the disease, that they conduct surveys to identify the epidemiology of the disease in their areas, and that they target funding to where the disease is most prevalent.

Mr. Speaker, I would be remiss if I did not point out that based on current forecasts through fiscal year 2001, funding for the all-important ADAP program falls more than $1 million short of what will be needed for the many low-income, uninsured, and under-insured Americans with HIV infection or AIDS, putting this country far from where we ought to be in fighting this epidemic.

We in the Caucus, our partners in the Congress, and our communities will remain vigilant in the Nation's fight against the HIV/AIDS crisis. The Ryan White CARE Act is a lifeline to countless Americans infected with this virus and it is our best ammunition in the war against this devastating disease.

Clearly, we in the U.S. Congress cannot wait until this disease mirrors the pandemic in Africa. An enhanced, strengthened, responsive and adequately funded Ryan White CARE Act is absolutely essential. I look forward to working closely with my colleagues in the House and the Senate and in the administration to craft and enact a measure that is responsive to the needs of all Americans, and I ask for my colleagues' support of this important legislation.

Mr. Speaker, I rise in support of H.R. 4807, the Ryan White CARE Act Amendments of 2000, and I commend my colleagues Congressmen TOM COBURN and HENRY WAXMAN for their hard work and leadership in crafting this legislation which is so important to persons with HIV and AIDS and their families.

While, this bill is not perfect and needs to be strengthened and fine-tuned, the product we have before us, provides a framework which can be built upon to develop a more comprehensive and responsive reauthorization measure.

One of my major concerns with this legislation, is the funding provided to states which have laws requiring the mandatory testing of newborns. I oppose mandatory testing of any sub-population, and I strongly believe, that this body must give full consideration to the IOM study as it relates to this issue. Let us seriously review those results and appropriately incorporate the findings in the ''mandatory testing'' provision of this reauthorization measure.

I am encouraged that H.R. 4807 also changes city and state funding formulas to encompass all who are infected with HIV, and not just provide resources for individuals who have progressed to AIDS. This amendment responds to the changing nature of the epidemic and the newer treatment protocols which begin medication earlier. It allows for treatment programs to begin and expand critical prevention efforts. This bill also more effectively represents the burden of the disease and the need for care. In addition, this measure makes a concerted effort to support the fact, that the funding ''needs'' to follow the trends of the disease (which are disproportionately and increasingly affecting people of color).

It also encourages reporting of HIV infections by states (many do not now report). Such adherence to reporting, will improve our ability to be more progressive and get in front of this epidemic by increasing prevention and outreach efforts.

Another major area which is of critical concern to the Congressional Black Caucus and the communities we represent (which are primarily people of color), is the community planning councils, their composition, effectiveness and operations. This process has not worked well for many disenfranchised communities under existing authorization. Community input is essential to effective service provision at the local level. Therefore, we are encouraged by this bill requiring, that the local planning bodies and grantees reflect the demographics of the disease and secondly, that they conduct surveys to identify the epidemiology of the disease in their areas.

Lastly, it directs that they target the funding where the disease is most prevalent. We, in the Caucus and our community partners, will be very vigilant on this issue.

In this regard, I also encourage that African Americans and other people of color be appropriately represented in the clinical trials and investigator pools based on the trends of the disease.

I would be remiss if, I did not say that based on the past epidemiology, and several studies and forecasts, FY 2001 funding for the all important ADAP program falls around $100 million dollars short of what will be needed to provide treatment to those infected.

This dramatic shortfall represents the many low income, uninsured and under-insured Americans who will not receive appropriate care, and further puts this country far from where we need to be in fighting this epidemic and saving the lives of those infected and most at-risk.

We in the Caucus and our partners in the Congress and the communities we serve, remain vigilant in the nation's fight against the HIV/AIDS crisis. The Ryan White Care Act is the life line to countless Americans infected with HIV and AIDS. It is our best ammunition in the war against this devastating disease which is plaguing our nation. Clearly, we in the U.S. Congress, must not wait until this disease begins to mirror the pandemic in Africa. An enhanced, strengthened, responsive and adequately funded Ryan White Care Act is absolutely essential to intensified care, treatment, prevention and outreach.

I look forward to working closely with my colleagues in the House and Senate, and in the Administration to ensure the crafting and enactment of a measure that is responsive to the needs of all Americans. I therefore, ask you to respond positively, and vote for this important legislation.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I submit for the RECORD a letter from the State of New York on the baby AIDS provision that they have in testing, and also the 1990 Senate Ryan White CARE Act Debate Regarding the Need for HIV Partner Notification.

STATE OF NEW YORK,
DEPARTMENT OF HEALTH,
Albany, NY, February 3, 2000.

Hon. TOM A. COBURN, M.D.,
Member of the Congress, U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR DR. COBURN: I have been asked to reply to your letter of December 20, 1999, to Commissioner Novello on prevention of perinatal HIV transmission. The perinatal HIV prevention program at the New York State Department of Health is a comprehensive program that seeks to address many of the steps in the chain of events leading to an HIV-infected child, as identified by the Institute of Medicine in their 1998 report, ''Reducing the Odds.''

An important initial prevention step in this chain of events is to ensure that all pregnant women are enrolled in prenatal care in the first trimester and ideally, have received preconception care. Significant program resources, including new funding from the Centers for Disease Control and Prevention (CDC) for outreach to high risk women, are directed to this purpose in New York State. In 1997, 10.6 percent of all women (according to birth certificate data) and about 10 percent of HIV positive women in New York State (based on chart reviews) received no prenatal care.

The second step in preventing perinatal transmission is to ensure that all women in prenatal care receive HIV counseling and testing according to the U.S. Public Health Service guidelines. In New York State, regulations adopted in 1996 (10 NYCRR sections 98.2(c), 405.21(c), 751.5(a)) require all regulated prenatal care providers (hospitals, clinics, HMO providers) to provide HIV counseling with a clinical recommendation to test, to all prenatal care patients. Such counseling and recommended testing is the standard of medical care in New York State, even for physicians not practicing in regulated settings. The Commissioner has sent a letter to this effect to all prenatal care physicians in the State. The letter was co-signed by the State Medical Society and the State chapters of professional organizations in pediatrics, obstetrics and family practice. The Department also monitors prenatal HIV counseling and testing rates at all regulated health care providers through review of a sample of prenatal care medical records. These data are fed back to providers and technical assistance is provided to improve delivery of these services.

For women who test HIV positive or are known to be HIV positive during pregnancy, the State has developed a network of specialty providers for perinatal HIV medical care. These providers ensure that each HIV positive pregnant woman has a full evaluation for combination antiretroviral therapy depending on her own health status, prescribe zidovudine (ZDV) according to the PACTG 076 regimen for prevention of perinatal transmission, and make referrals for housing, adherence counseling and other supportive services that these women may need to adhere to therapy. New York Medicaid and the State's AIDS Drug Assistance Program (ADAP) provide reimbursement for pharmaceuticals for women in need so that all women have access to preventive therapy.

The Department, with the help of a panel of expert clinicians, publishes detailed clinical treatment guidelines for antiretroviral therapy and prevention of perinatal transmission, and also funds a network of clinical education providers across the state to train clinicians carrying for HIV positive patients.

In the area of newborn HIV testing, Public Health Law (PHL) 2500-f, signed into law by Governor Pataki in 1996, created an exception for newborn HIV testing to the informed consent requirements for HIV counseling and testing in the HIV Confidentiality Law, PHL Article 27–F. It also directed the Commissioner to develop a comprehensive program for the testing of newborns for HIV. This program is further defined in State regulations (10 NYCRR Subpart 69–1) and has gone through two phases. During the first phase, beginning on February 1, 1997, the Department's Newborn Screening Laboratory began HIV testing of all newborn filter paper specimens submitted for metabolic screening without removing patient identifiers and returning those test results to the birth hospital for transmittal to the pediatrician of record. Prior to that time, blinded HIV newborn testing had been done for epidemiological purposes since the late 1980's, and mothers had been encouraged to receive a copy of their newborn's HIV test result since May 1996 (over 90 percent of mothers consented to receive their newborn's HIV test result in that program).

Universal newborn HIV testing has resulted in the identification of all HIV-exposed births. HIV test results from the newborn testing lab are often not available until two weeks after birth. These results are not timely enough to permit administration of ZDV therapy to prevent HIV transmission, but can be used to counsel women to stop breastfeeding which may prevent some cases of transmission. Newborn testing has allowed hospital and health department staff to ensure that over 98 percent of HIV positive mothers are aware of their HIV status and have their newborns referred for early diagnosis and care of HIV infection. In less than 2 percent of cases have women not been located to receive newborn HIV test results and have their HIV-exposed newborns tested for HIV infection. The Department is in the process of reviewing all pediatric medical records up to 6 months of age for HIV-exposed infants born starting in 1997 to determine the quality of HIV care they are receiving and to document the perinatal HIV transmission rate.

The second phase of the newborn HIV testing program began on August 1, 1999. It added regulatory amendments to Subpart 69–1 to require expedited HIV testing in the hospital delivery setting in cases where an HIV test result from prenatal care is not available. This addition to the newborn testing program was undertaken because of evidence that perinatal HIV transmission may be reduced by initiating ZDV therapy during labor or soon after delivery, even if ZDV was not taken during prenatal care (NEJM 1998;339:1409–1414). Hospitals now screen all women admitted for delivery for HIV test results from prenatal care. If a prenatal HIV test result is not available, the hospital must provide the woman with HIV counseling and expedited testing if she consents. If the mother does not consent to HIV testing of herself, the hospital must perform expedited testing on her newborn immediately after birth under the authority of the comprehensive newborn HIV testing law. Expedited tests must be available as soon as possible, but in no case longer than 48 hours. Provisional data from the initial months of the program show that 32 HIV positive women/newborns were identified for the first time by expedited testing at delivery, permitting early initiation of ZDV in most cases; 12 additional positive cases could have been identified if all hospitals had fully implemented the program, and 17 false positive HIV results occurred. False positive preliminary HIV tests occur because Western blot confirmation of preliminary positive results cannot always be obtained in the 48 hour time period. The Department has encouraged the Food and Drug Administration (FDA) to approve additional rapid HIV tests in the near future to alleviate this problem. A significant benefit of the expedited testing program is that delivery hospitals are now working more closely with their prenatal care providers to ensure that HIV counseling and testing is done at the appropriate time during prenatal care and that the test results make it to the delivery hospital.

Rates of participation in prenatal care in New York State are monitored by review of birth certificate data. These rates have been increasing gradually over recent years. Currently about 80–85 percent of women delivering report first or second trimester prenatal care and about 10.6 percent of women report no or unknown prenatal care. There has been no detectable change in prenatal participation trends through 1997 that might be related to the newborn testing program. Anecdotally, we have not heard of problems in this regard. The analysis is currently being updated through 1998. Prenatal care for HIV positive women is also being examined through review of prenatal charts. Limited numbers of women whose HIV status was identified by newborn testing are being interviewed to see what the impact of newborn testing has been.

Ultimately, the goals of the prenatal HIV prevention program in New York are to reduce prenatal HIV transmission to the lowest possible level through; ensuring access to prenatal care for all pregnant women; ensuring counseling and testing of all women in prenatal care; ensuring that all HIV positive pregnant women are offered and adhere to ZDV therapy and are evaluated themselves for combination therapy and other care needs; ensuring that HIV test information is transferred in a timely way to the anticipated birth hospital; and, conducting expedited testing in the delivery setting for all women/newborns for whom prenatal HIV test results are not available.

Newborn testing will continue to be conducted at the Department's Newborn Screening Laboratory to ensure that all HIV positive newborns are identified and referred to care. The newborn testing data also provide valuable, timely information to monitor the epidemiology of perinatal HIV and prevention efforts.

Thank you for your interest in our program. Please let me know if I can provide any further information.

Sincerely,

GUTHRIE S. BIRKHEAD, M.D., M.P.H.,
Director, AIDS Institute.

1990 SENATE RYAN WHITE CARE ACT DEBATE REGARDING THE NEED FOR HIV PARTNER NOTIFICATION

In May 1990, Senators BARBARA MIKULSKI (D–MD) and TED KENNEDY (D–MA) offered an amendment to the original Ryan White CARE Act which passed unanimously that would have required all states to esstablish HIV reporting and partner notification programs as a condition of receiving federal funds under the CARE Act.

Senator MIKULSKI stated that the addition of this requirement was needed ''to improve this legislation.''[1]

Speaking in support of the amendment, Senator KENNEDY stated that, ''it is difficult to argue against doing the utmost in terms of partner notifications.''[2] Senator KENNEDY compared failing to conduct partner notification to having knowledge that someone's life is endangered and not warning them. ''In a case in which there is a clear and present danger, there is a duty to warn,'' KENNEDY asserted.[3]

Senator ORRIN HATCH (R–UT) advocated for the amendment explaining that ''I do not see how in the world we are going to solve this problem and how we are going to notify people who are in jeopardy of getting AIDS unless we have required contact tracing. . . . Contact tracing is absolutelyessential for the ending of this epidemic.''[4]

Senator William Armstrong (R-CO) praised the inclusion of the Kennedy/Mikulski amendment stating ''I think the Kennedy amendment represents a strong step toward instituting responsible public health measures to slow the spread of this devastating epidemic. The Kennedy amendment, agreed to by voice vote, will ensure that the collection of accurate epidemiological information concerning the incidence of the HIV epidemic, and more importantly will allow those innocent individuals who are unknowingly placed a risk of infection to be notified of their risk.''[5]

Responding to Senator Armstrong's statement, Senator KENNEDY conceded ''we agree with Senator Armstrong that partner notification is an essential tool in the fight against AIDS. . . . In unanimously approving the amendment yesterday, I believe the Senate has done what is responsible and necessary.''[6]

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI) who, with the gentleman from California (Mr. WAXMAN) has probably done more to fight HIV/AIDS in this institution.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me this time, and thank him for mentioning me in the same breath as the gentleman from California (Mr. WAXMAN) on the issue of HIV and AIDS.

The gentleman from California (Mr. WAXMAN), in his remarks, pointed to the provisions of this Ryan White reauthorization bill. The distinguished gentleman from Ohio (Mr. BROWN), the ranking member, talked about the need for it. I wish to associate myself with their remarks.

Mr. Speaker, I also want to associate myself with the remarks of the gentleman from New York (Mr. TOWNS) and the gentlewoman from California (Ms. ESHOO) in their pointing out, regretfully, the hold harmless clause that will not be contained in this bill.

I want to point out a few things, because my City of San Francisco, which I represent, has been mentioned here

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[1] Congressional Record—Senate, May 15, 1990, page 10356.

[2] Congressional Record—Senate, May 15, 1990, page 10364.

[3] Congressional Record—Senate, May 15, 1990, page 10360.

[4] Congressional Record—Senate, May 15, 1990, page 10358.

[5] Congressional Record—Senate, May 16, 1990, page 10718.

[6] Congressional Record—Senate, May 16, 1990, page 10720.

this evening. Yes, we have suffered a great deal over the years from HIV/AIDS. When I came to Washington 13 years ago from California, 13,000 people had died in my district at that point from HIV/AIDS. We have suffered over the years greatly. We do not want any other places to bear that pain.

Working with the gentleman from California (Mr. WAXMAN) in a community-based way, the Ryan White authorization bill was developed with community-based input.

Now, and at the time of the reauthorization a number of years ago, it was not taken into consideration that there would be protease inhibitors which would prolong life. What this bill does is penalizes San Francisco for two reasons. First of all, it does not give value to the work which we do with people who are HIV infected to prevent them from getting full-blown AIDS. Only at that time when they have full-blown AIDS would they be counted in this formula.

Secondly, it again does not take into consideration protease inhibitors, because if they would, then they would recognize that people do live longer and they are not predictably dead as they would have been if we looked back 10 years and project out with the life expectancy.

So what I am saying to my colleagues is support the bill. We must move it along. Please agree with the Senate language. The health director of New York State has said that this bill, the Senate bill, is better for New York than that bill which will do harm to New York and to California.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would challenge what the gentlewoman from California (Ms. PELOSI) had to say. If my colleagues can see in this chart the nominal funding per AIDS case, and the arguments that she just made do not hold water.

The fact is the 13,000 people she describes, California still is getting money for them. Their funding formula in San Francisco still considers those 13,000. There is nothing in this bill as people are identified with HIV, not AIDS, San Francisco will get more money, not less money.

So the argument that there will be less money attributable to recognition of HIV and what is done in the EMA in San Francisco, it holds no water.

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If one looks at this chart, what one sees is that San Francisco, in real dollars, based on 1999 EMA gets $5,958 per AIDS case. The next closest is $3,132 in Miami, Florida. My colleagues can see all the rest of the red there. The vast majority gets 60 percent or less than San Francisco.

The goal of this bill is not to hurt San Francisco. The goal of the bill is to help those very people who do not have access at anywhere close to the level to the program, the medicines, or any other aspect of the Ryan White CARE funds. This is about fairness. This is not about fairness for a white male in Oklahoma. This is about fairness to an African American or Hispanic female in a rural area or in Baltimore who today does not get the same amount of resources directed to them that is available to somebody in San Francisco. It is not about penalizing. It is about fairness.

Mr. Speaker, I gladly yield to the gentlewoman from California (Ms. PELOSI) for her question.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Oklahoma for yielding to me.

What I would say is what the gentleman is saying is not accurate. The fact is that we will see a decline. What is a mystery to me is that, while the gentleman is participating in this reauthorization of this very important legislation, maybe the top bill we will do this year, and I commend him all for the emphasis on prevention, because that is very, very important, but why we would not be wanting to help people throughout the country, without penalizing those who are fighting this, at the HIV level instead of waiting until people have a full-blown case of AIDS.

Mr. COBURN. Mr. Speaker, reclaiming my time, we will have to disagree. The facts, they are very obvious. The facts are people with HIV today in this country are not and do not have the same reference to treatment and care based on the funding formula that we have. There is no recognition that we want to and there is no admission that we want anybody to get less treatment, nor will there be.

The fact is that, as the gentlewoman from California very well knows, in the San Francisco EMA, they spent $55,000 of Ryan White CARE money to fund the advocacy of an election in California, an initiative balance that had nothing to do with Ryan White.

So we also know many other things about EMA that I do not think we need to go into here. The facts are that, in San Jose, in the same area that the gentlewoman is, we are seeing $3,000 spent, whereas in the San Francisco EMA, it is $5,900.

So I would respectfully disagree with the gentlewoman from California (Ms. PELOSI).

The last point that I would make, if one has never told somebody they have HIV, if one has never been there to tell them that and then know they are not going to have access, regardless of whatever efforts one has, one cannot imagine the feeling knowing that one just put that person in a position of watching themselves die as we stand by.

So I am not about to want anybody in the San Francisco EMA to have that experience because I have had to tell people that, and I doubt very few others in this body have.

So I object to the fact that the gentlewoman would say that we are interested in withholding care for anybody with this disease. That is not what this debate is about. I understand that is where my colleagues want to take it. That is not what this debate is about.

Mr. Speaker, I yield to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I appreciate the gentleman from Oklahoma yielding to me.

Mr. Speaker, first of all to my colleague, we have had experience with the disease and in my own family. I have held someone in my arms and watched them die from it. So that is enough experience, I think, for anyone.

But what this debate is about is not to say that the gentleman from Oklahoma is an unfair person. We are saying that this funding mechanism hurts an area that deserves the same kind of funding for the people that have HIV and AIDS.

Mr. COBURN. Mr. Speaker, reclaiming my time on that statement to say that that area, that EMA gets twice as much money per person with that than anybody else in the country.

If the gentlewoman can stand and defend that while people in Oklahoma are waiting in line and not getting drugs, while people cannot get any of the care in rural areas in this country because more money is consumed in one EMA relative to all the rest, and we can stand by and watch people have to wait for somebody to die before they can get on a drug list, I will not recognize that. I will not accept that. I believe that it is an unfounded statement.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 1¼ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the distinguished ranking member for yielding me this time.

During the hearing that was before our Subcommittee on Health and Environment, which I am a member of, we had very clear testimony from individuals, one of them, the distinguished Health AIDS Director of the State of New York that said that this funding formula would hurt the State of New York and supported the Senate language and said that it would hurt California as well.

Number two, the chart that was just up here and being used I questioned at the committee markup. It was removed because we are changing, shifting gears between title I and other titles, and that does not give a clear picture.

Number three, the GAO admitted on the record, admitted on the record that people that live beyond 10 years did not fit within their fiscal year projections. The analysis that they had done, and they had not done an analysis of this impact.

I think what has been acknowledged is the following: Is that the funding formula on hold harmless will do harm and that what we really need to have are additional resources in the bill so that we do not pit one American citizen that is HIV or with AIDS against one another. That is what is the ultimate fairness.

Mr. COBURN. Mr. Speaker, may I inquire as to the balance of time.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COBURN) has 5 minutes remaining. The gentleman from Ohio (Mr. BROWN) has 45 seconds remaining.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me make a couple of points. The area which the gentlewoman spoke about was from the concerns of New York were with title II. We adjusted all of that funding, and she is aware that we adjusted that. The State of New York supports this bill.

So let there be no question. We responded to what they recognize was a problem and fixed the title II funding distribution in the bill.

The second thing, the reason we pulled the chart down was so we could put up the other one, which both show the same thing.

The GAO testimony is clear. There is a disproportionate amount of money going for people in the EMA in San Francisco. I do not want to see that drop one penny. I do not believe it will. If I thought it would, I would not be sponsoring this bill.

I believe the statement of the gentleman from New York (Mr. TOWNS) was probably the most profound of all, that we need more money. Dr. Green's testimony about more ADAP funds we authorized whatever may be consumed in this bill, and it is our job to make sure it is appropriated to make sure those people are there.

So I think it is important for us to be clear. The fact is that GAO testimony says there is a marked disproportion. We are not going to fix that all. We are going to fix that a little bit, 2 percent this year, which, in direction, 2 percent this year with what has been appropriated will have no effect on the San Francisco EMA. I would hope that they would recognize that.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield the final 45 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE. Mr. Speaker, I thank the distinguished ranking member for his kindness in yielding me this time. I thank the gentleman from California (Mr. WAXMAN) for his leadership and the gentleman from Oklahoma (Mr. COBURN) for his leadership on H.R. 4807, the Ryan White CARE Act of 2000.

Mr. Speaker, I have had the displeasure of speaking and recollecting with a friend who is laying comatose in a hospital room dying of AIDS. I had the unfortunate opportunity, I guess, and it is not an opportunity to get a call to say that a friend was dying, and rushing to their bedside and getting there just a little too late, and that friend died of AIDS.

I have had coworkers who have lost their life as well. So this bill is extremely important.

Mr. COBURN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, this bill is extremely important because what it does is say that we want to save lives. I believe that we can do a lot with this bill, and I look forward to us doing such.

But in my community they are asking for the Ryan White CARE Act to be reauthorized and to be funded. I want to see more dollars for research and treatment. I want to see more dollars to take care of those communities of which I represent, African American population, Hispanic population.

I think we should recognize this is a worldwide crisis. Forty million children will be orphaned in Africa. We must fight it worldwide and fight it in the United States.

Mr. COBURN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. COBURN asked and was given permission to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, we have just spent 15 minutes talking about a tug of war over money, and what we should be talking about is prevention and the great things this bill does to keep the next person from getting HIV infected.

When I came to Congress in 1995, one of my goals was to try to raise the level of awareness of how we can prevent this disease. This is not hard. But we have let extraneous issues get before us.

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There is no one on that side that I doubt their compassion for wanting to do the same thing I want to do, and that is to not ever see another person get this disease. The gentlewoman from California (Ms. PELOSI) and the gentlewoman from California (Ms. ESHOO) feel as strongly about that as I do, and I know the gentleman from California (Mr. WAXMAN) does.

The gentleman from California has been a prince to work with. It has been one of the real pleasures of my time in Congress to have worked on this bill with him, and I will remember it and I thank him for his cooperation.

But we cannot forget about what this epidemic is about. There should not be 40,000 new infections this year for this disease. Now, think about it. For every one person who gets this disease, it is a minimum of $10,000 in health care. If we prevent 1,000 from getting it, we save $10 million in health care that year, the next year, and every year. If we drop the infection rate in half in this country, we will save $5 billion in 3 years, just by dropping the infection rate. We will have more money to take care of everybody that has it, plus we will be able to spend $5 billion on cancer research for breast cancer, just by prevention.

We get lost in the wrong issues. The issue is prevention. This bill goes a long way in identifying that. I will work with anybody to make sure nobody gets shortchanged when it comes to this, but we have to work together to make sure that there is no waste; that there is not exorbitant payments to groups that are not doing things to help people with HIV; that we do everything that we can to make sure the next person does not get infected.

I took a lot of heat in 1995 putting a baby AIDS bill into the Ryan White. It never got funded, and what was funded was not used for babies. The State of New York had the courage to put in a baby AIDS bill, where if we did not know the status of the mother they were tested. Today, all babies who are born are tested for HIV; 98.8 percent of them are in care. We have made a tremendous difference just in the discussion of it in the State of New York. I applaud the State of New York for what they have done.

Mr. Speaker, I thank again the gentleman from California (Mr. WAXMAN) and his staff, Paul; my staff, Roland Foster, and I look forward to the conference as we go along, because the House, I am sure, will pass this bill.

Mr. CROWLEY. Mr. Speaker, I rise in strong support of the Ryan White CARE Act Amendments of 2000.

This legislation reflects a number of key priorities for my constituents in Queens and the Bronx, New York City by reauthorizing the most important and most widely encompassing set of programs for people with HIV and AIDS.

On May 23, the AIDS Alliance for Children, Youth and Families held its annual ''Lobby Day'' in Washington to fight for increased resources for those people living with HIV and AIDS.

At this meeting, I had the opportunity to speak with Ms. Martha Diaz of the Montifiore Medical Center in the Bronx, New York, in my Congressional District.

Ms. Diaz deals with children and youths suffering from HIV and AIDS. Instead of actually lobbying me on the issue of reauthorizing Ryan White, she had her guests do the talking—over 100 mothers and children, many suffering from the affliction of AIDS.

Their words were more touching than anything I can state on the floor today. But I am here to support this reauthorization for them and the thousands of Americans who battle this virus everyday of their lives.

In New York, the AIDS crisis is particularly acute. New York City AIDS cases represent over 85 percent of the AIDS cases in New York State and 17 percent of the national total with 180,000 deaths from AIDS and AIDS related illnesses in 1998.

Sadly, this horrible disease has disproportionately affected minorities. The majority of individuals living with AIDS in New York City are people of color.

African Americans are more than eight times as likely as whites to have HIV and AIDS, and Hispanics more than four times as likely.

The most stunning fact I have come across is from the U.S. Department of health and Human Services in October of 1998, when they reported that AIDS is the leading killer of black men age 25–44 and the second leading cause of death for black women aged 25–44.

Together, Black and Hispanic women represent one fourth of all women in the United States but account for more than three quarters of the AIDS cases among women in the country.

These are horrible statistics, but the Ryan White CARE Act is battling to change this story to bring down these horrendously high numbers.

Specifically, this legislation also deals with one of my key projects, that of Babies born with AIDS.

I have long worked in my community notably with Assemblywoman Nettie Mayersohn of Flushing, Queens, New York. Assemblywoman Mayersohn and I have been active, both in Albany and now in Washington, in working to address the issue of newborns with AIDS.

This legislation will amend the current Baby AIDS grant program by adding treatment services for pregnant women with HIV to the list of authorized uses, which include counseling, voluntary testing and outreach for pregnant women with HIV and offset of State implementation of mandatory newborn testing programs.

I ask my colleagues to support this legislation and send a signal to those living with HIV and AIDS that this Congress is not ignoring their needs.

Mr. DREIER. Mr. Speaker, I am pleased to support H.R. 4807 which reauthorizes the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act. I want to thank my colleagues on the Commerce Committee and particularly, Representatives COBURN and WAXMAN for their work in bringing forth a bipartisan bill.

The CARE Act is critical to the lives and well-being of hundreds of thousands of individuals living with HIV and AIDS and those who are at risk of contracting HIV. Now in its tenth year, the CARE Act has been instrumental in creating and maintaining a system of care for those individuals without the ability to pay, including state-of-the-art medical services, cutting-edge diagnostic techniques, newly developed pharmaceutical therapies, and social support services.

The CARE Act is significant to many individuals, and H.R. 4807 directs federal funding to growing populations affected by the disease. Specifically, this bill addresses long-standing historical inequities in the distribution of funds across Ryan White Title I areas, the portion of the Act directed to the epicenters of the epidemic, which includes Los Angeles County. These inequities are driven primarily through the implementation of the ''holding harmless'' provision included in the previous reauthorization.

The changing dynamic of the disease means that the CARE Act can no longer disregard the needs of all the other jurisdictions to protect just one jurisdiction. I believe that this bill ensures greater equity in the distribution of Ryan White funds across those jurisdictions most heavily impacted by the AIDS epidemic.

Once again, I want to commend my colleagues on the Commerce Committee for bringing forward this bipartisan legislation, and I urge my colleagues to join me in voting for this measure.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 4807, the Ryan White CARE Act Amendments of 2000. Since its enactment in 1990, the Ryan White CARE program has provided comprehensive medical and social services to hundreds of thousands of individuals infected with the human immunodeficiency virus (HIV) and AIDS. And I am proud to be a cosponsor of this vitally needed legislation to reauthorize funding to continue the fight against this deadly virus.

Ever 12 minutes another person in the United States is newly infected with HIV, the virus that causes AIDS. This equates to between 800,000 and 900,000 individuals now living with HIV/AIDS. About a third of these individuals have been diagnosed and are in care; another third have been diagnosed, but may not be receiving ongoing care for their HIV disease; and the last third have not been diagnosed and, therefore are not in care.

H.R. 4807 will take the Ryan White CARE program further than it ever has before to reach out and assist these infected individuals. This bill will refine the focus of the Ryan White CARE program, by not only continuing to fund programs to assist those individuals with AIDS, but by also creating programs to assist HIV-positive individuals. AIDS is the end stage of HIV disease and can occur up to 10 or 15 years after infection. By providing HIV-positive individuals with pro-active and aggressive treatment before it progresses into AIDS, we could enhance their quality of life and prevent further transmission of this deadly virus.

H.R. 4807 also takes further measures focused on prevention. States with effective partner notification and HIV surveillance programs will be eligible for additional federal funds. Partner notification programs have been proven particularly effective in finding individuals from traditionally under-served communities and getting them into care. Federal resources will also be provided to assist states with efforts to reduce perinatal HIV transmission and to identify newborns at risk for infection, and individuals infected with HIV would be provided counseling to better empower them to disclose their status to potential partners.

Mr. Speaker, with almost 1,000,000 people living with HIV and AIDS in America today, I am sure that many of us know someone who is suffering or has suffered from this virus. Unfortunately, my sister-in-law's life was tragically cut short by AIDS just four years ago. She had been infected by her ex-husband, and my brother and Kristin had no idea of her infection until she was near death. My entire family is committed to working towards preventing further innocent lives from being stolen away again. While I have consistently voted to support federal programs to treat and prevent AIDS, my wife, Peggy, has done her part as well. In 1997, she biked 300 long miles in the AIDS bike-a-thon to raise money for AIDS charities. My family's commitment to assisting individuals with HIV and AIDS is deep and personal. Mr. Speaker, I ask my fellow colleagues to do their part as well in the fight against AIDS by voting in support of the Ryan White CARE Act Amendments of 2000.

Mr. LARSON. Mr. Speaker, I rise today in support of H.R. 4807, the Ryan White CARE Act Amendments of 2000. The programs that this will fund ensure that those living with HIV and AIDS in major metropolitan areas, as well as elsewhere, continue to get the federal support services they need.

HIV and AIDS are problems that America cannot afford to turn her back on. According to the Centers for Disease Control and Prevention, the number of Americans living with AIDS has more than doubled over the last five years, and it is currently the 5th leading cause of death among people aged 25–44. Such unchecked and exponential growth represents a most extreme threat.

Over the last few years we have seen a dramatic increase in spending for AIDS and HIV research, and accordingly, we have made some great progress regarding the treatment and understanding of this horrible disease. However, we must not forget about the 650,000–900,000 people who currently live with this disease and may have neither the means nor the opportunity to get the treatment they need and deserve. It is for these people, and for those who will be infected before such a time when a vaccine and other prevention methods are widely accessible and affordable, that we must pass the Ryan White CARE Act Amendments of 2000.

Under this act, funding to metropolitan areas will not only be based on the number of AIDS cases, but will also take into account the number of HIV infections. If we are to win this war we must do what we can to tackle AIDS in its early stages, and this means the treatment of people who suffer from HIV infection and not just the full-blown virus.

Under the act, grants for dealing with perinatal transmission of HIV are increased from $10 to $30 million. This increased funding will add treatment services for pregnant women infected with HIV, and will increase the funding for service on the current list which includes counseling, voluntary testing, and outreach.

Although we are extremely grateful for the recent advances in the treatment of HIV and AIDS, they still represent a very real threat to the well-being and security of our nation. By passing the Ryan White CARE Act Amendments of 2000 we will come one step closer to winning the war on HIV and AIDS, and we will come one step closer to helping those already infected with HIV and AIDS live more productive and healthier lives.

Mr. Speaker, distinguished colleagues, we must pass H.R. 4807. It is imperative to the well being of our country, and it is imperative to me as a public servant, and it is imperative to anybody who has seen the devastating effects of HIV and AIDS. I urge all of my colleagues to support H.R. 4807 so that we can continue to provide these important programs to those living with this disease.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H.R. 4807, the Ryan White CARE Act Amendments of 2000. The Health and Environment Subcommittee held a hearing on the bill earlier this month. On July 13th, the full Commerce Committee approved the bill by voice vote, after adopting several bipartisan amendments to further refine and strengthen this important legislation.

The swift movement of this measure is a testament to its bipartisan nature, and I want to commend Congressmen TOM COBURN and HENRY WAXMAN for their hard work. I was pleased to join many of my Committee colleagues as an original cosponsor of the bill.

The Ryan White Comprehensive AIDS Resouces Emergency or ''CARE'' Act was enacted in 1990, and Congress approved bipartisan legislation to reauthorize the law in 1996. The Ryan White CARE Act provides critical funding for health and social services to the estimated one million Americans living with HIV and AIDS. The bill before us, H.R. 4807, will ensure that these patients continue to receive the care and medications they need to enhance and prolong their lives.

H.R. 4807 makes an important change by relying on the number of HIV-infected individuals—as opposed to only the number of persons living with AIDS—as the basis for allocating funding under Titles I and II of the Ryan White CARE Act. By targeting resources to the ''front line'' of the epidemic, we will be able to reduce transmission rates and ensure the necessary infrastructure is in place to provide care to HIV-positive individuals as soon as possible. This change will allow the federal government to be pro-active, instead of reactive, in the fight against HIV and AIDS.

It should be noted, however that this shift will only occur when reliable data on HIV prevalence is available. The bill also includes a ''hold harmless'' provision to ensure that no metropolitan area will suffer a drastic reduction in CARE Act funds.

H.R. 4807 also increases the focus on prevention. States with effective partner notification and HIV surveillance programs will be eligible for additional federal funds. Several witnesses at our Subcommittee hearing emphasized the importance of partner notification programs as an effective way to identify individuals from traditionally under-served communities and help them obtain care. This emphasis on prevention services is part of a comprehensive effort under the bill to eliminate barriers to access to care.

In closing, Mr. Speaker, I want to again recognize the hard work of all the Members who worked together on a bipartisan basis to advance this reauthorization bill. H.R. 4807 is a critical piece of legislation that can literally save lives, and I urge all Members to join me today in supporting this important legislation.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from Oklahoma (Mr. COBURN) that the House suspend the rules and pass the bill, H.R. 4807, as amended.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3250

Mr. COBURN. Mr. Speaker, I ask unanimous consent to withdraw my name from H.R. 3250.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

Mr. LAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4920) to improve service systems for individuals with developmental disabilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4920

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 ''Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Subtitle A—General Provisions

Sec. 101. Findings, purposes, and policy.
Sec. 102. Definitions.
Sec. 103. Records and audits.
Sec. 104. Responsibilities of the Secretary.
Sec. 105. Reports of the Secretary.
Sec. 106. State control of operations.
Sec. 107. Employment of individuals with disabilities.
Sec. 108. Construction.
Sec. 109. Rights of individuals with developmental disabilities.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

Sec. 121. Purpose.
Sec. 122. State allotments.
Sec. 123. Payments to the States for planning, administration, and services.
Sec. 124. State plan.
Sec. 125. State Councils on Developmental Disabilities and designated State agencies.
Sec. 126. Federal and non-Federal share.
Sec. 127. Withholding of payments for planning, administration, and services.
Sec. 128. Appeals by States.
Sec. 129. Authorization of appropriations.

Subtitle C—Protection and Advocacy of Individual Rights

Sec. 141. Purpose.
Sec. 142. Allotments and payments.
Sec. 143. System required.
Sec. 144. Administration.
Sec. 145. Authorization of appropriations.

Subtitle D—National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

Sec. 151. Grant authority.
Sec. 152. Grant awards.
Sec. 153. Purpose and scope of activities.
Sec. 154. Applications.
Sec. 155. Definition.
Sec. 156. Authorization of appropriations.

Subtitle E—Projects of National Significance

Sec. 161. Purpose.
Sec. 162. Grant authority.
Sec. 163. Authorization of appropriations.

TITLE II—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Sec. 201. Findings.
Sec. 202. Definitions.
Sec. 203. Reaching up scholarship program.
Sec. 204. Staff development curriculum authorization.
Sec. 205. Authorization of appropriations.

TITLE III—REPEAL

Sec. 301. Repeal.

TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Subtitle A—General Provisions

SEC. 101. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—Congress finds that—

(1) disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of United States society;

(2) in 1999, there were between 3,200,000 and 4,500,000 individuals with developmental disabilities in the United States, and recent studies indicate that individuals with developmental disabilities comprise between 1.2 and 1.65 percent of the United States population;

(3) individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;

(4) individuals with developmental disabilities often encounter discrimination in the provision of critical services, such as services in the areas of emphasis (as defined in section 102);

(5) individuals with developmental disabilities are at greater risk than the general population of abuse, neglect, financial and sexual exploitation, and the violation of their legal and human rights;

(6) a substantial portion of individuals with developmental disabilities and their families do not have access to appropriate support and services, including access to assistive technology, from generic and specialized service systems, and remain unserved or underserved;

(7) individuals with developmental disabilities often require lifelong community services, individualized supports, and other forms of assistance, that are most effective when provided in a coordinated manner;

(8) there is a need to ensure that services, supports, and other assistance are provided in a culturally competent manner, that ensures that individuals from racial and ethnic minority backgrounds are fully included in all activities provided under this title;

(9) family members, friends, and members of the community can play an important role in enhancing the lives of individuals with developmental disabilities, especially when the family members, friends, and community members are provided with the necessary community services, individualized supports, and other forms of assistance;

(10) current research indicates that 88 percent of individuals with developmental disabilities live with their families or in their own households;

(11) many service delivery systems and communities are not prepared to meet the impending needs of the 479,862 adults with developmental disabilities who are living at home with parents who are 60 years old or older and who serve as the primary caregivers of the adults;

(12) in almost every State, individuals with developmental disabilities are waiting for appropriate services in their communities, in the areas of emphasis;

(13) the public needs to be made more aware of the capabilities and competencies of individuals with developmental disabilities, particularly in cases in which the individuals are provided with necessary services, supports, and other assistance;

(14) as increasing numbers of individuals with developmental disabilities are living, learning, working, and participating in all aspects of community life, there is an increasing need for a well trained workforce that is able to provide the services, supports, and other forms of direct assistance required to enable the individuals to carry out those activities;

(15) there needs to be greater effort to recruit individuals from minority backgrounds into professions serving individuals with developmental disabilities and their families;

(16) the goals of the Nation properly include a goal of providing individuals with developmental disabilities with the information, skills, opportunities, and support to—

(A) make informed choices and decisions about their lives;

(B) live in homes and communities in which such individuals can exercise their full rights and responsibilities as citizens;

(C) pursue meaningful and productive lives;

(D) contribute to their families, communities, and States, and the Nation;

(E) have interdependent friendships and relationships with other persons;

(F) live free of abuse, neglect, financial and sexual exploitation, and violations of their legal and human rights; and

(G) achieve full integration and inclusion in society, in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual; and

(17) as the Nation, States, and communities maintain and expand community living options for individuals with developmental disabilities, there is a need to evaluate the access to those options by individuals with developmental disabilities and the effects of those options on individuals with developmental disabilities.

(b) PURPOSE.—The purpose of this title is to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs authorized under this title, including specifically—

(1) State Councils on Developmental Disabilities in each State to engage in advocacy, capacity building, and systemic change activities that—

(A) are consistent with the purpose described in this subsection and the policy described in subsection (c); and

(B) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system that includes needed community services, individualized supports, and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families;

(2) protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities;

(3) University Centers for Excellence in Developmental Disabilities Education, Research, and Service—

(A) to provide interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title;

(B) to provide community services—

(i) that provide training and technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities;

(C) to conduct research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families; and

(D) to disseminate information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances; and

(4) funding for—

(A) national initiatives to collect necessary data on issues that are directly or indirectly relevant to the lives of individuals with developmental disabilities;

(B) technical assistance to entities who engage in or intend to engage in activities consistent with the purpose described in this subsection or the policy described in subsection (c); and

(C) other nationally significant activities.

(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this title shall be carried out in a manner consistent with the principles that—

(1) individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of self-determination, independence, productivity, and integration and inclusion in all facets of community life, but often require the provision of community services, individualized supports, and other forms of assistance;

(2) individuals with developmental disabilities and their families have competencies, capabilities, and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individuals;

(3) individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive, including regarding choosing where the individuals live from available options, and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families;

(4) services, supports, and other assistance should be provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences;

(5) specific efforts must be made to ensure that individuals with developmental disabilities from racial and ethnic minority backgrounds and their families enjoy increased and meaningful opportunities to access and use community services, individualized supports, and other forms of assistance available to other individuals with developmental disabilities and their families;

(6) recruitment efforts in disciplines related to developmental disabilities relating to pre-service training, community training, practice, administration, and policymaking must focus on bringing larger numbers of racial and ethnic minorities into the disciplines in order to provide appropriate skills, knowledge, role models, and sufficient personnel to address the growing needs of an increasingly diverse population;

(7) with education and support, communities can be accessible to and responsive to the needs of individuals with developmental disabilities and their families and are enriched by full and active participation in community activities, and contributions, by individuals with developmental disabilities and their families;

(8) individuals with developmental disabilities have access to opportunities and the necessary support to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, communities, and States, and the Nation;

(9) efforts undertaken to maintain or expand community-based living options for individuals with disabilities should be monitored in order to determine and report to appropriate individuals and entities the extent of access by individuals with developmental disabilities to those options and the extent of compliance by entities providing those options with quality assurance standards;

(10) families of children with developmental disabilities need to have access to and use of safe and appropriate child care and before-school and after-school programs, in the most integrated settings, in order to enrich the participation of the children in community life;

(11) individuals with developmental disabilities need to have access to and use of public transportation, in order to be independent and directly contribute to and participate in all facets of community life; and

(12) individuals with developmental disabilities need to have access to and use of recreational, leisure, and social opportunities in the most integrated settings, in order to enrich their participation in community life.

SEC. 102. DEFINITIONS.

In this title:

(1) AMERICAN INDIAN CONSORTIUM.—The term ''American Indian Consortium'' means any confederation of 2 or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in 2 or more States.

(2) AREAS OF EMPHASIS.—The term ''areas of emphasis'' means the areas related to quality assurance activities, education activities and early intervention activities, child care-related activities, health-related activities, employment-related activities, housing-related activities, transportation-related activities, recreation-related activities, and other services available or offered to individuals in a community, including formal and informal community supports, that affect their quality of life.

(3) ASSISTIVE TECHNOLOGY DEVICE.—The term ''assistive technology device'' means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is used to increase, maintain, or improve functional capabilities of individuals with developmental disabilities.

(4) ASSISTIVE TECHNOLOGY SERVICE.—The term ''assistive technology service'' means any service that directly assists an individual with a developmental disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) conducting an evaluation of the needs of an individual with a developmental disability, including a functional evaluation of the individual in the individual's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of an assistive technology device by an individual with a developmental disability;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing an assistive technology device;

(D) coordinating and using another therapy, intervention, or service with an assistive technology device, such as a therapy, intervention, or service associated with an education or rehabilitation plan or program;

(E) providing training or technical assistance for an individual with a developmental

disability, or, where appropriate, a family member, guardian, advocate, or authorized representative of an individual with a developmental disability; and

(F) providing training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of, an individual with developmental disabilities.

(5) CENTER.—The term ''Center'' means a University Center for Excellence in Developmental Disabilities Education, Research, and Service established under subtitle D.

(6) CHILD CARE-RELATED ACTIVITIES.—The term ''child care-related activities'' means advocacy, capacity building, and systemic change activities that result in families of children with developmental disabilities having access to and use of child care services, including before-school, after-school, and out-of-school services, in their communities.

(7) CULTURALLY COMPETENT.—The term ''culturally competent'', used with respect to services, supports, or other assistance, means services, supports, or other assistance that is conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language, and behaviors of individuals who are receiving the services, supports, or other assistance, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program involved.

(8) DEVELOPMENTAL DISABILITY.—

(A) IN GENERAL.—The term ''developmental disability'' means a severe, chronic disability of an individual that—

(i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(ii) is manifested before the individual attains age 22;

(iii) is likely to continue indefinitely;

(iv) results in substantial functional limitations in 3 or more of the following areas of major life activity:

(I) Self-care.

(II) Receptive and expressive language.

(III) Learning.

(IV) Mobility.

(V) Self-direction.

(VI) Capacity for independent living.

(VII) Economic self-sufficiency; and

(v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

(B) INFANTS AND YOUNG CHILDREN.—An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

(9) EARLY INTERVENTION ACTIVITIES.—The term ''early intervention activities'' means advocacy, capacity building, and systemic change activities provided to individuals described in paragraph (8)(B) and their families to enhance—

(A) the development of the individuals to maximize their potential; and

(B) the capacity of families to meet the special needs of the individuals.

(10) EDUCATION ACTIVITIES.—The term ''education activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities being able to access appropriate supports and modifications when necessary, to maximize their educational potential, to benefit from lifelong educational activities, and to be integrated and included in all facets of student life.

(11) EMPLOYMENT-RELATED ACTIVITIES.—The term ''employment-related activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities acquiring, retaining, or advancing in paid employment, including supported employment or self-employment, in integrated settings in a community.

(12) FAMILY SUPPORT SERVICES.—

(A) IN GENERAL.—The term ''family support services'' means services, supports, and other assistance, provided to families with members who have developmental disabilities, that are designed to—

(i) strengthen the family's role as primary caregiver;

(ii) prevent inappropriate out-of-the-home placement of the members and maintain family unity; and

(iii) reunite families with members who have been placed out of the home whenever possible.

(B) SPECIFIC SERVICES.—Such term includes respite care, provision of rehabilitation technology and assistive technology, personal assistance services, parent training and counseling, support for families headed by aging caregivers, vehicular and home modifications, and assistance with extraordinary expenses, associated with the needs of individuals with developmental disabilities.

(13) HEALTH-RELATED ACTIVITIES.—The term ''health-related activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of coordinated health, dental, mental health, and other human and social services, including prevention activities, in their communities.

(14) HOUSING-RELATED ACTIVITIES.—The term ''housing-related activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of housing and housing supports and services in their communities, including assistance related to renting, owning, or modifying an apartment or home.

(15) INCLUSION.—The term ''inclusion'', used with respect to individuals with developmental disabilities, means the acceptance and encouragement of the presence and participation of individuals with developmental disabilities, by individuals without disabilities, in social, educational, work, and community activities, that enables individuals with developmental disabilities to—

(A) have friendships and relationships with individuals and families of their own choice;

(B) live in homes close to community resources, with regular contact with individuals without disabilities in their communities;

(C) enjoy full access to and active participation in the same community activities and types of employment as individuals without disabilities; and

(D) take full advantage of their integration into the same community resources as individuals without disabilities, living, learning, working, and enjoying life in regular contact with individuals without disabilities.

(16) INDIVIDUALIZED SUPPORTS.—The term ''individualized supports'' means supports that—

(A) enable an individual with a developmental disability to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life;

(B) are designed to—

(i) enable such individual to control such individual's environment, permitting the most independent life possible;

(ii) prevent placement into a more restrictive living arrangement than is necessary; and

(iii) enable such individual to live, learn, work, and enjoy life in the community; and

(C) include—

(i) early intervention services;

(ii) respite care;

(iii) personal assistance services;

(iv) family support services;

(v) supported employment services;

(vi) support services for families headed by aging caregivers of individuals with developmental disabilities; and

(vii) provision of rehabilitation technology and assistive technology, and assistive technology services.

(17) INTEGRATION.—The term ''integration'', used with respect to individuals with developmental disabilities, means exercising the equal right of individuals with developmental disabilities to access and use the same community resources as are used by and available to other individuals.

(18) NOT-FOR-PROFIT.—The term ''not-for-profit'', used with respect to an agency, institution, or organization, means an agency, institution, or organization that is owned or operated by 1 or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(19) PERSONAL ASSISTANCE SERVICES.—The term ''personal assistance services'' means a range of services, provided by 1 or more individuals, designed to assist an individual with a disability to perform daily activities, including activities on or off a job that such individual would typically perform if such individual did not have a disability. Such services shall be designed to increase such individual's control in life and ability to perform everyday activities, including activities on or off a job.

(20) PREVENTION ACTIVITIES.—The term ''prevention activities'' means activities that address the causes of developmental disabilities and the exacerbation of functional limitation, such as activities that—

(A) eliminate or reduce the factors that cause or predispose individuals to developmental disabilities or that increase the prevalence of developmental disabilities;

(B) increase the early identification of problems to eliminate circumstances that create or increase functional limitations; and

(C) mitigate against the effects of developmental disabilities throughout the lifespan of an individual.

(21) PRODUCTIVITY.—The term ''productivity'' means—

(A) engagement in income-producing work that is measured by increased income, improved employment status, or job advancement; or

(B) engagement in work that contributes to a household or community.

(22) PROTECTION AND ADVOCACY SYSTEM.—The term ''protection and advocacy system'' means a protection and advocacy system established in accordance with section 143.

(23) QUALITY ASSURANCE ACTIVITIES.—The term ''quality assurance activities'' means advocacy, capacity building, and systemic change activities that result in improved consumer- and family-centered quality assurance and that result in systems of quality assurance and consumer protection that—

(A) include monitoring of services, supports, and assistance provided to an individual with developmental disabilities that ensures that the individual—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion;

(B) include training in leadership, self-advocacy, and self-determination for individuals with developmental disabilities, their families, and their guardians to ensure that those individuals—

(i) will not experience abuse, neglect, sexual or financial exploitation, or violation of legal or human rights; and

(ii) will not be subject to the inappropriate use of restraints or seclusion; or

(C) include activities related to interagency coordination and systems integration that result in improved and enhanced services, supports, and other assistance that contribute to and protect the self-determination, independence, productivity, and integration and inclusion in all facets of community life, of individuals with developmental disabilities.

(24) RECREATION-RELATED ACTIVITIES.—The term ''recreation-related activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of recreational, leisure, and social activities, in their communities.

(25) REHABILITATION TECHNOLOGY.—The term ''rehabilitation technology'' means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, and the provision of assistive technology devices and assistive technology services.

(26) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(27) SELF-DETERMINATION ACTIVITIES.—The term ''self-determination activities'' means activities that result in individuals with developmental disabilities, with appropriate assistance, having—

(A) the ability and opportunity to communicate and make personal decisions;

(B) the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports, and other assistance the individuals receive;

(C) the authority to control resources to obtain needed services, supports, and other assistance;

(D) opportunities to participate in, and contribute to, their communities; and

(E) support, including financial support, to advocate for themselves and others, to develop leadership skills, through training in self-advocacy, to participate in coalitions, to educate policymakers, and to play a role in the development of public policies that affect individuals with developmental disabilities.

(28) STATE.—The term ''State'', except as otherwise provided, includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(29) STATE COUNCIL ON DEVELOPMENTAL DISABILITIES.—The term ''State Council on Developmental Disabilities'' means a Council established under section 125.

(30) SUPPORTED EMPLOYMENT SERVICES.—The term ''supported employment services'' means services that enable individuals with developmental disabilities to perform competitive work in integrated work settings, in the case of individuals with developmental disabilities—

(A)(i) for whom competitive employment has not traditionally occurred; or

(ii) for whom competitive employment has been interrupted or intermittent as a result of significant disabilities; and

(B) who, because of the nature and severity of their disabilities, need intensive supported employment services or extended services in order to perform such work.

(31) TRANSPORTATION-RELATED ACTIVITIES.—The term ''transportation-related activities'' means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities having access to and use of transportation.

(32) UNSERVED AND UNDERSERVED.—The term ''unserved and underserved'' includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with developmental disabilities, including individuals who require assistive technology in order to participate in and contribute to community life.

SEC. 103. RECORDS AND AUDITS.

(a) RECORDS.—Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including—

(1) records that fully disclose—

(A) the amount and disposition by such recipient of the assistance;

(B) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(C) the amount of that portion of the cost of the project or undertaking that is supplied by other sources; and

(2) such other records as will facilitate an effective audit.

(b) ACCESS.—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

SEC. 104. RESPONSIBILITIES OF THE SECRETARY.

(a) PROGRAM ACCOUNTABILITY.—

(1) IN GENERAL.—In order to monitor entities that received funds under this Act to carry out activities under subtitles B, C, and D and determine the extent to which the entities have been responsive to the purpose of this title and have taken actions consistent with the policy described in section 101(c), the Secretary shall develop and implement an accountability process as described in this subsection, with respect to activities conducted after October 1, 2001.

(2) AREAS OF EMPHASIS.—The Secretary shall develop a process for identifying and reporting (pursuant to section 105) on progress achieved through advocacy, capacity building, and systemic change activities, undertaken by the entities described in paragraph (1), that resulted in individuals with developmental disabilities and their families participating in the design of and having access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life. Specifically, the Secretary shall develop a process for identifying and reporting on progress achieved, through advocacy, capacity building, and systemic change activities, by the entities in the areas of emphasis.

(3) INDICATORS OF PROGRESS.—

(A) IN GENERAL.—In identifying progress made by the entities described in paragraph (1) in the areas of emphasis, the Secretary, in consultation with the Commissioner of the Administration on Developmental Disabilities and the entities, shall develop indicators for each area of emphasis.

(B) PROPOSED INDICATORS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop and publish in the Federal Register for public comment proposed indicators of progress for monitoring how entities described in paragraph (1) have addressed the areas of emphasis described in paragraph (2) in a manner that is responsive to the purpose of this title and consistent with the policy described in section 101(c).

(C) FINAL INDICATORS.—Not later than October 1, 2001, the Secretary shall revise the proposed indicators of progress, to the extent necessary based on public comment, and publish final indicators of progress in the Federal Register.

(D) SPECIFIC MEASURES.—At a minimum, the indicators of progress shall be used to describe and measure—

(i) the satisfaction of individuals with developmental disabilities with the advocacy, capacity building, and systemic change activities provided under subtitles B, C, and D;

(ii) the extent to which the advocacy, capacity building, and systemic change activities provided through subtitles B, C, and D result in improvements in—

(I) the ability of individuals with developmental disabilities to make choices and exert control over the type, intensity, and timing of services, supports, and assistance that the individuals have used;

(II) the ability of individuals with developmental disabilities to participate in the full range of community life with persons of the individuals' choice; and

(III) the ability of individuals with developmental disabilities to access services, supports, and assistance in a manner that ensures that such an individual is free from abuse, neglect, sexual and financial exploitation, violation of legal and human rights, and the inappropriate use of restraints and seclusion; and

(iii) the extent to which the entities described in paragraph (1) collaborate with each other to achieve the purpose of this title and the policy described in section 101(c).

(4) TIME LINE FOR COMPLIANCE WITH INDICATORS OF PROGRESS.—The Secretary shall require entities described in paragraph (1) to meet the indicators of progress described in paragraph (3). For fiscal year 2002 and each year thereafter, the Secretary shall apply the indicators in monitoring entities described in paragraph (1), with respect to activities conducted after October 1, 2001.

(b) TIME LINE FOR REGULATIONS.—Except as otherwise expressly provided in this title, the Secretary, not later than 1 year after the date of enactment of this Act, shall promulgate such regulations as may be required for the implementation of this title.

(c) INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall maintain the interagency committee authorized in section 108 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6007) as in effect on the day before the date of enactment of this Act, except as otherwise provided in this subsection.

(2) COMPOSITION.—The interagency committee shall be composed of representatives of—

(A) the Administration on Developmental Disabilities, the Administration on Children, Youth, and Families, the Administration on Aging, and the Health Resources and Services Administration, of the Department of Health and Human Services; and

(B) such other Federal departments and agencies as the Secretary of Health and Human Services considers to be appropriate.

(3) DUTIES.—Such interagency committee shall meet regularly to coordinate and plan activities conducted by Federal departments and agencies for individuals with developmental disabilities.

(4) MEETINGS.—Each meeting of the interagency committee (except for any meetings of any subcommittees of the committee) shall be open to the public. Notice of each meeting, and a statement of the agenda for the meeting, shall be published in the Federal Register not later than 14 days before the date on which the meeting is to occur.

SEC. 105. REPORTS OF THE SECRETARY.

At least once every 2 years, the Secretary, using information submitted in the reports and information required under subtitles B, C, D, and E, shall prepare and submit to the President, Congress, and the National Council on Disability, a report that describes the goals and outcomes of programs supported under subtitles B, C, D, and E. In preparing the report, the Secretary shall provide—

(1) meaningful examples of how the councils, protection and advocacy systems, centers, and entities funded under subtitles B, C, D, and E, respectively—

(A) have undertaken coordinated activities with each other;

(B) have enhanced the ability of individuals with developmental disabilities and their families to participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life;

(C) have brought about advocacy, capacity building, and systemic change activities (including policy reform), and other actions on behalf of individuals with developmental disabilities and their families, including individuals who are traditionally unserved or underserved, particularly individuals who are members of ethnic and racial minority groups and individuals from underserved geographic areas; and

(D) have brought about advocacy, capacity building, and systemic change activities that affect individuals with disabilities other than individuals with developmental disabilities;

(2) information on the extent to which programs authorized under this title have addressed—

(A) protecting individuals with developmental disabilities from abuse, neglect, sexual and financial exploitation, and violations of legal and human rights, so that those individuals are at no greater risk of harm than other persons in the general population; and

(B) reports of deaths of and serious injuries to individuals with developmental disabilities; and

(3) a summary of any incidents of noncompliance of the programs authorized under this title with the provisions of this title, and corrections made or actions taken to obtain compliance.

SEC. 106. STATE CONTROL OF OPERATIONS.

Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any programs, services, and supports for individuals with developmental disabilities with respect to which any funds have been or may be expended under this title.

SEC. 107. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.

As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified individuals with disabilities on the same terms and conditions required with respect to the employment of such individuals under the provisions of title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), that govern employment.

SEC. 108. CONSTRUCTION.

Nothing in this title shall be construed to preclude an entity funded under this title from engaging in advocacy, capacity building, and systemic change activities for individuals with developmental disabilities that may also have a positive impact on individuals with other disabilities.

SEC. 109. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

(a) IN GENERAL.—Congress makes the following findings respecting the rights of individuals with developmental disabilities:

(1) Individuals with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities, consistent with section 101(c).

(2) The treatment, services, and habitation for an individual with developmental disabilities should be designed to maximize the potential of the individual and should be provided in the setting that is least restrictive of the individual's personal liberty.

(3) The Federal Government and the States both have an obligation to ensure that public funds are provided only to institutional programs, residential programs, and other community programs, including educational programs in which individuals with developmental disabilities participate, that—

(A) provide treatment, services, and habilitation that are appropriate to the needs of such individuals; and

(B) meet minimum standards relating to—

(i) provision of care that is free of abuse, neglect, sexual and financial exploitation, and violations of legal and human rights and that subjects individuals with developmental disabilities to no greater risk of harm than others in the general population;

(ii) provision to such individuals of appropriate and sufficient medical and dental services;

(iii) prohibition of the use of physical restraint and seclusion for such an individual unless absolutely necessary to ensure the immediate physical safety of the individual or others, and prohibition of the use of such restraint and seclusion as a punishment or as a substitute for a habilitation program;

(iv) prohibition of the excessive use of chemical restraints on such individuals and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such individuals; and

(v) provision for close relatives or guardians of such individuals to visit the individuals without prior notice.

(4) All programs for individuals with developmental disabilities should meet standards—

(A) that are designed to assure the most favorable possible outcome for those served; and

(B)(i) in the case of residential programs serving individuals in need of comprehensive health-related, habilitative, assistive technology or rehabilitative services, that are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded, promulgated in regulations of the Secretary on June 3, 1988, as appropriate, taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

(ii) in the case of other residential programs for individuals with developmental disabilities, that assure that—

(I) care is appropriate to the needs of the individuals being served by such programs;

(II) the individuals admitted to facilities of such programs are individuals whose needs can be met through services provided by such facilities; and

(III) the facilities of such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

(iii) in the case of nonresidential programs, that assure that the care provided by such programs is appropriate to the individuals served by the programs.

(b) CLARIFICATION.—The rights of individuals with developmental disabilities described in findings made in this section shall be considered to be in addition to any constitutional or other rights otherwise afforded to all individuals.

Subtitle B—Federal Assistance to State Councils on Developmental Disabilities

SEC. 121. PURPOSE.

The purpose of this subtitle is to provide for allotments to support State Councils on Developmental Disabilities (referred to individually in this subtitle as a ''Council'') in each State to—

(1) engage in advocacy, capacity building, and systemic change activities that are consistent with the purpose described in section 101(b) and the policy described in section 101(c); and

(2) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.

SEC. 122. STATE ALLOTMENTS.

(a) ALLOTMENTS.—

(1) IN GENERAL.—

(A) AUTHORITY.—For each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 129 among the States on the basis of—

(i) the population;

(ii) the extent of need for services for individuals with developmental disabilities; and

(iii) the financial need,

of the respective States.

(B) USE OF FUNDS.—Sums allotted to the States under this section shall be used to pay for the Federal share of the cost of carrying out projects in accordance with State plans approved under section 124 for the provision under such plans of services for individuals with developmental disabilities.

(2) ADJUSTMENTS.—The Secretary may make adjustments in the amounts of State allotments based on clauses (i), (ii), and (iii) of paragraph (1)(A) not more often than annually. The Secretary shall notify each State of any adjustment made under this paragraph and the percentage of the total sums appropriated under section 129 that the adjusted allotment represents not later than 6 months before the beginning of the fiscal year in which such adjustment is to take effect.

(3) MINIMUM ALLOTMENT FOR APPROPRIATIONS LESS THAN OR EQUAL TO $70,000,000.—

(A) IN GENERAL.—Except as provided in paragraph (4), for any fiscal year the allotment under this section—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than $210,000; and

(ii) to any State not described in clause (i) may not be less than $400,000.

(B) REDUCTION OF ALLOTMENT.—Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to the States pursuant to subparagraph (A) for any fiscal year exceeds the total amount appropriated under section 129 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) MINIMUM ALLOTMENT FOR APPROPRIATIONS IN EXCESS OF $70,000,000.—

(A) IN GENERAL.—In any case in which the total amount appropriated under section 129 for a fiscal year is more than $70,000,000, the allotment under this section for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than $220,000; and

(ii) to any State not described in clause (i) may not be less than $450,000.

(B) REDUCTION OF ALLOTMENT.—The requirements of paragraph (3)(B) shall apply with respect to amounts to be allotted to States under subparagraph (A), in the same manner and to the same extent as such requirements apply with respect to amounts to be allotted to States under paragraph (3)(A).

(5) STATE SUPPORTS, SERVICES, AND OTHER ACTIVITIES.—In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services for individuals with developmental disabilities, the Secretary shall take into account the scope and extent of the services, supports, and assistance described, pursuant to section 124(c)(3)(A), in the State plan of the State.

(6) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 129 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in paragraphs (3) and (4). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 129 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 129 (or a corresponding provision) for the immediately preceding fiscal year,

bears to the total amount appropriated under section 129 (or a corresponding provision) for such preceding fiscal year.

(b) UNOBLIGATED FUNDS.—Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for the next fiscal year for the purposes for which such amount was paid.

(c) OBLIGATION OF FUNDS.—For the purposes of this subtitle, State Interagency Agreements are considered valid obligations for the purpose of obligating Federal funds allotted to the State under this subtitle.

(d) COOPERATIVE EFFORTS BETWEEN STATES.—If a State plan approved in accordance with section 124 provides for cooperative or joint effort between or among States or agencies, public or private, in more than 1 State, portions of funds allotted to 1 or more States described in this subsection may be combined in accordance with the agreements between the States or agencies involved.

(e) REALLOTMENTS.—

(1) IN GENERAL.—If the Secretary determines that an amount of an allotment to a State for a period (of a fiscal year or longer) will not be required by the State during the period for the purpose for which the allotment was made, the Secretary may reallot the amount.

(2) TIMING.—The Secretary may make such a reallotment from time to time, on such date as the Secretary may fix, but not earlier than 30 days after the Secretary has published notice of the intention of the Secretary to make the reallotment in the Federal Register.

(3) AMOUNTS.—The Secretary shall reallot the amount to other States with respect to which the Secretary has not made that determination. The Secretary shall reallot the amount in proportion to the original allotments of the other States for such fiscal year, but shall reduce such proportionate amount for any of the other States to the extent the proportionate amount exceeds the sum that the Secretary estimates the State needs and will be able to use during such period.

(4) REALLOTMENT OF REDUCTIONS.—The Secretary shall similarly reallot the total of the reductions among the States whose proportionate amounts were not so reduced.

(5) TREATMENT.—Any amount reallotted to a State under this subsection for a fiscal year shall be deemed to be a part of the allotment of the State under subsection (a) for such fiscal year.

SEC. 123. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.

(a) STATE PLAN EXPENDITURES.—From each State's allotments for a fiscal year under section 122, the Secretary shall pay to the State the Federal share of the cost, other than the cost for construction, incurred during such year for activities carried out under the State plan approved under section 124. The Secretary shall make such payments from time to time in advance on the basis of estimates by the Secretary of the sums the State will expend for the cost under the State plan. The Secretary shall make such adjustments as may be necessary to the payments on account of previously made underpayments or overpayments under this section.

(b) DESIGNATED STATE AGENCY EXPENDITURES.—The Secretary may make payments to a State for the portion described in section 124(c)(5)(B)(vi) in advance or by way of reimbursement, and in such installments as the Secretary may determine.

SEC. 124. STATE PLAN.

(a) IN GENERAL.—Any State desiring to receive assistance under this subtitle shall submit to the Secretary, and obtain approval of, a 5-year strategic State plan under this section.

(b) PLANNING CYCLE.—The plan described in subsection (a) shall be updated as appropriate during the 5-year period.

(c) STATE PLAN REQUIREMENTS.—In order to be approved by the Secretary under this section, a State plan shall meet each of the following requirements:

(1) STATE COUNCIL.—The plan shall provide for the establishment and maintenance of a Council in accordance with section 125 and describe the membership of such Council.

(2) DESIGNATED STATE AGENCY.—The plan shall identify the agency or office within the State designated to support the Council in accordance with this section and section 125(d) (referred to in this subtitle as a ''designated State agency'').

(3) COMPREHENSIVE REVIEW AND ANALYSIS.—The plan shall describe the results of a comprehensive review and analysis of the extent to which services, supports, and other assistance are available to individuals with developmental disabilities and their families, and the extent of unmet needs for services, supports, and other assistance for those individuals and their families, in the State. The results of the comprehensive review and analysis shall include—

(A) a description of the services, supports, and other assistance being provided to individuals with developmental disabilities and their families under other federally assisted State programs, plans, and policies under which the State operates and in which individuals with developmental disabilities are or may be eligible to participate, including particularly programs relating to the areas of emphasis, including—

(i) medical assistance, maternal and child health care, services for children with special health care needs, children's mental health services, comprehensive health and mental health services, and institutional care options;

(ii) job training, job placement, worksite accommodation, and vocational rehabilitation, and other work assistance programs; and

(iii) social, child welfare, aging, independent living, and rehabilitation and assistive technology services, and such other services as the Secretary may specify;

(B) a description of the extent to which agencies operating such other federally assisted State programs, including activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), pursue interagency initiatives to improve and enhance community services, individualized supports, and other forms of assistance for individuals with developmental disabilities;

(C) an analysis of the extent to which community services and opportunities related to the areas of emphasis directly benefit individuals with developmental disabilities, especially with regard to their ability to access and use services provided in their communities, to participate in opportunities, activities, and events offered in their communities, and to contribute to community life, identifying particularly—

(i) the degree of support for individuals with developmental disabilities that are attributable to either physical impairment, mental impairment, or a combination of physical and mental impairments;

(ii) criteria for eligibility for services, including specialized services and special adaptation of generic services provided by agencies within the State, that may exclude individuals with developmental disabilities from receiving services described in this clause;

(iii) the barriers that impede full participation of members of unserved and underserved groups of individuals with developmental disabilities and their families;

(iv) the availability of assistive technology, assistive technology services, or rehabilitation technology, or information about assistive technology, assistive technology services, or rehabilitation technology to individuals with developmental disabilities;

(v) the numbers of individuals with developmental disabilities on waiting lists for services described in this subparagraph;

(vi) a description of the adequacy of current resources and projected availability of future resources to fund services described in this subparagraph;

(vii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are in facilities receive (based in part on each independent review (pursuant to section 1902(a)(30)(C) of the

Social Security Act (42 U.S.C. 1396a(a)(30)(C))) of an Intermediate Care Facility (Mental Retardation) within the State, which the State shall provide to the Council not later than 30 days after the availability of the review); and

(viii) to the extent that information is available, a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive;

(D) a description of how entities funded under subtitles C and D, through interagency agreements or other mechanisms, collaborated with the entity funded under this subtitle in the State, each other, and other entities to contribute to the achievement of the purpose of this subtitle; and

(E) the rationale for the goals related to advocacy, capacity building, and systemic change to be undertaken by the Council to contribute to the achievement of the purpose of this subtitle.

(4) PLAN GOALS.—The plan shall focus on Council efforts to bring about the purpose of this subtitle, by—

(A) specifying 5-year goals, as developed through data driven strategic planning, for advocacy, capacity building, and systemic change related to the areas of emphasis, to be undertaken by the Council, that—

(i) are derived from the unmet needs of individuals with developmental disabilities and their families identified under paragraph (3); and

(ii) include a goal, for each year of the grant, to—

(I) establish or strengthen a program for the direct funding of a State self-advocacy organization led by individuals with developmental disabilities;

(II) support opportunities for individuals with developmental disabilities who are considered leaders to provide leadership training to individuals with developmental disabilities who may become leaders; and

(III) support and expand participation of individuals with developmental disabilities in cross-disability and culturally diverse leadership coalitions; and

(B) for each year of the grant, describing—

(i) the goals to be achieved through the grant, which, beginning in fiscal year 2002, shall be consistent with applicable indicators of progress described in section 104(a)(3);

(ii) the strategies to be used in achieving each goal; and

(iii) the method to be used to determine if each goal has been achieved.

(5) ASSURANCES.—

(A) IN GENERAL.—The plan shall contain or be supported by assurances and information described in subparagraphs (B) through (N) that are satisfactory to the Secretary.

(B) USE OF FUNDS.—With respect to the funds paid to the State under section 122, the plan shall provide assurances that—

(i) not less than 70 percent of such funds will be expended for activities related to the goals described in paragraph (4);

(ii) such funds will contribute to the achievement of the purpose of this subtitle in various political subdivisions of the State;

(iii) such funds will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the funds paid under section 122 are provided;

(iv) such funds will be used to complement and augment rather than duplicate or replace services for individuals with developmental disabilities and their families who are eligible for Federal assistance under other State programs;

(v) part of such funds will be made available by the State to public or private entities;

(vi) at the request of any State, a portion of such funds provided to such State under this subtitle for any fiscal year shall be available to pay up to ½ (or the entire amount if the Council is the designated State agency) of the expenditures found to be necessary by the Secretary for the proper and efficient exercise of the functions of the designated State agency, except that not more than 5 percent of such funds provided to such State for any fiscal year, or $50,000, whichever is less, shall be made available for total expenditures for such purpose by the designated State agency; and

(vii) not more than 20 percent of such funds will be allocated to the designated State agency for service demonstrations by such agency that—

(I) contribute to the achievement of the purpose of this subtitle; and

(II) are explicitly authorized by the Council.

(C) STATE FINANCIAL PARTICIPATION.—The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the plan.

(D) CONFLICT OF INTEREST.—The plan shall provide an assurance that no member of such Council will cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

(E) URBAN AND RURAL POVERTY AREAS.—The plan shall provide assurances that special financial and technical assistance will be given to organizations that provide community services, individualized supports, and other forms of assistance to individuals with developmental disabilities who live in areas designated as urban or rural poverty areas.

(F) PROGRAM ACCESSIBILITY STANDARDS.—The plan shall provide assurances that programs, projects, and activities funded under the plan, and the buildings in which such programs, projects, and activities are operated, will meet standards prescribed by the Secretary in regulations and all applicable Federal and State accessibility standards, including accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), and the Fair Housing Act (42 U.S.C. 3601 et seq.).

(G) INDIVIDUALIZED SERVICES.—The plan shall provide assurances that any direct services provided to individuals with developmental disabilities and funded under the plan will be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of such individual.

(H) HUMAN RIGHTS.—The plan shall provide assurances that the human rights of the individuals with developmental disabilities (especially individuals without familial protection) who are receiving services under programs assisted under this subtitle will be protected consistent with section 109 (relating to rights of individuals with developmental disabilities).

(I) MINORITY PARTICIPATION.—The plan shall provide assurances that the State has taken affirmative steps to assure that participation in programs funded under this subtitle is geographically representative of the State, and reflects the diversity of the State with respect to race and ethnicity.

(J) EMPLOYEE PROTECTIONS.—The plan shall provide assurances that fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) will be provided to protect the interests of employees affected by actions taken under the plan to provide community living activities, including arrangements designed to preserve employee rights and benefits and provide training and retraining of such employees where necessary, and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

(K) STAFF ASSIGNMENTS.—The plan shall provide assurances that the staff and other personnel of the Council, while working for the Council, will be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and will not be assigned duties by the designated State agency, or any other agency, office, or entity of the State.

(L) NONINTERFERENCE.—The plan shall provide assurances that the designated State agency, and any other agency, office, or entity of the State, will not interfere with the advocacy, capacity building, and systemic change activities, budget, personnel, State plan development, or plan implementation of the Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 125(d)(3).

(M) STATE QUALITY ASSURANCE.—The plan shall provide assurances that the Council will participate in the planning, design or redesign, and monitoring of State quality assurance systems that affect individuals with developmental disabilities.

(N) OTHER ASSURANCES.—The plan shall contain such additional information and assurances as the Secretary may find necessary to carry out the provisions (including the purpose) of this subtitle.

(d) PUBLIC INPUT AND REVIEW, SUBMISSION, AND APPROVAL.—

(1) PUBLIC INPUT AND REVIEW.—The plan shall be based on public input. The Council shall make the plan available for public review and comment, after providing appropriate and sufficient notice in accessible formats of the opportunity for such review and comment. The Council shall revise the plan to take into account and respond to significant comments.

(2) CONSULTATION WITH THE DESIGNATED STATE AGENCY.—Before the plan is submitted to the Secretary, the Council shall consult with the designated State agency to ensure that the State plan is consistent with State law and to obtain appropriate State plan assurances.

(3) PLAN APPROVAL.—The Secretary shall approve any State plan and, as appropriate, amendments of such plan that comply with the provisions of subsections (a), (b), and (c) and this subsection. The Secretary may take final action to disapprove a State plan after providing reasonable notice and an opportunity for a hearing to the State.

SEC. 125. STATE COUNCILS ON DEVELOPMENTAL DISABILITIES AND DESIGNATED STATE AGENCIES.

(a) IN GENERAL.—Each State that receives assistance under this subtitle shall establish and maintain a Council to undertake advocacy, capacity building, and systemic change activities (consistent with subsections (b) and (c) of section 101) that contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle. The Council shall have the authority to fulfill the responsibilities described in subsection (c).

(b) COUNCIL MEMBERSHIP.—

(1) COUNCIL APPOINTMENTS.—

(A) IN GENERAL.—The members of the Council of a State shall be appointed by the Governor of the State from among the residents of that State.

(B) RECOMMENDATIONS.—The Governor shall select members of the Council, at the

discretion of the Governor, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members of the Council. The Council may, at the initiative of the Council, or on the request of the Governor, coordinate Council and public input to the Governor regarding all recommendations.

(C) REPRESENTATION.—The membership of the Council shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity.

(2) MEMBERSHIP ROTATION.—The Governor shall make appropriate provisions to rotate the membership of the Council. Such provisions shall allow members to continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor regarding membership requirements of the Council, and shall notify the Governor when vacancies on the Council remain unfilled for a significant period of time.

(3) REPRESENTATION OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.—Not less than 60 percent of the membership of each Council shall consist of individuals who are—

(A)(i) individuals with developmental disabilities;

(ii) parents or guardians of children with developmental disabilities; or

(iii) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves; and

(B) not employees of a State agency that receives funds or provides services under this subtitle, and who are not managing employees (as defined in section 1126(b) of the Social Security Act (42 U.S.C. 1320a–5(b)) of any other entity that receives funds or provides services under this subtitle.

(4) REPRESENTATION OF AGENCIES AND ORGANIZATIONS.—

(A) IN GENERAL.—Each Council shall include—

(i) representatives of relevant State entities, including—

(I) State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and titles V and XIX of the Social Security Act (42 U.S.C. 701 et seq. and 1396 et seq.);

(II) Centers in the State; and

(III) the State protection and advocacy system; and

(ii) representatives, at all times, of local and nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located.

(B) AUTHORITY AND LIMITATIONS.—The representatives described in subparagraph (A) shall—

(i) have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program such representatives represent; and

(ii) recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees, contractors, or applicants and comply with the conflict of interest assurance requirement under section 124(c)(5)(D).

(5) COMPOSITION OF MEMBERSHIP WITH DEVELOPMENTAL DISABILITIES.—Of the members of the Council described in paragraph (3)—

(A) ⅓ shall be individuals with developmental disabilities described in paragraph (3)(A)(i);

(B) ⅓ shall be parents or guardians of children with developmental disabilities described in paragraph (3)(A)(ii), or immediate relatives or guardians of adults with developmental disabilities described in paragraph (3)(A)(iii); and

(C) ⅓ shall be a combination of individuals described in paragraph (3)(A).

(6) INSTITUTIONALIZED INDIVIDUALS.—

(A) IN GENERAL.—Of the members of the Council described in paragraph (5), at least 1 shall be an immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution.

(B) LIMITATION.—Subparagraph (A) shall not apply with respect to a State if such an individual does not reside in that State.

(c) COUNCIL RESPONSIBILITIES.—

(1) IN GENERAL.—A Council, through Council members, staff, consultants, contractors, or subgrantees, shall have the responsibilities described in paragraphs (2) through (10).

(2) ADVOCACY, CAPACITY BUILDING, AND SYSTEMIC CHANGE ACTIVITIES.—The Council shall serve as an advocate for individuals with developmental disabilities and conduct or support programs, projects, and activities that carry out the purpose of this subtitle.

(3) EXAMINATION OF GOALS.—At the end of each grant year, each Council shall—

(A) determine the extent to which each goal of the Council was achieved for that year;

(B) determine to the extent that each goal was not achieved, the factors that impeded the achievement;

(C) determine needs that require amendment of the 5-year strategic State plan required under section 124;

(D) separately determine the information on the self-advocacy goal described in section 124(c)(4)(A)(ii); and

(E) determine customer satisfaction with Council supported or conducted activities.

(4) STATE PLAN DEVELOPMENT.—The Council shall develop the State plan and submit the State plan to the Secretary after consultation with the designated State agency under the State plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.

(5) STATE PLAN IMPLEMENTATION.—

(A) IN GENERAL.—The Council shall implement the State plan by conducting and supporting advocacy, capacity building, and systemic change activities such as those described in subparagraphs (B) through (L).

(B) OUTREACH.—The Council may support and conduct outreach activities to identify individuals with developmental disabilities and their families who otherwise might not come to the attention of the Council and assist and enable the individuals and families to obtain services, individualized supports, and other forms of assistance, including access to special adaptation of generic community services or specialized services.

(C) TRAINING.—The Council may support and conduct training for persons who are individuals with developmental disabilities, their families, and personnel (including professionals, paraprofessionals, students, volunteers, and other community members) to enable such persons to obtain access to, or to provide, community services, individualized supports, and other forms of assistance, including special adaptation of generic community services or specialized services for individuals with developmental disabilities and their families. To the extent that the Council supports or conducts training activities under this subparagraph, such activities shall contribute to the achievement of the purpose of this subtitle.

(D) TECHNICAL ASSISTANCE.—The Council may support and conduct technical assistance activities to assist public and private entities to contribute to the achievement of the purpose of this subtitle.

(E) SUPPORTING AND EDUCATING COMMUNITIES.—The Council may support and conduct activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families—

(i) by encouraging local networks to provide informal and formal supports;

(ii) through education; and

(iii) by enabling neighborhoods and communities to offer such individuals and their families access to and use of services, resources, and opportunities.

(F) INTERAGENCY COLLABORATION AND COORDINATION.—The Council may support and conduct activities to promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

(G) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS.—The Council may support and conduct activities to enhance coordination of services with—

(i) other councils, entities, or committees, authorized by Federal or State law, concerning individuals with disabilities (such as the State interagency coordinating council established under subtitle C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the State Rehabilitation Council and the Statewide Independent Living Council established under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the State mental health planning council established under subtitle B of title XIX of the Public Health Service Act (42 U.S.C. 300x–1 et seq.), and the activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), and entities carrying out other similar councils, entities, or committees);

(ii) parent training and information centers under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.) and other entities carrying out federally funded projects that assist parents of children with disabilities; and

(iii) other groups interested in advocacy, capacity building, and systemic change activities to benefit individuals with disabilities.

(H) BARRIER ELIMINATION, SYSTEMS DESIGN AND REDESIGN.—The Council may support and conduct activities to eliminate barriers to assess and use of community services by individuals with developmental disabilities, enhance systems design and redesign, and enhance citizen participation to address issues identified in the State plan.

(I) COALITION DEVELOPMENT AND CITIZEN PARTICIPATION.—The Council may support and conduct activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families and to develop and support coalitions that support the policy agenda of the Council, including training in self-advocacy, education of policymakers, and citizen leadership skills.

(J) INFORMING POLICYMAKERS.—The Council may support and conduct activities to provide information to policymakers by supporting and conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations. The

Council may provide the information directly to Federal, State, and local policymakers, including Congress, the Federal executive branch, the Governors, State legislatures, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services to meet the needs of, or provide specialized services to, individuals with developmental disabilities and their families.

(K) DEMONSTRATION OF NEW APPROACHES TO SERVICES AND SUPPORTS.—

(i) IN GENERAL.—The Council may support and conduct, on a time-limited basis, activities to demonstrate new approaches to serving individuals with developmental disabilities that are a part of an overall strategy for systemic change. The strategy may involve the education of policymakers and the public about how to deliver effectively, to individuals with developmental disabilities and their families, services, supports, and assistance that contribute to the achievement of the purpose of this subtitle.

(ii) SOURCES OF FUNDING.—The Council may carry out this subparagraph by supporting and conducting demonstration activities through sources of funding other than funding provided under this subtitle, and by assisting entities conducting demonstration activities to develop strategies for securing funding from other sources.

(L) OTHER ACTIVITIES.—The Council may support and conduct other advocacy, capacity building, and systemic change activities to promote the development of a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that contribute to the achievement of the purpose of this subtitle.

(6) REVIEW OF DESIGNATED STATE AGENCY.—The Council shall periodically review the designated State agency and activities carried out under this subtitle by the designated State agency and make any recommendations for change to the Governor.

(7) REPORTS.—Beginning in fiscal year 2002, the Council shall annually prepare and transmit to the Secretary a report. Each report shall be in a form prescribed by the Secretary by regulation under section 104(b). Each report shall contain information about the progress made by the Council in achieving the goals of the Council (as specified in section 124(c)(4)), including—

(A) a description of the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement;

(D) separate information on the self-advocacy goal described in section 124(c)(4)(A)(ii);

(E)(i) as appropriate, an update on the results of the comprehensive review and analysis described in section 124(c)(3); and

(ii) information on consumer satisfaction with Council supported or conducted activities;

(F)(i) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities in Intermediate Care Facilities (Mental Retardation) receive; and

(ii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c)) receive;

(G) an accounting of the manner in which funds paid to the State under this subtitle for a fiscal year were expended;

(H) a description of—

(i) resources made available to carry out activities to assist individuals with developmental disabilities that are directly attributable to Council actions; and

(ii) resources made available for such activities that are undertaken by the Council in collaboration with other entities; and

(I) a description of the method by which the Council will widely disseminate the annual report to affected constituencies and the general public and will assure that the report is available in accessible formats.

(8) BUDGET.—Each Council shall prepare, approve, and implement a budget using amounts paid to the State under this subtitle to fund and implement all programs, projects, and activities carried out under this subtitle, including—

(A)(i) conducting such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council; and

(ii) as determined in Council policy—

(I) reimbursing members of the Council for reasonable and necessary expenses (including expenses for child care and personal assistance services) for attending Council meetings and performing Council duties;

(II) paying a stipend to a member of the Council, if such member is not employed or must forfeit wages from other employment, to attend Council meetings and perform other Council duties;

(III) supporting Council member and staff travel to authorized training and technical assistance activities including in-service training and leadership development activities; and

(IV) carrying out appropriate subcontracting activities;

(B) hiring and maintaining such numbers and types of staff (qualified by training and experience) and obtaining the services of such professional, consulting, technical, and clerical staff (qualified by training and experience), consistent with State law, as the Council determines to be necessary to carry out the functions of the Council under this subtitle, except that such State shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the Council, to the extent that such policies would impact the staff or functions funded with Federal funds, or would prevent the Council from carrying out the functions of the Council under this subtitle; and

(C) directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts, and other activities authorized by the State plan approved under section 124.

(9) STAFF HIRING AND SUPERVISION.—The Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and supervise and annually evaluate the Director. The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment, hiring, and dismissal of staff shall be conducted in a manner consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be conducted in a manner consistent with State law and personnel policies.

(10) STAFF ASSIGNMENTS.—The staff of the Council, while working for the Council, shall be responsible solely for assisting the Council in carrying out the duties of the Council under this subtitle and shall not be assigned duties by the designated State agency or any other agency or entity of the State.

(11) CONSTRUCTION.—Nothing in this title shall be construed to authorize a Council to direct, control, or exercise any policymaking authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) DESIGNATED STATE AGENCY.—

(1) IN GENERAL.—Each State that receives assistance under this subtitle shall designate a State agency that shall, on behalf of the State, provide support to the Council. After the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994 (Public Law 103–230), any designation of a State agency under this paragraph shall be made in accordance with the requirements of this subsection.

(2) DESIGNATION.—

(A) TYPE OF AGENCY.—Except as provided in this subsection, the designated State agency shall be—

(i) the Council if such Council may be the designated State agency under the laws of the State;

(ii) a State agency that does not provide or pay for services for individuals with developmental disabilities; or

(iii) a State office, including the immediate office of the Governor of the State or a State planning office.

(B) CONDITIONS FOR CONTINUATION OF STATE SERVICE AGENCY DESIGNATION.—

(i) DESIGNATION BEFORE ENACTMENT.—If a State agency that provides or pays for services for individuals with developmental disabilities was a designated State agency for purposes of part B of the Developmental Disabilities Assistance and Bill of Rights Act on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, and the Governor of the State (or the legislature, where appropriate and in accordance with State law) determines prior to June 30, 1994, not to change the designation of such agency, such agency may continue to be a designated State agency for purposes of this subtitle.

(ii) CRITERIA FOR CONTINUED DESIGNATION.—The determination, at the discretion of the Governor (or the legislature, as the case may be), shall be made after—

(I) the Governor has considered the comments and recommendations of the general public and a majority of the non-State agency members of the Council with respect to the designation of such State agency; and

(II) the Governor (or the legislature, as the case may be) has made an independent assessment that the designation of such agency will not interfere with the budget, personnel, priorities, or other action of the Council, and the ability of the Council to serve as an independent advocate for individuals with developmental disabilities.

(C) REVIEW OF DESIGNATION.—The Council may request a review of and change in the designation of the designated State agency by the Governor (or the legislature, as the case may be). The Council shall provide documentation concerning the reason the Council desires a change to be made and make a recommendation to the Governor (or the legislature, as the case may be) regarding a preferred designated State agency.

(D) APPEAL OF DESIGNATION.—After the review is completed under subparagraph (C), a majority of the non-State agency members of the Council may appeal to the Secretary for a review of and change in the designation of the designated State agency if the ability of the Council to serve as an independent advocate is not assured because of the actions or inactions of the designated State agency.

(3) RESPONSIBILITIES.—

(A) IN GENERAL.—The designated State agency shall, on behalf of the State, have the responsibilities described in subparagraphs (B) through (G).

(B) SUPPORT SERVICES.—The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council.

(C) FISCAL RESPONSIBILITIES.—The designated State agency shall—

(i) receive, account for, and disburse funds under this subtitle based on the State plan required in section 124; and

(ii) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under this subtitle.

(D) RECORDS, ACCESS, AND FINANCIAL REPORTS.—The designated State agency shall keep and provide access to such records as the Secretary and the Council may determine to be necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of the Federal and non-Federal shares described in section 126, by the agency or the Council.

(E) NON-FEDERAL SHARE.—The designated State agency, if other than the Council, shall provide the required non-Federal share described in section 126(c).

(F) ASSURANCES.—The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.

(G) MEMORANDUM OF UNDERSTANDING.—On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

(4) USE OF FUNDS FOR DESIGNATED STATE AGENCY RESPONSIBILITIES.—

(A) CONDITION FOR FEDERAL FUNDING.—

(i) IN GENERAL.—The Secretary shall provide amounts to a State under section 124(c)(5)(B)(vi) for a fiscal year only if the State expends an amount from State sources for carrying out the responsibilities of the designated State agency under paragraph (3) for the fiscal year that is not less than the total amount the State expended from such sources for carrying out similar responsibilities for the previous fiscal year.

(ii) EXCEPTION.—Clause (i) shall not apply in a year in which the Council is the designated State agency.

(B) SUPPORT SERVICES PROVIDED BY OTHER AGENCIES.—With the agreement of the designated State agency, the Council may use or contract with agencies other than the designated State agency to perform the functions of the designated State agency.

SEC. 126. FEDERAL AND NON-FEDERAL SHARE.

(a) AGGREGATE COST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of the cost of all projects in a State supported by an allotment to the State under this subtitle may not be more than 75 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(2) URBAN OR RURAL POVERTY AREAS.—In the case of projects whose activities or products target individuals with developmental disabilities who live in urban or rural poverty areas, as determined by the Secretary, the Federal share of the cost of all such projects may not be more than 90 percent of the aggregate necessary cost of such projects, as determined by the Secretary.

(3) STATE PLAN ACTIVITIES.—In the case of projects undertaken by the Council or Council staff to implement State plan activities, the Federal share of the cost of all such projects may be not more than 100 percent of the aggregate necessary cost of such activities.

(b) NONDUPLICATION.—In determining the amount of any State's Federal share of the cost of such projects incurred by such State under a State plan approved under section 124, the Secretary shall not consider—

(1) any portion of such cost that is financed by Federal funds provided under any provision of law other than section 122; and

(2) the amount of any non-Federal funds required to be expended as a condition of receipt of the Federal funds described in paragraph (1).

(c) NON-FEDERAL SHARE.—

(1) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of any project supported by an allotment under this subtitle may be provided in cash or in kind, fairly evaluated, including plant, equipment, or services.

(2) CONTRIBUTIONS OF POLITICAL SUBDIVISIONS AND PUBLIC OR PRIVATE ENTITIES.—

(A) IN GENERAL.—Contributions to projects by a political subdivision of a State or by a public or private entity under an agreement with the State shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be contributions by such State, in the case of a project supported under this subtitle.

(B) STATE CONTRIBUTIONS.—State contributions, including contributions by the designated State agency to provide support services to the Council pursuant to section 125(d)(4), may be counted as part of such State's non-Federal share of the cost of projects supported under this subtitle.

(3) VARIATIONS OF THE NON-FEDERAL SHARE.—The non-Federal share required of each recipient of a grant from a Council under this subtitle may vary.

SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.

Whenever the Secretary, after providing reasonable notice and an opportunity for a hearing to the Council and the designated State agency, finds that—

(1) the Council or agency has failed to comply substantially with any of the provisions required by section 124 to be included in the State plan, particularly provisions required by paragraphs (4)(A) and (5)(B)(vii) of section 124(c), or with any of the provisions required by section 125(b)(3); or

(2) the Council or agency has failed to comply substantially with any regulations of the Secretary that are applicable to this subtitle,

the Secretary shall notify such Council and agency that the Secretary will not make further payments to the State under section 122 (or, in the discretion of the Secretary, that further payments to the State under section 122 for activities for which there is such failure), until the Secretary is satisfied that there will no longer be such failure. Until the Secretary is so satisfied, the Secretary shall make no further payments to the State under section 122, or shall limit further payments under section 122 to such State to activities for which there is no such failure.

SEC. 128. APPEALS BY STATES.

(a) APPEAL.—If any State is dissatisfied with the Secretary's action under section 124(d)(3) or 127, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court not later than 60 days after such action.

(b) FILING.—The clerk of the court shall transmit promptly a copy of the petition to the Secretary, or any officer designated by the Secretary for that purpose. The Secretary shall file promptly with the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

(c) JURISDICTION.—Upon the filing of the petition, the court shall have jurisdiction to affirm the action of the Secretary or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside the order of the Secretary relating to the action.

(d) FINDINGS AND REMAND.—The findings of the Secretary about the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case involved to the Secretary for further proceedings to take further evidence. On remand, the Secretary may make new or modified findings of fact and may modify the previous action of the Secretary, and shall file with the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(e) FINALITY.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(f) EFFECT.—The commencement of proceedings under this section shall not, unless so specifically ordered by a court, operate as a stay of the Secretary's action.

SEC. 129. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING FOR STATE ALLOTMENTS.—Except as described in subsection (b), there are authorized to be appropriated for allotments under section 122 $76,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

(b) RESERVATION FOR TECHNICAL ASSISTANCE.—

(1) LOWER APPROPRIATION YEARS.—For any fiscal year for which the amount appropriated under subsection (a) is less than $76,000,000, the Secretary shall reserve funds in accordance with section 163(c) to provide technical assistance to entities funded under this subtitle.

(2) HIGHER APPROPRIATION YEARS.—For any fiscal year for which the amount appropriated under subsection (a) is not less than $76,000,000, the Secretary shall reserve not less than $300,000 and not more than 1 percent of the amount appropriated under subsection (a) to provide technical assistance to entities funded under this subtitle.

Subtitle C—Protection and Advocacy of Individual Rights

SEC. 141. PURPOSE.

The purpose of this subtitle is to provide for allotments to support a protection and advocacy system (referred to in this subtitle as a ''system'') in each State to protect the legal and human rights of individuals with developmental disabilities in accordance with this subtitle.

SEC. 142. ALLOTMENTS AND PAYMENTS.

(a) ALLOTMENTS.—

(1) IN GENERAL.—To assist States in meeting the requirements of section 143(a), the Secretary shall allot to the States the amounts appropriated under section 145 and not reserved under paragraph (6). Allotments and reallotments of such sums shall be made on the same basis as the allotments and reallotments are made under subsections (a)(1)(A) and (e) of section 122, except as provided in paragraph (2).

(2) MINIMUM ALLOTMENTS.—In any case in which—

(A) the total amount appropriated under section 145 for a fiscal year is not less than $20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than $107,000; and

(ii) to any State not described in clause (i) may not be less than $200,000; or

(B) the total amount appropriated under section 145 for a fiscal year is less than $20,000,000, the allotment under paragraph (1) for such fiscal year—

(i) to each of American Samoa, Guam, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands may not be less than $80,000; and

(ii) to any State not described in clause (i) may not be less than $150,000.

(3) REDUCTION OF ALLOTMENT.—Notwithstanding paragraphs (1) and (2), if the aggregate of the amounts to be allotted to the States pursuant to such paragraphs for any fiscal year exceeds the total amount appropriated for such allotments under section 145 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

(4) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 145 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in subparagraphs (A) and (B) of paragraph (2). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 145 for the fiscal year for which the increase in the minimum allotment is being made; minus

(B) the total amount appropriated under section 145 (or a corresponding provision) for the immediately preceding fiscal year,

bears to the total amount appropriated under section 145 (or a corresponding provision) for such preceding fiscal year.

(5) MONITORING THE ADMINISTRATION OF THE SYSTEM.—In a State in which the system is housed in a State agency, the State may use not more than 5 percent of any allotment under this subsection for the costs of monitoring the administration of the system required under section 143(a).

(6) TECHNICAL ASSISTANCE AND AMERICAN INDIAN CONSORTIUM.—In any case in which the total amount appropriated under section 145 for a fiscal year is more than $24,500,000, the Secretary shall—

(A) use not more than 2 percent of the amount appropriated to provide technical assistance to eligible systems with respect to activities carried out under this subtitle (consistent with requests by such systems for such assistance for the year); and

(B) provide a grant in accordance with section 143(b), and in an amount described in paragraph (2)(A)(i), to an American Indian consortium to provide protection and advocacy services.

(b) PAYMENT TO SYSTEMS.—Notwithstanding any other provision of law, the Secretary shall pay directly to any system in a State that complies with the provisions of this subtitle the amount of the allotment made for the State under this section, unless the system specifies otherwise.

(c) UNOBLIGATED FUNDS.—Any amount paid to a system under this subtitle for a fiscal year and remaining unobligated at the end of such year shall remain available to such system for the next fiscal year, for the purposes for which such amount was paid.

SEC. 143. SYSTEM REQUIRED.

(a) SYSTEM REQUIRED.—In order for a State to receive an allotment under subtitle B or this subtitle—

(1) the State shall have in effect a system to protect and advocate the rights of individuals with developmental disabilities;

(2) such system shall—

(A) have the authority to—

(i) pursue legal, administrative, and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangements, with particular attention to members of ethnic and racial minority groups; and

(ii) provide information on and referral to programs and services addressing the needs of individuals with developmental disabilities;

(B) have the authority to investigate incidents of abuse and neglect of individuals with developmental disabilities if the incidents are reported to the system or if there is probable cause to believe that the incidents occurred;

(C) on an annual basis, develop, submit to the Secretary, and take action with regard to goals (each of which is related to 1 or more areas of emphasis) and priorities, developed through data driven strategic planning, for the system's activities;

(D) on an annual basis, provide to the public, including individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical and mental impairment, and their representatives, and as appropriate, non-State agency representatives of the State Councils on Developmental Disabilities, and Centers, in the State, an opportunity to comment on—

(i) the goals and priorities established by the system and the rationale for the establishment of such goals; and

(ii) the activities of the system, including the coordination of services with the entities carrying out advocacy programs under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), and the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and with entities carrying out other related programs, including the parent training and information centers funded under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012);

(E) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with developmental disabilities have full access to services of the system;

(F) not be administered by the State Council on Developmental Disabilities;

(G) be independent of any agency that provides treatment, services, or habilitation to individuals with developmental disabilities;

(H) have access at reasonable times to any individual with a developmental disability in a location in which services, supports, and other assistance are provided to such an individual, in order to carry out the purpose of this subtitle;

(I) have access to all records of—

(i) any individual with a developmental disability who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access;

(ii) any individual with a developmental disability, in a situation in which—

(I) the individual, by reason of such individual's mental or physical condition, is unable to authorize the system to have such access;

(II) the individual does not have a legal guardian, conservator, or other legal representative, or the legal guardian of the individual is the State; and

(III) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect; and

(iii) any individual with a developmental disability, in a situation in which—

(I) the individual has a legal guardian, conservator, or other legal representative;

(II) a complaint has been received by the system about the individual with regard to the status or treatment of the individual or, as a result of monitoring or other activities, there is probable cause to believe that such individual has been subject to abuse or neglect;

(III) such representative has been contacted by such system, upon receipt of the name and address of such representative;

(IV) such system has offered assistance to such representative to resolve the situation; and

(V) such representative has failed or refused to act on behalf of the individual;

(J)(i) have access to the records of individuals described in subparagraphs (B) and (I), and other records that are relevant to conducting an investigation, under the circumstances described in those subparagraphs, not later than 3 business days after the system makes a written request for the records involved; and

(ii) have immediate access, not later than 24 hours after the system makes such a request, to the records without consent from another party, in a situation in which services, supports, and other assistance are provided to an individual with a developmental disability—

(I) if the system determines there is probable cause to believe that the health or safety of the individual is in serious and immediate jeopardy; or

(II) in any case of death of an individual with a developmental disability;

(K) hire and maintain sufficient numbers and types of staff (qualified by training and experience) to carry out such system's functions, except that the State involved shall not apply hiring freezes, reductions in force, prohibitions on travel, or other policies to the staff of the system, to the extent that such policies would impact the staff or functions of the system funded with Federal funds or would prevent the system from carrying out the functions of the system under this subtitle;

(L) have the authority to educate policymakers; and

(M) provide assurances to the Secretary that funds allotted to the State under section 142 will be used to supplement, and not supplant, the non-Federal funds that would otherwise be made available for the purposes for which the allotted funds are provided;

(3) to the extent that information is available, the State shall provide to the system—

(A) a copy of each independent review, pursuant to section 1902(a)(30)(C) of the Social Security Act (42 U.S.C. 1396a(a)(30)(C)), of an Intermediate Care Facility (Mental Retardation) within the State, not later than 30 days after the availability of such a review; and

(B) information about the adequacy of health care and other services, supports, and

assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive; and

(4) the agency implementing the system shall not be redesignated unless—

(A) there is good cause for the redesignation;

(B) the State has given the agency notice of the intention to make such redesignation, including notice regarding the good cause for such redesignation, and given the agency an opportunity to respond to the assertion that good cause has been shown;

(C) the State has given timely notice and an opportunity for public comment in an accessible format to individuals with developmental disabilities or their representatives; and

(D) the system has an opportunity to appeal the redesignation to the Secretary, on the basis that the redesignation was not for good cause.

(b) AMERICAN INDIAN CONSORTIUM.—Upon application to the Secretary, an American Indian consortium established to provide protection and advocacy services under this subtitle, shall receive funding pursuant to section 142(a)(6) to provide the services. Such consortium shall be considered to be a system for purposes of this subtitle and shall coordinate the services with other systems serving the same geographic area. The tribal council that designates the consortium shall carry out the responsibilities and exercise the authorities specified for a State in this subtitle, with regard to the consortium.

(c) RECORD.—In this section, the term ''record'' includes—

(1) a report prepared or received by any staff at any location at which services, supports, or other assistance is provided to individuals with developmental disabilities;

(2) a report prepared by an agency or staff person charged with investigating reports of incidents of abuse or neglect, injury, or death occurring at such location, that describes such incidents and the steps taken to investigate such incidents; and

(3) a discharge planning record.

SEC. 144. ADMINISTRATION.

(a) GOVERNING BOARD.—In a State in which the system described in section 143 is organized as a private nonprofit entity with a multimember governing board, or a public system with a multimember governing board, such governing board shall be selected according to the policies and procedures of the system, except that—

(1)(A) the governing board shall be composed of members who broadly represent or are knowledgeable about the needs of the individuals served by the system;

(B) a majority of the members of the board shall be—

(i) individuals with disabilities, including individuals with developmental disabilities, who are eligible for services, or have received or are receiving services through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i); and

(C) the board may include a representative of the State Council on Developmental Disabilities, the Centers in the State, and the self-advocacy organization described in section 124(c)(4)(A)(ii)(I);

(2) not more than ⅓ of the members of the governing board may be appointed by the chief executive officer of the State involved, in the case of any State in which such officer has the authority to appoint members of the board;

(3) the membership of the governing board shall be subject to term limits set by the system to ensure rotating membership;

(4) any vacancy in the board shall be filled not later than 60 days after the date on which the vacancy occurs; and

(5) in a State in which the system is organized as a public system without a multimember governing or advisory board, the system shall establish an advisory council—

(A) that shall advise the system on policies and priorities to be carried out in protecting and advocating the rights of individuals with developmental disabilities; and

(B) on which a majority of the members shall be—

(i) individuals with developmental disabilities who are eligible for services, or have received or are receiving services, through the system; or

(ii) parents, family members, guardians, advocates, or authorized representatives of individuals referred to in clause (i).

(b) LEGAL ACTION.—

(1) IN GENERAL.—Nothing in this title shall preclude a system from bringing a suit on behalf of individuals with developmental disabilities against a State, or an agency or instrumentality of a State.

(2) USE OF AMOUNTS FROM JUDGMENT.—An amount received pursuant to a suit described in paragraph (1) through a court judgment may only be used by the system to further the purpose of this subtitle and shall not be used to augment payments to legal contractors or to award personal bonuses.

(3) LIMITATION.—The system shall use assistance provided under this subtitle in a manner consistent with section 5 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404).

(c) DISCLOSURE OF INFORMATION.—For purposes of any periodic audit, report, or evaluation required under this subtitle, the Secretary shall not require an entity carrying out a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

(d) PUBLIC NOTICE OF FEDERAL ONSITE REVIEW.—The Secretary shall provide advance public notice of any Federal programmatic or administrative onsite review of a system conducted under this subtitle and solicit public comment on the system through such notice. The Secretary shall prepare an onsite visit report containing the results of such review, which shall be distributed to the Governor of the State and to other interested public and private parties. The comments received in response to the public comment solicitation notice shall be included in the onsite visit report.

(e) REPORTS.—Beginning in fiscal year 2002, each system established in a State pursuant to this subtitle shall annually prepare and transmit to the Secretary a report that describes the activities, accomplishments, and expenditures of the system during the preceding fiscal year, including a description of the system's goals, the extent to which the goals were achieved, barriers to their achievement, the process used to obtain public input, the nature of such input, and how such input was used.

SEC. 145. AUTHORIZATION OF APPROPRIATIONS.

For allotments under section 142, there are authorized to be appropriated $32,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

Subtitle D—National Network of University Centers for Excellence in Developmental Disabilities Education, Research, and Service

SEC. 151. GRANT AUTHORITY.

(a) NATIONAL NETWORK.—From appropriations authorized under section 156(a)(1), the Secretary shall make 5-year grants to entities in each State designated as University Centers for Excellence in Developmental Disabilities Education, Research, and Service to carry out activities described in section 153(a).

(b) NATIONAL TRAINING INITIATIVES.—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(2), the Secretary shall make grants to Centers to carry out activities described in section 153(b).

(c) TECHNICAL ASSISTANCE.—From appropriations authorized under section 156(a)(1) and reserved under section 156(a)(3) (or from funds reserved under section 163, as appropriate), the Secretary shall enter into 1 or more cooperative agreements or contracts for the purpose of providing technical assistance described in section 153(c).

SEC. 152. GRANT AWARDS.

(a) EXISTING CENTERS.—

(1) IN GENERAL.—In awarding and distributing grant funds under section 151(a) for a fiscal year, the Secretary, subject to the availability of appropriations and the condition specified in subsection (d), shall award and distribute grant funds in equal amounts of $500,000 (adjusted in accordance with subsection (b)), to each Center that existed during the preceding fiscal year and that meets the requirements of this subtitle, prior to making grants under subsection (c) or (d).

(2) REDUCTION OF AWARD.—Notwithstanding paragraph (1), if the aggregate of the funds to be awarded to the Centers pursuant to paragraph (1) for any fiscal year exceeds the total amount appropriated under section 156 for such fiscal year, the amount to be awarded to each Center for such fiscal year shall be proportionately reduced.

(b) ADJUSTMENTS.—Subject to the availability of appropriations, for any fiscal year following a year in which each Center described in subsection (a) received a grant award of not less than $500,000 under subsection (a) (adjusted in accordance with this subsection), the Secretary shall adjust the awards to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), prior to making grants under subsection (c) or (d).

(c) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—Subject to the availability of appropriations, for any fiscal year in which each Center described in subsection (a) receives a grant award of not less than $500,000, under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary shall make grants under section 151(b) to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families, as described in section 153(b).

(d) ADDITIONAL GRANTS.—For any fiscal year in which each Center described in subsection (a) receives a grant award of not less than $500,000 under subsection (a) (adjusted in accordance with subsection (b)), after making the grant awards, the Secretary may make grants under section 151(a) for activities described in section 153(a) to additional Centers, or additional grants to Centers, for States or populations that are unserved or underserved by Centers due to such factors as—

(1) population;

(2) a high concentration of rural or urban areas; or

(3) a high concentration of unserved or underserved populations.

SEC. 153. PURPOSE AND SCOPE OF ACTIVITIES.

(a) NATIONAL NETWORK OF UNIVERSITY CENTERS FOR EXCELLENCE IN DEVELOPMENTAL

DISABILITIES EDUCATION, RESEARCH, AND SERVICE.—

(1) IN GENERAL.—In order to provide leadership in, advise Federal, State, and community policymakers about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life, the Secretary shall award grants to eligible entities designated as Centers in each State to pay for the Federal share of the cost of the administration and operation of the Centers. The Centers shall be interdisciplinary education, research, and public service units of universities (as defined by the Secretary) or public or not-for-profit entities associated with universities that engage in core functions, described in paragraph (2), addressing, directly or indirectly, 1 or more of the areas of emphasis.

(2) CORE FUNCTIONS.—The core functions referred to in paragraph (1) shall include the following:

(A) Provision of interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title.

(B) Provision of community services—

(i) that provide training or technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and

(ii) that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities.

(C) Conduct of research, which may include basic or applied research, evaluation, and the analysis of public policy in areas that affect or could affect, either positively or negatively, individuals with developmental disabilities and their families.

(D) Dissemination of information related to activities undertaken to address the purpose of this title, especially dissemination of information that demonstrates that the network authorized under this subtitle is a national and international resource that includes specific substantive areas of expertise that may be accessed and applied in diverse settings and circumstances.

(b) NATIONAL TRAINING INITIATIVES ON CRITICAL AND EMERGING NEEDS.—

(1) SUPPLEMENTAL GRANTS.—After consultation with relevant, informed sources, including individuals with developmental disabilities and their families, the Secretary shall award, under section 151(b), supplemental grants to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families. The Secretary shall make the grants on a competitive basis, and for periods of not more than 5 years.

(2) ESTABLISHMENT OF CONSULTATION PROCESS BY THE SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a consultation process that, on an ongoing basis, allows the Secretary to identify and address, through supplemental grants authorized under paragraph (1), training initiatives related to the unmet needs of individuals with developmental disabilities and their families.

(c) TECHNICAL ASSISTANCE.—In order to strengthen and support the national network of Centers, the Secretary may enter into 1 or more cooperative agreements or contracts to—

(1) assist in national and international dissemination of specific information from multiple Centers and, in appropriate cases, other entities whose work affects the lives of individuals with developmental disabilities;

(2) compile, analyze, and disseminate state-of-the-art training, research, and demonstration results policies, and practices from multiple Centers and, in appropriate cases, other entities whose work affects the lives of persons with developmental disabilities;

(3) convene experts from multiple Centers to discuss and make recommendations with regard to national emerging needs of individuals with developmental disabilities;

(4)(A) develop portals that link users with every Center's website; and

(B) facilitate electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio/video broadcasts, on emerging topics that impact individuals with disabilities and their families;

(5) serve as a research-based resource for Federal and State policymakers on information concerning and issues impacting individuals with developmental disabilities and entities that assist or serve those individuals; or

(6) undertake any other functions that the Secretary determines to be appropriate;

to promote the viability and use of the resources and expertise of the Centers nationally and internationally.

SEC. 154. APPLICATIONS.

(a) APPLICATIONS FOR CORE CENTER GRANTS.—

(1) IN GENERAL.—To be eligible to receive a grant under section 151(a) for a Center, an entity shall submit to the Secretary, and obtain approval of, an application at such time, in such manner, and containing such information, as the Secretary may require.

(2) APPLICATION CONTENTS.—Each application described in paragraph (1) shall describe a 5-year plan, including a projected goal related to 1 or more areas of emphasis for each of the core functions described in section 153(a).

(3) ASSURANCES.—The application shall be approved by the Secretary only if the application contains or is supported by reasonable assurances that the entity designated as the Center will—

(A) meet regulatory standards as established by the Secretary for Centers;

(B) address the projected goals, and carry out goal-related activities, based on data driven strategic planning and in a manner consistent with the objectives of this subtitle, that—

(i) are developed in collaboration with the consumer advisory committee established pursuant to subparagraph (E);

(ii) are consistent with, and to the extent feasible complement and further, the Council goals contained in the State plan submitted under section 124 and the system goals established under section 143; and

(iii) will be reviewed and revised annually as necessary to address emerging trends and needs;

(C) use the funds made available through the grant to supplement, and not supplant, the funds that would otherwise be made available for activities described in section 153(a);

(D) protect, consistent with the policy specified in section 101(c) (relating to rights of individuals with developmental disabilities), the legal and human rights of all individuals with developmental disabilities (especially those individuals under State guardianship) who are involved in activities carried out under programs assisted under this subtitle;

(E) establish a consumer advisory committee—

(i) of which a majority of the members shall be individuals with developmental disabilities and family members of such individuals;

(ii) that is comprised of—

(I) individuals with developmental disabilities and related disabilities;

(II) family members of individuals with developmental disabilities;

(III) a representative of the State protection and advocacy system;

(IV) a representative of the State Council on Developmental Disabilities;

(V) a representative of a self-advocacy organization described in section 124(c)(4)(A)(ii)(I); and

(VI) representatives of organizations that may include parent training and information centers assisted under section 682 or 683 of the Individuals with Disabilities Education Act (20 U.S.C. 1482, 1483), entities carrying out activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), relevant State agencies, and other community groups concerned with the welfare of individuals with developmental disabilities and their families;

(iii) that reflects the racial and ethnic diversity of the State; and

(iv) that shall—

(I) consult with the Director of the Center regarding the development of the 5-year plan, and shall participate in an annual review of, and comment on, the progress of the Center in meeting the projected goals contained in the plan, and shall make recommendations to the Director of the Center regarding any proposed revisions of the plan that might be necessary; and

(II) meet as often as necessary to carry out the role of the committee, but at a minimum twice during each grant year;

(F) to the extent possible, utilize the infrastructure and resources obtained through funds made available under the grant to leverage additional public and private funds to successfully achieve the projected goals developed in the 5-year plan;

(G)(i) have a director with appropriate academic credentials, demonstrated leadership, expertise regarding developmental disabilities, significant experience in managing grants and contracts, and the ability to leverage public and private funds; and

(ii) allocate adequate staff time to carry out activities related to each of the core functions described in section 153(a); and

(H) educate, and disseminate information related to the purpose of this title to, the legislature of the State in which the Center is located, and to Members of Congress from such State.

(b) SUPPLEMENTAL GRANT APPLICATIONS PERTAINING TO NATIONAL TRAINING INITIATIVES IN CRITICAL AND EMERGING NEEDS.—To be eligible to receive a supplemental grant under section 151(b), a Center may submit a supplemental application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, pursuant to the terms and conditions set by the Secretary consistent with section 153(b).

(c) PEER REVIEW.—

(1) IN GENERAL.—The Secretary shall require that all applications submitted under this subtitle be subject to technical and qualitative review by peer review groups established under paragraph (2). The Secretary may approve an application under this subtitle only if such application has been recommended by a peer review group that has conducted the peer review required under this paragraph. In conducting the review, the group may conduct onsite visits or inspections of related activities as necessary.

(2) ESTABLISHMENT OF PEER REVIEW GROUPS.—

(A) IN GENERAL.—The Secretary, acting through the Commissioner of the Administration on Developmental Disabilities, may, notwithstanding—

(i) the provisions of title 5, United States Code, concerning appointments to the competitive service; and

(ii) the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, concerning classification and General Schedule pay rates;

establish such peer review groups and appoint and set the rates of pay of members of such groups.

(B) COMPOSITION.—Each peer review group shall include such individuals with disabilities and parents, guardians, or advocates of or for individuals with developmental disabilities, as are necessary to carry out this subsection.

(3) WAIVERS OF APPROVAL.—The Secretary may waive the provisions of paragraph (1) with respect to review and approval of an application if the Secretary determines that exceptional circumstances warrant such a waiver.

(d) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of administration or operation of a Center, or the cost of carrying out a training initiative, supported by a grant made under this subtitle may not be more than 75 percent of the necessary cost of such project, as determined by the Secretary.

(2) URBAN OR RURAL POVERTY AREAS.—In the case of a project whose activities or products target individuals with developmental disabilities who live in an urban or rural poverty area, as determined by the Secretary, the Federal share of the cost of the project may not be more than 90 percent of the necessary costs of the project, as determined by the Secretary.

(3) GRANT EXPENDITURES.—For the purpose of determining the Federal share with respect to the project, expenditures on that project by a political subdivision of a State or by a public or private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe under section 104(b), be considered to be expenditures made by a Center under this subtitle.

(e) ANNUAL REPORT.—Each Center shall annually prepare and transmit to the Secretary a report containing—

(1) information on progress made in achieving the projected goals of the Center for the previous year, including—

(A) the extent to which the goals were achieved;

(B) a description of the strategies that contributed to achieving the goals;

(C) to the extent to which the goals were not achieved, a description of factors that impeded the achievement; and

(D) an accounting of the manner in which funds paid to the Center under this subtitle for a fiscal year were expended;

(2) information on proposed revisions to the goals; and

(3) a description of successful efforts to leverage funds, other than funds made available under this subtitle, to pursue goals consistent with this subtitle.

SEC. 155. DEFINITION.

In this subtitle, the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.

SEC. 156. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION AND RESERVATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to carry out this subtitle (other than section 153(c)(4)) $30,000,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

(2) RESERVATION FOR TRAINING INITIATIVES.—From any amount appropriated for a fiscal year under paragraph (1) and remaining after each Center described in section 152(a) has received a grant award of not less than $500,000, as described in section 152, the Secretary shall reserve funds for the training initiatives authorized under section 153(b).

(3) RESERVATION FOR TECHNICAL ASSISTANCE.—

(A) YEARS BEFORE APPROPRIATION TRIGGER.—For any covered year, the Secretary shall reserve funds in accordance with section 163(c) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(B) YEARS AFTER APPROPRIATION TRIGGER.—For any fiscal year that is not a covered year, the Secretary shall reserve not less than $300,000 and not more than 2 percent of the amount appropriated under paragraph (1) to fund technical assistance activities under section 153(c) (other than section 153(c)(4)).

(C) COVERED YEAR.—In this paragraph, the term ''covered year'' means a fiscal year prior to the first fiscal year for which the amount appropriated under paragraph (1) is not less than $20,000,000.

(b) LIMITATION.—The Secretary may not use, for peer review or other activities directly related to peer review conducted under this subtitle—

(1) for fiscal year 2001, more than $300,000 of the funds made available under subsection (a); and

(2) for any succeeding fiscal year, more than the amount of funds used for the peer review and related activities in fiscal year 2001, adjusted to take into account the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase).

Subtitle E—Projects of National Significance

SEC. 161. PURPOSE.

The purpose of this subtitle is to provide grants, contracts, or cooperative agreements for projects of national significance that—

(1) create opportunities for individuals with developmental disabilities to directly and fully contribute to, and participate in, all facets of community life; and

(2) support the development of national and State policies that reinforce and promote, with the support of families, guardians, advocates, and communities, of individuals with developmental disabilities, the self-determination, independence, productivity, and integration and inclusion in all facets of community life of such individuals through—

(A) family support activities;

(B) data collection and analysis;

(C) technical assistance to entities funded under subtitles B and D, subject to the limitations described in sections 129(b), 156(a)(3), and 163(c); and

(D) other projects of sufficient size and scope that hold promise to expand or improve opportunities for such individuals, including—

(i) projects that provide technical assistance for the development of information and referral systems;

(ii) projects that provide technical assistance to self-advocacy organizations of individuals with developmental disabilities;

(iii) projects that provide education for policymakers;

(iv) Federal interagency initiatives;

(v) projects that enhance the participation of racial and ethnic minorities in public and private sector initiatives in developmental disabilities;

(vi) projects that provide aid to transition youth with developmental disabilities from school to adult life, especially in finding employment and postsecondary education opportunities and in upgrading and changing any assistive technology devices that may be needed as a youth matures;

(vii) initiatives that address the development of community quality assurance systems and the training related to the development, implementation, and evaluation of such systems, including training of individuals with developmental disabilities and their families;

(viii) initiatives that address the needs of aging individuals with developmental disabilities and aging caregivers of adults with developmental disabilities in the community;

(ix) initiatives that create greater access to and use of generic services systems, community organizations, and associations, and initiatives that assist in community economic development;

(x) initiatives that create access to increased living options;

(xi) initiatives that address the challenging behaviors of individuals with developmental disabilities, including initiatives that promote positive alternatives to the use of restraints and seclusion; and

(xii) initiatives that address other areas of emerging need.

SEC. 162. GRANT AUTHORITY.

(a) IN GENERAL.—The Secretary shall award grants, contracts, or cooperative agreements to public or private nonprofit entities for projects of national significance relating to individuals with developmental disabilities to carry out activities described in section 161(2).

(b) FEDERAL INTERAGENCY INITIATIVES.—

(1) IN GENERAL.—

(A) AUTHORITY.—The Secretary may—

(i) enter into agreements with Federal agencies to jointly carry out activities described in section 161(2) or to jointly carry out activities of common interest related to the objectives of such section; and

(ii) transfer to such agencies for such purposes funds appropriated under this subtitle, and receive and use funds from such agencies for such purposes.

(B) RELATION TO PROGRAM PURPOSES.—Funds transferred or received pursuant to this paragraph shall be used only in accordance with statutes authorizing the appropriation of such funds. Such funds shall be made available through grants, contracts, or cooperative agreements only to recipients eligible to receive such funds under such statutes.

(C) PROCEDURES AND CRITERIA.—If the Secretary enters into an agreement under this subsection for the administration of a jointly funded project—

(i) the agreement shall specify which agency's procedures shall be used to award grants, contracts, or cooperative agreements and to administer such awards;

(ii) the participating agencies may develop a single set of criteria for the jointly funded project, and may require applicants to submit a single application for joint review by such agencies; and

(iii) unless the heads of the participating agencies develop joint eligibility requirements, an applicant for an award for the project shall meet the eligibility requirements of each program involved.

(2) LIMITATION.—The Secretary may not construe the provisions of this subsection to take precedence over a limitation on joint funding contained in an applicable statute.

SEC. 163. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the projects specified in this section $16,000,000 for fiscal year 2001, and such sums as may be necessary for each of fiscal years 2002 through 2007.

(b) USE OF FUNDS.—

(1) GRANTS, CONTRACTS, AND AGREEMENTS.—Except as provided in paragraph (2), the amount appropriated under subsection (a) for each fiscal year shall be used to award grants, or enter into contracts, cooperative agreements, or other agreements, under section 162.

(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of the amount appropriated under subsection (a) for each fiscal year may be used to provide for the administrative costs (other than compensation of Federal employees) of the Administration on Developmental Disabilities for administering this subtitle and subtitles B, C, and D, including monitoring the performance of and providing technical assistance to, entities that receive funds under this title.

(c) TECHNICAL ASSISTANCE FOR COUNCILS AND CENTERS.—

(1) IN GENERAL.—For each covered year, the Secretary shall expend, to provide technical assistance for entities funded under subtitle B or D, an amount from funds appropriated under subsection (a) that is not less than the amount the Secretary expended on technical assistance for entities funded under that subtitle (or a corresponding provision) in the previous fiscal year.

(2) COVERED YEAR.—In this subsection, the term ''covered year'' means—

(A) in the case of an expenditure for entities funded under subtitle B, a fiscal year for which the amount appropriated under section 129(a) is less than $76,000,000; and

(B) in the case of an expenditure for entities funded under subtitle D, a fiscal year prior to the first fiscal year for which the amount appropriated under section 156(a)(1) is not less than $20,000,000.

(3) REFERENCES.—References in this subsection to subtitle D shall not be considered to include section 153(c)(4).

(d) TECHNICAL ASSISTANCE ON ELECTRONIC INFORMATION SHARING.—In addition to any funds reserved under subsection (c), the Secretary shall reserve $100,000 from the amount appropriated under subsection (a) for each fiscal year to carry out section 153(c)(4).

(e) LIMITATION.—For any fiscal year for which the amount appropriated under subsection (a) is not less than $10,000,000, not more than 50 percent of such amount shall be used for activities carried out under section 161(2)(A).

TITLE II—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 201. FINDINGS.

Congress finds that—

(1) direct support workers, especially young adults, have played essential roles in providing the support needed by individuals with developmental disabilities and expanding community options for those individuals;

(2) 4 factors have contributed to a decrease in the available pool of direct support workers, specifically—

(A) the small population of individuals who are age 18 through 25, an age group that has been attracted to direct support work in the past;

(B) the rapid expansion of the service sector, which attracts individuals who previously would have elected to pursue employment as direct support workers;

(C) the failure of wages in the human services sector to keep pace with wages in other service sectors; and

(D) the lack of quality training and career advancement opportunities available to direct support workers; and

(3) individuals with developmental disabilities benefit from assistance from direct support workers who are well trained, and benefit from receiving services from professionals who have spent time as direct support workers.

SEC. 202. DEFINITIONS.

In this title:

(1) DEVELOPMENTAL DISABILITY.—The term ''developmental disability'' has the meaning given the term in section 102.

(2) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 1201 of the Higher Education Act of 1965 (20 U.S.C. 1141).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 203. REACHING UP SCHOLARSHIP PROGRAM.

(a) PROGRAM AUTHORIZATION.—The Secretary may award grants to eligible entities, on a competitive basis, to enable the entities to carry out scholarship programs by providing vouchers for postsecondary education to direct support workers who assist individuals with developmental disabilities residing in diverse settings. The Secretary shall award the grants to pay for the Federal share of the cost of providing the vouchers.

(b) ELIGIBLE ENTITY.—To be eligible to receive a grant under this section, an entity shall be—

(1) an institution of higher education;

(2) a State agency; or

(3) a consortium of such institutions or agencies.

(c) APPLICATION REQUIREMENTS.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

(1) the basis for awarding the vouchers;

(2) the number of individuals to receive the vouchers; and

(3) the amount of funds that will be made available by the eligible entity to pay for the non-Federal share of the cost of providing the vouchers.

(d) SELECTION CRITERIA.—In awarding a grant under this section for a scholarship program, the Secretary shall give priority to an entity submitting an application that—

(1) specifies that individuals who receive vouchers through the program will be individuals—

(A) who are direct support workers who assist individuals with developmental disabilities residing in diverse settings, while pursuing postsecondary education; and

(B) each of whom verifies, prior to receiving the voucher, that the worker has completed 250 hours as a direct support worker in the past 90 days;

(2) states that the vouchers that will be provided through the program will be in amounts of not more than $2,000 per year;

(3) provides an assurance that the eligible entity (or another specified entity that is not a voucher recipient) will contribute the non-Federal share of the cost of providing the vouchers; and

(4) meets such other conditions as the Secretary may specify.

(e) FEDERAL SHARE.—The Federal share of the cost of providing the vouchers shall be not more than 80 percent.

SEC. 204. STAFF DEVELOPMENT CURRICULUM AUTHORIZATION.

(a) FUNDING.—

(1) IN GENERAL.—The Secretary shall award funding, on a competitive basis, through a grant, cooperative agreement, or contract, to a public or private entity or a combination of such entities, for the development, evaluation, and dissemination of a staff development curriculum, and related guidelines, for computer-assisted, competency-based, multimedia, interactive instruction, relating to service as a direct support worker.

(2) PARTICIPANTS.—The curriculum shall be developed for individuals who—

(A) seek to become direct support workers who assist individuals with developmental disabilities or are such direct support workers; and

(B) seek to upgrade their skills and competencies related to being a direct support worker.

(b) APPLICATION REQUIREMENTS.—To be eligible to receive an award under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a comprehensive analysis of the content of direct support roles;

(2) information identifying an advisory group that—

(A) is comprised of individuals with experience and expertise with regard to the support provided by direct support workers, and effective ways to provide the support, for individuals with developmental disabilities in diverse settings; and

(B) will advise the entity throughout the development, evaluation, and dissemination of the staff development curriculum and guidelines;

(3) information describing how the entity will—

(A) develop, field test, and validate a staff development curriculum that—

(i) relates to the appropriate reading level for direct service workers who assist individuals with disabilities;

(ii) allows for multiple levels of instruction;

(iii) provides instruction appropriate for direct support workers who work in diverse settings; and

(iv) is consistent with subsections (b) and (c) of section 101 and section 109;

(B) develop, field test, and validate guidelines for the organizations that use the curriculum that provide for—

(i) providing necessary technical and instructional support to trainers and mentors for the participants;

(ii) ensuring easy access to and use of such curriculum by workers that choose to participate in using, and agencies that choose to use, the curriculum;

(iii) evaluating the proficiency of the participants with respect to the content of the curriculum;

(iv) providing necessary support to the participants to assure that the participants have access to, and proficiency in using, a computer in order to participate in the development, testing, and validation process;

(v) providing necessary technical and instructional support to trainers and mentors for the participants in conjunction with the development, testing, and validation process;

(vi) addressing the satisfaction of participants, individuals with developmental disabilities and their families, providers of services for such individuals and families, and other relevant entities with the curriculum; and

(vii) developing methods to maintain a record of the instruction completed, and the content mastered, by each participant under the curriculum; and

(C) nationally disseminate the curriculum and guidelines, including dissemination through—

(i) parent training and information centers funded under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1451 et seq.);

(ii) community-based organizations of and for individuals with developmental disabilities and their families;

(iii) entities funded under title I;

(iv) centers for independent living;

(v) State educational agencies and local educational agencies;

(vi) entities operating appropriate medical facilities;

(vii) postsecondary education entities; and

(viii) other appropriate entities; and

(4) such other information as the Secretary may require.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

(a) SCHOLARSHIPS.—There are authorized to be appropriated to carry out section 203 $800,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 through 2007.

(b) STAFF DEVELOPMENT CURRICULUM.—There are authorized to be appropriated to carry out section 204 $800,000 for fiscal year 2001 and such sums as may be necessary for each of fiscal years 2002 and 2003.

TITLE III—REPEAL

SEC. 301. REPEAL.

(a) IN GENERAL.—The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Sections 644(b)(4) and 685(b)(4) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)(4), 1484a(b)(4)) are amended by striking ''the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(2) NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.—Section 4(17)(C) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(17)(C)) is amended by striking ''as defined in'' and all that follows and inserting ''as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''.

(3) REHABILITATION ACT OF 1973.—

(A) Section 105(c)(6) of the Rehabilitation Act of 1973 (29 U.S.C. 725(c)(6)) is amended by striking ''the State Developmental Disabilities Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)'' and inserting ''the State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(B) Sections 202(h)(2)(D)(iii) and 401(a)(5)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 762(h)(2)(D)(iii), 781(a)(5)(A)) are amended by striking ''Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)'' and inserting ''Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(C) Subsections (a)(1)(B)(i), (f)(2), and (m)(1) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) are amended by striking ''part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(D) Section 509(f)(5)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 794e(f)(5)(B)) is amended by striking ''Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)'' and inserting ''Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(4) ASSISTIVE TECHNOLOGY ACT OF 1998.—

(A) Section 3(a)(11)(A) of the Assistive Technology Act of 1998 (29 U.S.C. 3002(a)(11)(A)) is amended by striking ''part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(B) Paragraphs (1) and (2) of section 102(a) of the Assistive Technology Act of 1998 (29 U.S.C. 3012(a)) are amended by striking ''Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)'' and inserting ''Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(5) HEALTH PROGRAMS EXTENSION ACT OF 1973.—Section 401(e) of the Health Programs Extension Act of 1973 (42 U.S.C. 300a–7(e)) is amended by striking ''or the'' and all that follows through ''may deny'' and inserting ''or the Developmental Disabilities Assistance and Bill of Rights Act of 2000 may deny''.

(6) SOCIAL SECURITY ACT.—

(A) Section 1919(c)(2)(B)(iii)(III) of the Social Security Act (42 U.S.C. 1396r(c)(2)(B)(iii)(III)) is amended by striking ''part C of the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(B) Section 1930(d)(7) of the Social Security Act (42 U.S.C. 1396u(d)(7)) is amended by striking ''State Planning Council established under section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, and the Protection and Advocacy System established under section 142 of such Act'' and inserting ''State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and the protection and advocacy system established under subtitle C of that Act''.

(7) UNITED STATES HOUSING ACT OF 1937.—Section 3(b)(3)(E)(iii) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)(iii)) is amended by striking ''developmental disability'' and all that follows and inserting ''developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''.

(8) HOUSING ACT OF 1949.—The third sentence of section 501(b)(3) of the Housing Act of 1949 (42 U.S.C. 1471(b)(3)) is amended by striking ''developmental disability'' and all that follows and inserting ''developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''.

(9) OLDER AMERICANS ACT OF 1965.—

(A) Section 203(b)(17) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(17)) is amended by striking ''Developmental Disabilities and Bill of Rights Act'' and inserting ''Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(B) Section 427(a) of the Older Americans Act of 1965 (42 U.S.C. 3035f(a)) is amended by striking ''part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(C) Section 429F(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3035n(a)(1)) is amended by striking ''section 102(5) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5))'' and inserting ''section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(D) Section 712(h)(6)(A) of the Older Americans Act of 1965 (42 U.S.C. 3058g(h)(6)(A)) is amended by striking ''part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.)'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(10) CRIME VICTIMS WITH DISABILITIES AWARENESS ACT.—Section 3 of the Crime Victims With Disabilities Awareness Act (42 U.S.C. 3732 note) is amended by striking ''term'' and all that follows and inserting the following ''term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''.

(11) CRANSTON-GONZALEZ NATIONAL AFFORDABLE HOUSING ACT.—The third sentence of section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)) is amended by striking ''as defined'' and all that follows and inserting ''as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''.

(12) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Section 670G(3) of the State Dependent Care Development Grants Act (42 U.S.C. 9877(3)) is amended by striking ''section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(13) PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986.—

(A) Section 102(2) of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10802(2)) is amended by striking ''part C of the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(B) Section 114 of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10824) is amended by striking ''section 107(c) of the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''section 105 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(14) STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 422(2)(C) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(2)(C)) is amended by striking ''as defined'' and all that follows and inserting ''as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, or''.

(15) ASSISTED SUICIDE FUNDING RESTRICTION ACT OF 1997.—

(A) Section 4 of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14403) is amended—

(i) by striking the section heading and inserting the following:

''SEC. 4. RESTRICTION ON USE OF FEDERAL FUNDS UNDER CERTAIN GRANT PROGRAMS.'';

and

(ii) by striking ''part B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act'' and inserting ''subtitle B, D, or E of the Developmental Disabilities Assistance and Bill of Rights Act of 2000''.

(B) Section 5(b)(1) of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14404(b)(1)) is amended by striking subparagraph (A) and inserting the following:

''(A) PROTECTION AND ADVOCACY SYSTEMS UNDER THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000.—Subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. LAZIO) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by thanking this House and, in particular, the chairman, the gentleman from Virginia (Mr. BLILEY), the ranking member, the gentleman from Michigan (Mr. DINGELL), and my colleague, the gentleman from Maryland (Mr. HOYER), for their help in bringing this bill to the floor on this very special day.

Mr. Speaker, today is the 10th anniversary of a landmark piece of civil rights legislation, the Americans with Disabilities Act. It is in that spirit that I rise in support of the Developmental Disabilities Assistance and Bill of Rights Act. This is good bipartisan legislation. It is legislation that reflects the spirit of enterprise and ingenuity that made America great. It is legislation that promotes self-sufficiency, productivity, and community integration for those who suffer from developmental disabilities.

This program provides basic State funding for local developmental disability councils. It provides State grants for advocacy and protection. It funds university-affiliated programs and programs of national significance, all of which are vital to the services needed for the disabled.

Mr. Speaker, those Americans who suffer from disabilities are no different from the rest of us. They have ambitions and goals and dreams and desires. They are people like Fred Klemm from Hauppauge, Long Island, who has a wife and two children. He was a dietary assistant, looking forward to going back to school, when disaster struck. Fred was found in the Atlantic Ocean at Smith Point County Park in Long Island after an accident on his jet ski. After four and a half months in the hospital, Fred was transported to a rehab center to begin his recovery.

Fred now lives in an assisted living apartment, and is being helped to relearn skills he will need to one day be able to live again independently. Mr. Speaker, Fred's rehabilitation is being conducted by the Long Island Head Injury Association. That is an independent not-for-profit group that receives disability act funding through one of the four programs reauthorized by this act, the basic States grants for developmental disability councils.

Last year this Chamber lead the fight to improve the lives of disabled Americans when we passed the Work Incentives Act. This allowed disabled Americans to become taxpayers, to go back to the workforce with the peace of mind and security to know that their health care was traveling with them. This new law removes an enormous obstacle in the path of disabled Americans who want to lead a life of self-sufficiency. Yet our task to help the disabled is not nearly complete. Disabled Americans need special services and support that will aid them in their quest to gain the pride that comes with work and independence.

Since 1963, Mr. Speaker, the Developmental Disabilities Assistance Act has helped America's most vulnerable citizens obtain the productivity that benefits both them and us. And it does so in a way that is consistent with principles of responsibility and restraint that are at the core of our world view.

This bill provides flexibility for States to fashion programs that respond to local problems. It is pro-family, by supporting the ability of families to rear and nurture their developmentally disabled children in their very own home. It is fiscally responsible, because most activities are implemented at the State level, with only an extremely small Federal agency to provide general oversight of this program. It provides accountability for measurable results in programs serving the disabled.

Mr. Speaker, we more fortunate Americans will be judged on how we care for the less fortunate among us. Let us offer a hand up to some of those who need it the very most. Let us reauthorize this program, and let us pass this bill.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, perhaps the two most important bills that were to be considered on the July 25 calendar have gone into July 26. We have the opportunity today, thanks to poor planning and bad priorities in this Congress, to celebrate the 10th anniversary of the legislation the gentleman from Maryland (Mr. HOYER) worked so effectively on and was, 10 years ago, signed into law, on July 26 of 1990. So congratulations to the gentleman from Maryland (Mr. HOYER) for his work, as well as to those Members of this Congress that were there then and helped pass this legislation.

Mr. Speaker, I rise in support of 4920, the Developmental Disabilities Assistance and Bill of Rights Act of 2000. I would like to congratulate both the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. STRICKLAND), my colleague, for their long-standing commitment to the 4.5 million Americans with developmental disabilities.

The Developmental Disabilities Act has provided the basis for America's disability policy since 1963. The programs addressed in this bill, Mr. Speaker, provide more than a safety net for Americans with developmental disabilities and their families. They are the catalysts that enable these individuals to seek independence in their education, in their lives, and in their work.

The legislation before us this morning reauthorizes funding for State councils for disabilities, protection and advocacy systems, and university centers for excellence in developmental disabilities in education and research and service. These programs continue to work with the States to broaden the scope of services and protection on an as-needed basis.

H.R. 4920 sets new accountability goals for the DDA programs by requiring each program to set measurable outcomes from which performance evaluations can occur.

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This will allow compliance within the Department of Health and Human Services with standards set by the Government Performance and Results Act.

What I am disappointed to see missing from this bill is the Families of Children With Disabilities Support Act of 1999, a provision championed by my tireless colleague in the Senate, Mr. HARKIN of Iowa. This provision passed the Senate last November 1999 to nothing. What this provision may have lacked in its size by comparison to the entire bill was more than made up by its critical importance to American families.

The Family Support Program extends funds to the States to establish and improve services for families electing to keep a relative with a developmental disability at home. This profamily program is necessitated by progress. Medical advances have both improved the health and lengthened the lives of individuals with developmental disabilities, placing new burdens on aging parents and existing resources.

Yet, the bill we are voting on this morning is marred by the absence of this provision due to procedural tactics being used by members of the Committee on Education and the Workforce.

As we gather in this Chamber on the 10th anniversary of the ADA, the Americans with Disabilities Act, our collective celebration of the freedom and progress its fostered for so many Americans and their families is tempered and diminished without this very important, crucial provision. Not standing behind the families of individuals with developmental disabilities will eventually affect every component of the developmental disabilities community infrastructure.

While I am pleased to support this important legislation to sustain the great strides made by Americans with developmental disabilities, I remain committed, Mr. Speaker, to working in conference to restore the families support protections title to the final bill.

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

Mr. LAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Ohio (Mr. BROWN) has raised a point about title 2, and I have to share his opinion that it is unfortunate that we do not have title 2, but as the gentleman well knows, it was the only way to get this bill on the floor today to move this and we are going to be readdressing this issue.

I strongly support grants to States to provide family support programs. It is much more cost effective. As the gentleman knows, it is better on the whole

to an individual with developmental disability to reside in their own home.

And while the bill does not provide for such grants, I would say it is unfortunate, but not a core issue to the bill. And I want to commit to this House and to the gentleman from Ohio (Mr. BROWN) that I will fight diligently for such programs in the ensuing conference committee. But, again, it was the only way for us to be able to address this bill at this time, and I physically expect to have this included by the time we get a conference report back from the House.

The second thing I would note, during negotiations on this bill, we have heard from the voice of the retarded. They are concerned that this bill will in some way lead to the profoundly retarded being denied their choice of residential facility. As somebody who has worked very hard for housing for the disabled, I have to tell my colleagues this is of acute interest to me.

Mr. Speaker, I would like the RECORD to reflect that it is in no way the intent of this Member or this body to facilitate or thwart any State trends relating to the closure of institutions. I stand willing to work with the VOR in the implementation of this act.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield 9 minutes to the gentleman from Maryland (Mr. HOYER), one of the real leaders in the House on this whole issue of the Americans with Disabilities Act, and he has continued that leadership in the decade since.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN), my friend, the distinguished ranking member of the subcommittee who does such an outstanding job on behalf of health of all Americans on this subcommittee.

I am also pleased to join the gentleman from New York (Mr. LAZIO) in cosponsoring this particular piece of legislation. Mr. Speaker, I had the great honor 11½ years ago of getting involved with members of the disability community and Members of this House and, in particular, a Member of the Republican side of the aisle, Steve Bartlett from Texas, who worked on the passage of the Americans with Disabilities Act.

It took us approximately 2 years or perhaps a little longer from the initial introduction to its passage and to the signing by President George Bush on July 26, 1990. Because of the length of today's session, we have moved from the eve of that signing to the day of that signing.

Today is the 10th anniversary of the Americans with Disabilities Act. That act has properly been called I think the most significant civil rights act passed since 1965. From 1965 to 1990, it was a long time, a quarter of a century in which we saw a significant segment of our population discriminated against based upon their disability. What the Americans with Disabilities Act said very loudly, clearly and powerfully was that what we need to do in America is look at people's ability, not their disability.

Mr. Speaker, we need to look at what people can do, what they can contribute to a better America, and to a better life for themself. And what we said was as it is wrong in America to discriminate against people because of their race or their religion or national origin, it is also wrong to discriminate against Americans based upon a disability that we needed to look in a nondiscriminatorily way at what could be done by individuals, what contribution they could make in employment, in education, in transportation, in communication, in public accommodations, in every area of our society.

That bill, as we look at its performance 10 years hence, has been a success. It has not been a total success. There still is a long way to go. Tony Coehlo, who was the principal sponsor before he left, and I really took over his responsibility. When he left in 1989, Tony Coehlo made the point today that we had come a long way, but we still had a long way to go.

Another hero of the Americans with Disabilities Act, Justin Dart. I am sure that many of my colleagues know Justin Dart was there today, wheelchair bound and constricted by physical disability, but with a spirit that is unconstrained by any physical disability, a spirit that soars and impels all of us to understand the possibilities that life can present if one has the will to take those possibilities.

Having said that, Mr. Speaker, I am pleased to be here tonight to join the gentleman from New York (Mr. LAZIO) and the gentleman from Ohio (Mr. BROWN) and others in supporting the passage of the Developmental Disabilities Act.

Mr. Speaker, that act is a cornerstone of the disability policy and has been in place since 1963, as has been pointed out, and was a forerunner of the Americans with Disabilities Act, and in many ways was the genesis of that act.

It has not been substantially reauthorized since 1994, and it is in need of some updating. Just as our technology and science evolves everyday, so do the strategies for reaching, engaging, and assisting individuals with developmental disabilities.

Individuals with developmental disabilities often have multiple evolving lifelong needs, Mr. Speaker, that require interaction with agencies and organizations that offer specialized assistance, as well as interaction with generic services in their communities.

The Developmental Disability Act seeks to provide, as I said, a voice for those with disabilities as they negotiate the complicated system of public services policies and organizations that we currently have in place. The act seeks to provide families with the knowledge and tools they need to help individuals with developmental disabilities become integrated and included in their communities.

It seeks to foster true independence for those with developmental disabilities, and it provides support to protect them from abuse and neglect, something clearly that all of us would want.

This has been a long and arduous road for the act. The Senate worked tirelessly with the disability community on this bill to ensure that all voices were heard. They were, and as a result, the Senate passed its version with title 2 included, 99 to zero.

□ 0030

The version of the act that we are considering tonight is somewhat different, as has been referenced. The act that my colleague from New York (Mr. LAZIO) and myself introduced yesterday, along with the support of the gentleman from Virginia (Mr. BLILEY), the gentleman from Michigan (Mr. DINGELL), the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) included three titles. Unfortunately, this one includes only two.

While I rise in strong support of this bill, I would also like to reinforce my commitment to the segment of this bill that was struck by amendment. The gentleman from New York (Mr. LAZIO) has already done so, and I look forward to working with him and the gentleman from Ohio (Mr. BROWN) in seeing passage of that title that is not in this bill at this point in time.

Title II of the act would have authorized a funding to states for support of families that have individuals with developmental disabilities. That, unfortunately, was struck from the bill. I regret that we were unable to get agreement on including this section, which is in the jurisdiction of the Committee on Education and Workforce. Hopefully, hopefully, before we adjourn for the year, we will be able to pass a bill that includes that section.

Obviously, it was a difficult decision for many of us to drop this section, as funding to states for family support was and is an important provision in this bill, but we did not want to risk losing the rest of the act as well. As my colleagues have already stated, we intend to work very hard to have family support placed back into the Developmental Disabilities Act during conference.

Mr. Speaker, I rise in strong support of this bill. It is especially appropriate that we pass it today on the anniversary of the 10th year since passing and signage of the Americans with Disabilities Act, an act which said to every American, now 58 million of us who have a disability of some type or another, said to those 58 million people that the door of opportunity, the door to empowerment, is open to you. You have to take the steps, or roll the chair, or in some way get there, but we are going to make sure the door is open for you, and we are going to make sure that we take reasonable steps, we call

them ''reasonable accommodations,'' that can be done within the framework of reasonable expenses to make sure that the American dream is yours as well, notwithstanding the fact that you may have a disability that some of the rest of us do not have.

Passage of this bill tonight is another statement of this Congress to a commitment for empowerment and inclusion of all Americans, irrespective of some arbitrary and capricious distinction we might draw which might otherwise shut them out of enjoying the American dream.

Mr. Speaker, I am pleased to have had this opportunity to cosponsor and to speak in support of the passage of this bill tonight.

Mr. Speaker, tonight we commemorate the enactment of the most sweeping civil rights legislation since the Civil Rights Act of 1964.

Ten years ago tomorrow—on July 26, 1990—President Bush signed the historic ''Americans With Disabilities Act'' into law.

This bipartisan legislation prohibits discrimination against more than 50 million disabled Americans—in employment, in public services, in transportation, in public accommodations and in services operated by private entities.

The ADA sent an unmistakable—and long overdue—message to all Americans: It is unacceptable to discriminate against the disabled—to relegate our brothers and sisters to the sideline of our society—simply because they are disabled.

It is unacceptable and, under the ADA, it is illegal.

The disabled belong to the American family, and must share in all we have to offer: equality of opportunity, full participation, independent living and economic self-sufficiency.

I will never forget the President's words on July 26, 1990—nor the setting.

More than 2,000 advocates for the disabled—some in wheelchairs, some with interpreters, some with seeing-eye dogs—joined the President, Members of Congress and others in the hot summer sun on the South Lawn of the White House.

Some worried that the heat would cause the disabled too many medical problems. But the disabled—who have suffered so many indignities, so many unjustified acts of discrimination over the years—insisted on a major outdoor ceremony.

And they deserved it.

Mr. Speaker, as the lead sponsor of the ADA in this House, that day stands out as one of my proudest—especially when President Bush told those gathered:

''Every man, woman and child with a disability can now pass through once-closed doors into a bright new era of equality, independence and freedom. Let the shameful wall of exclusion finally come tumbling down.''

I would be remiss tonight if I did not mention the tireless efforts of our former colleague in this House and my dear friend, Tony Coelho, on behalf of the disabled and the ADA.

As many of you know, Tony now chairs the President's Committee on Employment of People with Disabilities. You also may know that he has epilepsy.

However, you may not be aware of the discrimination he has overcome. When Tony's epilepsy was discovered some years ago, he was expelled from the seminary where he was studying to become a priest, he had his driver's license revoked, and his insurance company canceled his health coverage.

Simply because he had a disability.

Today, because of the ADA, that type of unjustified and indefensible discrimination is outlawed in America—as it should be.

I also want to thank and commend an organization in my District that now serves more than 2,000 people with developmental disabilities. Melwood, a non-profit organization based in Upper Marlboro, Maryland, has assisted the disabled for 35 years. Today, it is a national model in the areas of training, employment, housing and recreation.

There's no doubt that the ADA has promoted progress. The signs are everywhere—ramps, curb cuts, braille signs, captioned TV programs, and bus lifts.

So many disabled Americans have moved into the mainstream of American life, holding down good paying jobs in a New Economy where information and knowledge are key.

But while we commemorate the ADA tonight, let's not kid ourselves: Tomorrow we must roll up our sleeves and continue to build the house of opportunity and equality that we began 10 years ago.

While the unemployment rate in our country hovers around 4 percent, unemployment among disabled Americans remains unacceptably high.

Just last week, the National Organization on Disability released the findings from a Harris Survey of Americans with and without disabilities, and those findings demonstrate how much work we have left to do.

Only 32 percent of disabled people of working age work full or part time compared to 81 percent of non-disabled Americans;

More than two-thirds (67 percent) of the disabled who are not employed say they would prefer to work; and

People with disabilities are nearly three times as likely as those without disabilities to live in households with total incomes of $15,000 or less.

The Harris Survey also found that large gaps exist between people with and without disabilities with regard to education, access to transportation, health care, socializing, attendance at religious services, political participation, and life satisfaction.

Many of these measures, of course, are directly linked to employment. We know that a good job is the key to independence and self-sufficiency.

Thus, I believe we should implement nothing short of a comprehensive national strategy to address this unemployment crisis and continued cycle of dependency.

First, we must continue to make sure that government programs empower citizens and encourage them to seek employment in the private sector. For example, the Ticket to Work and Work Incentive Act, which extends Medicare coverage for disabled recipients who work, did just that. For too many, the fear of losing health insurance has proved to be a deterrent to work.

We also must redouble our commitment to the public-private partnerships created during the last 10 years to expand employment opportunities.

Further, in the New Economy, we must encourage disabled Americans to develop their technological skills. Information and knowledge—rather than brawn—are power and hold much promise for the disabled. Thus, we need to improve education, job training and rehabilitation programs.

Additionally, we must address the criticisms and recommendations contained in a recent report by the National Council on Disability. That report found that the impact of the ADA has been diminished by the lack of a cohesive, pro-active enforcement strategy. One of the Council's principal recommendations is to direct the Department of Justice to develop a strategic vision and plan for ADA enforcement across federal agencies.

Finally, we can take a big step in renewing our commitment to disabled Americans by passing the Development Disabilities Reauthorization Act this week before Congress breaks for its summer recess. This law is the cornerstone of disability policy, paving the way for the ADA 10 years ago and providing services, support, information and training for disabled Americans.

These issues must be addressed if the ADA is going to fulfill its promise.

So as we gather today to commemorate this historic law, let's recognize all that we've accomplished; let's renew our commitment to the principles and spirit of the ADA; and let's realize that our work is not done.

The ADA allowed us to tear down the wall of exclusion and pour a strong foundation for the House of Equality. But that House—in which Americans are judged by their ability and not their disability—is still being built.

The promise remains unfulfilled, but still is within reach. Let's not rest until we complete what we began 10 years ago.

Mr. LANTOS. Mr. Speaker, ten years ago this month the Congress adopted the Americans with Disabilities Act (ADA). I am honored to have been a Member of the Congress at that time and to have enthusiastically supported the adoption of that legislation.

As you know, Mr. Speaker, the ADA is an historic civil rights law that opened the doors to mainstream life for millions of Americans with disabilities. The ADA has been a great success in helping the disabled enter the work force, and it has helped changed the attitudes of Americans towards the disabled.

While there is still work left to be done to accomplish the goals we established in the Americans with Disabilities Act, on the tenth anniversary of the passage of that law I would like to acknowledge the importance of this legislation and its implementation in changing attitudes towards the disabled over the past decade. Partly as a result of the ADA, we now live in a society that has become more open-minded and accepting of people with disabilities.

This change in attitudes has been greatest in the employment of persons with disabilities, where it was feared

by many that inclusion would be too costly. As a result of the ADA, businesses are employing more disabled Americans than ever before, and employers have fund that the costs of accommodating the disabled are small, while the gains have been great. These changes are a clear signal that the ADA has helped secure for the disabled one of the most fundamental rights we as citizens in a democracy cherish: the right to pursue a career and earn a living wage.

Mr. Speaker, before the adoption of the ADA, disabled workers were considered to be more expensive than what they could offer because accommodating them was considered to be too costly by employers. Since the Americans with Disabilities Act has passed, however, this attitude has changed. Research has shown a majority of people making hiring decisions—top executives and managers—now realize that hiring the disabled is good for the bottom line. The passage and implementation of the ADA has helped employers and employees realize that the disabled have much to offer in terms of creating economic wealth for our nation.

On this 10th Anniversary of the adoption Americans with Disabilities Act, we can also celebrate the success in changing popular attitudes toward the disabled. Now millions of Americans function side-by-side with disabled coworkers. They now know first hand that disabilities are not an obstacle to making a contribution in the workplace and in society generally.

However, even with these successes, there is still important work to be done. Despite the increase in the number of disabled in the workforce, currently there is still a high level of unemployment among the disabled. Compounding the problem, under current law, if people with disabilities work and earn over $500 per month, they lose cash payments and health care coverage under Medicaid or Medicare. We need to find solutions that do not penalize the disabled for becoming self-sufficient. These problems are among many difficulties we need to continue to work on in our fight to achieve the goals of the ADA.

Mr. Speaker, a recent study released by the National Organization on Disability reveals persistent gaps in levels of participation between people with disabilities and other Americans in employment, income, education, socializing, religious and political participation, and access to healthcare and transportation. The study revealed that while those with disabilities continue to lag other Americans generally, we have made encouraging progress in many areas—especially among younger people with disabilities and among those with less severe disabilities. We must do much more to unleash the talents and abilities of all our citizens with disabilities who want to work and to participate and contribute to the richness of our nation. Large numbers of people with disabilities report conditions have improved and this reflects the efforts by the disability community, employers, and community leaders, as well as advances in technology and greater access as a result of the enactment of the ADA.

Mr. Speaker, as we mark the 10th anniversary of the Americans with Disabilities Act and the 25th anniversary of the Individuals with Disabilities Education Act (IDEA) I urge my colleagues and all Americans to join in recommitting ourselves to the goals of equality of opportunity, full participation, independent living and economic self-sufficiency for all peoples with disabilities as specified in the Americans with Disabilities Act and the Individuals with Disabilities Education Act. This requires us to assure adequate funding for monitoring, oversight and enforcement of these laws.

Our Nation needs to harness the potential of all its citizens so that our economy can continue to grow, our labor force can face the challenges on the horizon, and we can continue to be a model of diversity and inclusion for the world. We cannot allow an individual's disability to limit a person's ability to make choices, pursue meaningful careers or participate fully in all aspects of American life.

Mr. THOMPSON of California. Mr. Speaker, today I recognize the outstanding achievements accomplished since the inception of the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA). Tomorrow, July 26, 2000, marks the 10th anniversary of ADA and the 25th anniversary of IDEA.

I also urge public leaders across this nation, Mr. Speaker, to join me and take this opportunity to publicly dedicate themselves to the ideas and principles that inform ADA and IDEA.

These two historic civil rights laws have provided 54 million individuals with disabilities the opportunity to learn, work and be fully integrated members of our society. Today, millions of children are receiving free education due to IDEA and millions of adults have their basic rights protected under ADA.

ADA is one of the most sweeping civil rights laws providing nondiscrimination protection for individuals with disabilities. Protections include rights in all aspects of employment, transportation services, building accessibility and communication capabilities. TTY devices alone have revolutionized the way individuals with hearing impairment communicate.

To recognize the 10th Anniversary of ADA, a ''Spirit of ADA Campaign'' has been created by the American Association of People with Disabilities, highlighted by a cross-country Torch Relay. This event kicked off in Houston, Texas on February 24th of this year, and will continue through the beginning of November.

The Campaign and many other dedicated advocacy groups continue to bring attention to the achievements and contributions of disabled children and adults. They are committed to strengthening relationships and coalitions between disabled people and their communities, and to reinforcing support for ADA and IDEA's goals by renewing America's commitments to both. By reaching out to children, adults, and communities as a whole, these organizations connect and involve countless Americans living with disabilities.

Mr. Speaker, this remarkable anniversary provides our colleagues and other public officials the opportunity to rededicate ourselves to the principles and goals of ADA and IDEA. In my congressional district, Community Resources for Independence of Napa and Sonoma counties are hosting an open house where special presentations will be made and local elected officials will be signing a petition rededicating themselves to the ideals of ADA and IDEA. It is appropriate and proper for public officials to follow this example and recognize the 10th Anniversary of ADA and the 25th Anniversary of IDEA, and the great progress made since the enactment of these two monumental pieces of legislation.

Mr. BROWN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TANCREDO). The question is on the motion offered by the gentleman from New York (Mr. LAZIO) that the House suspend the rules and pass the bill, H.R. 4920, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4920.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT

Mr. LAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 34 minutes a.m.), the House adjourned until today, Wednesday, July 26, 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:

9298. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Fenbuconazole; Extension of Tolerances for Emergency Exemptions [OPP–301021; FRL–6596–6] (RIN: 2070–AB) received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9299. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the Department's annual report on the Defense Environmental Quality Program for Fiscal Year 1999, pursuant to 10 U.S.C. 2706(b)(1); to the Committee on Armed Services.

9300. A letter from the Principal Deputy Under Secretary, Policy, Department of Defense, transmitting the Cooperative Threat Reduction Multi-Year Program Plan Fiscal Year 2000, pursuant to Public Law 103—337, section 1314(a) (108 Stat. 2895); to the Committee on Armed Services.

9301. A letter from the Secretary of Defense, transmitting the Annual Report of the Reserve Forces Policy Board for Fiscal Year 1999, pursuant to 10 U.S.C. 113 (c) and (e); to the Committee on Armed Services.

9302. A letter from the Assistant Secretary, Health Affairs, Department of Defense,

transmitting a interim summary report of activities to date to outline plans for completing the final report as required by the FY98 Emergency Supplemental Appropriations Act; to the Committee on Armed Services.

9303. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting an update on the pilot program for revitalization of Department of Defense laborities; to the Committee on Armed Services.

9304. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of admiral on the retired list of Admiral Jay L. JOHNSON; to the Committee on Armed Services.

9305. A letter from the Secretary of Defense, transmitting a report entitled, ''Joint Demilitarization Technology Program''; to the Committee on Armed Services.

9306. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Prompt Corrective Action; Risk-Based Net Worth Requirement—received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9307. A letter from the Office of Postsecondary Education, Department of Education, transmitting Final Regulations——Student Assistance General Provisions, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and State Incentive Grant Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

9308. A letter from the Assistant Secretary for Elementary and Secondary Education, Department of Education, transmitting the Department's final rule— Safe and Drug-Free Schools and Communities National Programs-Federal Activities Grants Program-The Challenge Newsletter—received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9309. A letter from the Assistant Secretary for Elementary and Secondary Education, Department of Education, transmitting the Department's final rule— Office of Elementary and Secondary Education-—Safe and Drug-Free Schools and Communities National Programs-—Federal Activities-—Grant Competetion to Prevent High-Risk Drinking and Violent Behavior Among College Students— received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9310. A letter from the Office of Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—School Improvement Programs Native Hawaiian Curriculum Development, Teacher Training and Recruitment Program—received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9311. A letter from the Assistant Secretary, Elementary and Secondary Education, Department of Education, transmitting the Department's final rule— Notice of Final Priority, Eligible Applicants, and Selection Criteria— received June 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9312. A letter from the Chairperson, National Commission on Libraries and Information Science, transmitting a report on the Commission's activities, pursuant to 20 U.S.C. 1504; to the Committee on Education and the Workforce.

9313. A letter from the Financial Assistant Secretary, Department of the Treasury, transmitting the annual report of material violations or suspected material violations of regulations of the Secretary, pursuant to 31 U.S.C. 3121 nt.; to the Committee on Commerce.

9314. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency & Renewable Energy, Department of Energy, transmitting the Department's final rule—Energy Savings Performance Contracting; Technical Amendments (RIN: 1904–AB07) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9315. A letter from the Assistant General Counsel for Regulatory Law Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Electric and Hybrid Vehicle Research, Development, and Demonstration Program; Petroleum-Equivalent Fuel Economy Calculation [Docket No. EE-RM–99–PEF] (RIN 1904–AA40) received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9316. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule—Facsimile Transmission of Prescriptions for Patients Enrolled in Hospice Programs [DEA–1901] (RIN: 1117–AA54) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9317. A letter from the Small Business Advocacy Chair, Enviromental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Revisions to COMAR 26.11.12 Control of Batch Type Hot-Dip Galvanizing Installations [MD042–3051; FRL–6838–3] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9318. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—New Stationary Sources; Supplemental Delegation of Authority to the State of North Carloina [NC-AT–2000–01; FRL–6728–8] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9319. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Approval of Revisions to Volatile Organic Compounds Regulations [PA158–4103a; FRL–6735–7] received July, 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9320. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California——Santa Barbara [CA–225–0230; FRL–6731–4] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9321. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Commonwealth of Virginia: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6840–9] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9322. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District and South Coast Air Quality Management District [CA 013–0139; FRL 6729–8] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9323. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6841–3] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9324. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District and the Kern County Air Pollution Control District [CA 105–0242; FRL–6733–6] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9325. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—New Stationary Sources; Supplemental Delegation of Authority to the States of Alabama, Florida, Georgia and Tennessee and to Nashville-Davidson County, Tennessee [FRL–6728–9] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9326. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Final Authorization of State Hazardous Waste Management Program Revision [FRL–6840–7] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9327. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Revisions to Emergency Episode Plan Regulations [TX–125–1–7463a; FRL–6840–3] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9328. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Agency's final rule—Antitrust Review Authority: Clarification (RIN:3150–AG38) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9329. A letter from the Secretary of Energy, transmitting the Strategic Petroleum Reserve Plan (the Plan) Amendment No. 6—Regional Distillate Reserve in the Northeast; to the Committee on Commerce.

9330. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as a danger pay location for Eritrea, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

9331. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendments to the International Traffic in Arms Regulation: NATO Countries, Australia and Japan—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9332. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on ''Overseas Surplus Property''; to the Committee on International Relations.

9333. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of a report entitled, ''Certification Review of the Washington Convention Center Authority's Projected Revenues to meet Projected Operated and Debt Service Expenditures and Debt Service Expenditures and Reserve Requirements for Fiscal Year 2001,'' pursuant to D.C. Code section 1—233(c)(1); to the Committee on Government Reform.

9334. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: April 2000 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

9335. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: May 2000 Reports, Testimony, Correspondance, and Other Publications; to the Committee on Government Reform.

9336. A letter from the Inspector General, Office of Personnel Management, transmitting the semiannual report on activities of the Inspector General for the period of October 1, 1999, through March 31, 2000, and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9337. A letter from the Chairman, Postal Rate Commission, transmitting 1999 International Mail Volumes, Costs and Revenues; to the Committee on Government Reform.

9338. A letter from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on Internal Controls and the 1999 Audited Financial Statements, pursuant to Public Law 101—73, section 511(a) (103 Stat. 404); to the Committee on Government Reform.

9339. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule— Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D-—2000–2001 Subsistence Taking of Fish and Wildlife Regulations [RIN: 1018–AF74; RIN: 1018–AG03] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9340. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 071400B] received July 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

0. A letter from the transmitting ; to the Committee on Resources.

9341. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill entitled, the ''Collateral Modernization Act of 2000''; to the Committee on the Judiciary.

9342. A letter from the Director, Policy Directives and Instructions Branch, Department of transmitting the Department's final rule—Delegation of the Adjudication of Certain Temporary Agricultural Worker (H–2A) Petitions, Appellate and Revocation Authority for Those Petitions to the Secretary of Labor [INS No. 1946–98, AG Order No. 2313–2000] (RIN:1115–AF29) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9343. A letter from the Director, Policy Directives and Instructions Branch, Department of transmitting the Department's final rule— Implementation of Hernandez v. Reno Settlement Agreement; Certain Aliens Eligible for Family Unity Benefits After Sponsoring Family Member's Naturalization; Additional Class of Aliens Ineligible for Family Unity Benefits [INS No. 1823–96] (RIN:1115–AE72) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9344. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the 1999 Annual Report of the Office of the Police Corps and Law Enforcement Education; to the Committee on the Judiciary.

9345. A letter from the Deputy Administrator, National Highway Traffic Safety Administration, Department of Transportation, transmitting a report entitled, ''Update on the Status of Splash and Spray Suppression Technology for Large Trucks''; to the Committee on Transportation and Infrastructure.

9346. A letter from the Small Business Advocacy Chair, Environmental Protection Agency, transmitting the Agency's final rule—FY2001 Wetlands Program Development Grants [FRL–6838–7] received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9347. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Acquisition Planning—received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9348. A letter from the Director, Office of Regulations Management, Department of Veterans transmitting the Department's final rule—Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900–AJ89) received July 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9349. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule—Unemployment Insurance Program Letter 41–98, change 1–Application of the Prevailing Conditions of Work Requirement-Questions and Answers—received July 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9350. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Rescission of Social Security Acquiesance Ruling 93–2(2) and 87–4(8)—received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9351. A letter from the Secretary of Energy, transmitting the Twelfth Annual Report entitled, ''Comprehensive Environmental Response, Compensation and Liability Act''; jointly to the Committees on Commerce and Transportation and Infrastructure.

9352. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Progress made toward opening the United States Embassy in Jerusalem and notification of Suspension of Limitations Under the Jerusalem Embassy Act [Presidental Determination No. 2000–24], pursuant to Public Law 104—45, section 6 (109 Stat. 400); jointly to the Committees on International Relations and Appropriations.

9353. A letter from the Administrator, U.S. Agency for International Development, transmitting the quarterly update of the report required by Section 653(a) of the Foreign Assistance Act of 1961, as amended, entitled ''Development Assistance and Child Surval/Diseases Program Allocations-FY 2000''; jointly to the Committees on International Relations and Appropriations.

9354. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's ''CERTIFICATION TO THE CONGRESS: Regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations,'' pursuant to Public Law 101—162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

9355. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the 21st Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts, pursuant to 45 U.S.C. 231f—1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

9356. A letter from the Commissioner of Social Security, transmitting a draft bill to make amendments to the Supplemental Security Income (SSI) program in support of the President's fiscal year 2001 budget with respect to the Social Security Administration; jointly to the Committees on Ways and Means, the Judiciary, Commerce, Veterans' Affairs, and the Budget.

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. TALENT: Committee on Small Business. H.R. 4464. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to make grants and to enter into cooperative agreements to encourage the expansion of business-to-business relationships and the provision of certain information; with an amendment (Rept. 106–784). Referred to the Committee of the Whole House on the State of the Union.

Mr. ISTOOK: Committee on Appropriations. H.R. 4942. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–786). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2462. A bill to amend the Organic Act of Guam, and for other purposes; with an amendment (Rept. 106–787). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 4807. A bill to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes; with an amendment (Rept. 106–788). Referred to the Committee of the Whole House of the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4868. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes; with an amendment (Rept. 106–789). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 563. Resolution providing for consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–790). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2348. A bill to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; with an amendment (Rept. 106–791). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4320. A bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; with and amendment (Rept. 106–792). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISTOOK:

H.R. 4942. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. BARTLETT of Maryland:

H.R. 4943. A bill to amend the Small Business Act to require that certain acquisitions of goods and services be from small business concerns and to authorize certain acquisitions using a governmentwide commercial purchase card, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Government Reform, 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. MANZULLO:

H.R. 4944. A bill to amend the Small Business Act to permit the sale of guaranteed loans make for export purposes before the loans have been fully disbursed to borrowers; to the Committee on Small Business.

By Mr. TALENT (for himself, Ms. VELAZQUEZ, Mr. ENGLISH, Mrs. BONO, Mr. DAVIS of Illinois, Mr. SWEENEY, Ms. MILLENDER-MCDONALD, Mrs. CHRISTENSEN, Ms. BERKLEY, and Mr. WYNN):

H.R. 4945. A bill to amend the Small Business Act to strengthen existing protections for small business participation in the Federal procurement contracting process, and for other purposes; to the Committee on Small Business.

By Mr. SWEENEY (for himself, Mr. TALENT, Mr. ENGLISH, and Mr. MCINTOSH):

H.R. 4946. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. BECERRA:

H.R. 4947. A bill to amend the 21st Century Community Learning Centers Act to include public libraries; to the Committee on Education and the Workforce.

By Mr. DOOLEY of California (by request):

H.R. 4948. A bill to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation; to the Committee on Resources.

By Mr. WAXMAN (for himself, Mr. GEPHARDT, Mr. DINGELL, Mr. STARK, Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. FORBES, Mr. HOLT, Mr. LANTOS, Ms. LEE, Mr. BLAGOJEVICH, Mr. HINCHEY, and Mr. WYNN):

H.R. 4949. A bill to amend title XIX of the Social Security Act to improve the quality of care furnished in nursing homes; to the Committee on Commerce.

By Mr. GREENWOOD (for himself, Mr. DEUTSCH, Mr. BURR of North Carolina, Mr. STRICKLAND, Mr. TAUZIN, Mr. MCGOVERN, Mrs. JOHNSON of Connecticut, and Ms. KAPTUR):

H.R. 4950. A bill to amend title XVIII of the Social Security Act to increase the proportion of charges Medicare recognizes for mental health services furnished to qualified Medicare beneficiaries who reside in congregate residences; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREENWOOD (for himself, Mr. DOOLEY of California, Mr. SHERWOOD, Mr. BAKER, Mr. PETERSON of Minnesota, Mr. ENGLISH, Mr. TOOMEY, Mr. HOBSON, Mr. TAUZIN, Mr. FOLEY, Mr. HOLDEN, Mr. PETERSON of Pennsylvania, Mr. BRYANT, Mr. BILBRAY, Mr. RAMSTAD, Mr. SHAYS, Mr. CAMPBELL, and Mr. VITTER):

H.R. 4951. A bill to amend part C of title XVIII to stabilize the MedicareChoice Program by improving the methodology for the calculation of MedicareChoice payment rates, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 4952. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of paramedic intercept services provided in support of public, volunteer, or non-profit providers of ambulance services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. DEAL of Georgia, Mr. HOLDEN, Mr. BAKER, Mr. GOODE, Mr. FROST, Mr. DELAHUNT, Mr. BAIRD, Mr. HALL of Texas, Ms. BALDWIN, Mr. MCINTYRE, Mr. BOSWELL, Mr. TURNER, Mr. POMEROY, Ms. HOOLEY of Oregon, Mr. MINGE, Mr. ETHERIDGE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. BLUMENAUER, Mrs. CAPPS, Ms. STABENOW, Mr. SNYDER, Mr. KILDEE, Mr. SAWYER, Mr. VISCLOSKY, Mr. JOHN, Mr. SANDLIN, Mr. BERRY, and Mr. STUPAK):

H.R. 4953. 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 Commerce.

By Ms. MCCARTHY of Missouri (for herself, Ms. DANNER, Mr. MOORE, and Mr. SKELTON):

H.R. 4954. A bill to ensure that law enforcement agencies determine, before the release or transfer of a person, whether that person has an outstanding charge or warrant, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN of Virginia:

H.R. 4955. A bill to amend title 49, United States Code, to allow States to regulate tow truck operations; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE:

H.R. 4956. A bill to increase the amount of student loans that may be forgiven for service as a teacher in a school with a high concentration of low-income students; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. WATTS of Oklahoma, Mr. PAYNE, and Mrs. JOHNSON of Connecticut):

H.R. 4957. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Resources.

By Ms. SLAUGHTER (for herself and Mr. BARTON of Texas):

H.R. 4958. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for a portion of the cost of converting from the use of heating oil to natural gas or to a renewable energy source; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. JEFFERSON, and Mr. ENGLISH):

H.R. 4959. A bill to amend the Internal Revenue Code of 1986 to modify the depreciation of property used in the generation of electricity; to the Committee on Ways and Means.

By Mr. THOMPSON of California:

H.R. 4960. A bill to extend the King Range National Conservation Area boundary in the State of California to include the Mill Creek Forest; to the Committee on Resources.

By Mr. HINCHEY:

H. Con. Res. 380. Concurrent resolution expressing the sense of the Congress with respect to the relationship between eating disorders in adolescents and young adults and certain practices of the advertising industry; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. RUSH and Ms. DANNER.
H.R. 266: Mrs. MALONEY of New York.
H.R. 284: Mr. SANDERS, Mr. ROHRABACHER, and Mr. MCGOVERN.
H.R. 303: Ms. DEGETTE and Mr. COYNE.
H.R. 362: Ms. HOOLEY of Oregon.
H.R. 464: Mr. SOUDER.
H.R. 531: Mr. COOKSEY.
H.R. 534: Mr. BISHOP.
H.R. 632: Mr. LAMPSON and Mr. KING.
H.R. 804: Mrs. CHENOWETH-HAGE.
H.R. 864: Mr. MOLLOHAN.
H.R. 914: Mr. TIERNEY.
H.R. 922: Mr. MALONEY of Connecticut and Mr. OSE.
H.R. 1093: Mr. GREEN of Wisconsin and Mr. SAXTON.
H.R. 1116: Mr. LATOURETTE.
H.R. 1160: Mr. CAMP.
H.R. 1194: Mr. PETERSON of Pennsylvania.
H.R. 1285: Mr. SMITH of New Jersey.
H.R. 1532: Mr. UNDERWOOD.
H.R. 1586: Mr. MORAN of Kansas.
H.R. 1640: Mr. GEJDENSON.
H.R. 1926: Mr. TAYLOR of North Carolina.
H.R. 1997: Mr. MCNULTY.
H.R. 2002: Mr. GEORGE MILLER of California.
H.R. 2308: Mr. LEWIS of Kentucky.
H.R. 2346: Mr. GARY MILLER of California.
H.R. 2356: Mrs. MORELLA and Mr. GARY MILLER of California.
H.R. 2446: Mr. BENTSEN.
H.R. 2451: Mr. COOK and Mr. MANZULLO.
H.R. 2562: Mr. KENNEDY of Rhode Island.
H.R. 2631: Mr. TIERNEY
H.R. 2710: Mr. STUMP and Mr. RAMSTAD.
H.R. 2790: Mrs. LOWEY.
H.R. 2798: Mr. SMITH of Washington.
H.R. 2870: Mr. STUPAK.
H.R. 2933: Mr. ANDREWS.
H.R. 3004: Mr. ENGEL, Ms. SLAUGHTER, Mr. LAFALCE, Mr. ETHERIDGE, and Mr. BOEHNER.
H.R. 3043: Mr. GUTIERREZ.
H.R. 3105: Mr. BERMAN, Mr. ETHERIDGE, and Mr. HINCHEY.
H.R. 3192: Mrs. LOWEY, Mr. PAYNE, and Mr. LUTHER.
H.R. 3221: Mr. BORSKI.
H.R. 3514: Mr. GREEN of Texas.
H.R. 3517: Mr. CALVERT.
H.R. 3546: Mr. BACA and Mr. MORAN of Virginia.
H.R. 3590: Mr. DOOLITTLE.
H.R. 3634: Ms. STABENOW.

H.R. 3650: Mr. MEEHAN.

H.R. 3659: Mr. BORSKI, Mr. FATTAH, Mr. WISE, and Mr. ANDREWS.

H.R. 3661: Mr. METCALF.

H.R. 3679: Mr. KING, Mr. MCINTOSH, Mrs. MCCARTHY of New York, Mr. CAPUANO, Mr. CRAMER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. COSTELLO, Mr. COX, Mr. DEMINT, Mrs. EMERSON, Mr. GORDON, Mr. HORN, Mr. BERMAN, Mr. HYDE, Mr. STUPAK, Mr. HAYWORTH, Mr. BRYANT, Mr. DUNCAN, Mr. FOLEY, Mr. HILLERY, Mr. MOAKLEY, Mr. SHERWOOD, Mr. TIERNEY, Mr. QUINN, Mr. WAMP, Mr. SCHAFFER, Mr. GEKAS, Mr. LAZIO, Mr. MCHUGH, and Mr. MORAN of Kansas.

H.R. 3698: Mr. REYES, Mr. CHAMBLISS, Mr. BERMAN, and Mr. POMBO.

H.R. 3710: Mr. EDWARDS, Mr. UDALL of New Mexico, and Mr. DAVIS of Illinois.

H.R. 3844: Mr. BARR of Georgia.

H.R. 3865: Mr. MANZULLO.

H.R. 3901: Mr. DEFAZIO.

H.R. 3915: Mr. GORDON, Mr. ETHERIDGE, Mr. GOODLATTE, Mr. MOORE, and Mr. KILDEE.

H.R. 3983: Mr. CASTLE.

H.R. 4013: Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Mr. CROWLEY, and Mr. KILDEE.

H.R. 4047: Mr. KUYKENDALL.

H.R. 4136: Mr. BARR of Georgia.

H.R. 4194: Mr. PRICE of North Carolina.

H.R. 4211: Ms. JACKSON-LEE of Texas and Mr. WU.

H.R. 4215: Mr. RADANOVICH.

H.R. 4219: Mr. WEXLER, Mr. FRANK of Massachusetts, Ms. DANNER, Mr. PALLONE, Mr. BEREUTER, Ms. CARSON, Mr. UNDERWOOD, and Mr. BUYER.

H.R. 4271: Mr. PASTOR, Ms. NORTON, Mr. COSTELLO, Mr. GIBBONS, Mr. BARCIA, Mr. WU, and Mr. BLAGOJEVICH.

H.R. 4272: Mr. PASTOR, Ms. NORTON, Mr. COSTELLO, Mr. GIBBONS, Mr. BARCIA, and Mr. BLAGOJEVICH.

H.R. 4273: Mr. PASTOR, Ms. NORTON, Mr. COSTELLO, Mr. GIBBONS, Mr. BARCIA, and Mr. BLAGOJEVICH.

H.R. 4274: Mr. BLAGOJEVICH.

H.R. 4275: Mr. TANCREDO and Ms. DEGETTE.

H.R. 4377: Mr. GOODLING, Mr. BOEHLERT, Mr. DICKS, Mr. ISAKSON, and Ms. DANNER.

H.R. 4283: Mr. HOEKSTRA and Mr. COOK.

H.R. 4338: Mr. GEORGE MILLER of California.

H.R. 4340: Mr. GIBBONS, Mr. RADANOVICH, and Mr. MOORE.

H.R. 4378: Mr. BISHOP.

H.R. 4390: Ms. MILLENDER-MCDONALD.

H.R. 4393: Mr. WAXMAN.

H.R. 4424: Mr. TERRY.

H.R. 4465: Mr. HUNTER, Mr. TAYLOR of North Carolina, and Mr. GOODLING.

H.R. 4467: Mr. PETERSON of Pennsylvania, Mr. HOEFFEL, and Mr. NUSSLE.

H.R. 4493: Mr. SESSIONS.

H.R. 4511: Mr. REYNOLDS, Mr. RILEY, Mr. CHAMBLISS, and Mr. HILLEARY.

H.R. 4514: Mr. KUCINICH.

H.R. 4539: Mr. PALLONE and Ms. SLAUGHTER.

H.R. 4548: Mrs. EMERSON.

H.R. 4555: Mrs. THURMAN.

H.R. 4566: Mr. ENGLISH.

H.R. 4570: Mr. SHAYS, Mr. INSLEE, and Mr. WATT of North Carolina.

H.R. 4580: Mr. DEFAZIO.

H.R. 4614: Mr. WEINER.

H.R. 4652: Mr. JOHN, Mr. PETERSON of Pennsylvania, and Mr. PICKERING.

H.R. 4659: Mr. CUMMINGS and Mr. WU.

H.R. 4669: Mr. LUCAS of Oklahoma, Mr. WAMP, and Mr. BARR of Georgia.

H.R. 4673: Mr. HALL of Ohio.

H.R. 4706: Mr. HOUGHTON.

H.R. 4710: Mr. HUNTER.

H.R. 4713: Mr. EHLERS.

H.R. 4722: Mr. TANNER.

H.R. 4727: Mr. BONIOR, Mr. CLAY, Mr. POMEROY, and Ms. HOOLEY of Oregon.

H.R. 4740: Mr. FORBES and Mr. BONIOR.

H.R. 4746: Mr. MICA.

H.R. 4759: Mr. GREEN of Texas and Mr. UPTON.

H.R. 4780: Mr. DICKEY.

H.R. 4807: Mr. WAMP, Mr. MCCOLLUM, and Mr. CLAY.

H.R. 4826: Mr. HULSHOF.

H.R. 4844: Mr. TRAFICANT, Mr. CANADY of Florida, Mr. DEUTSCH, Mr. EVERETT, Mr. HOLDEN, Mr. FLETCHER, Mr. BISHOP, Mr. BRYANT, Mr. CROWLEY, Mr. ISTOOK, Ms. DELAURO, Mr. ROGAN, Mr. SANDLIN, Ms. PELOSI, Ms. CARSON, Mr. GORDON, Mr. POMEROY, Mr. LAMPSON, Mr. REYES, Mrs. MINK of Hawaii, Mr. DICKS, Mr. MCINTYRE, Mr. CANNON, Mr. FRELINGHUYSEN, Ms. JACKSON-LEE of Texas, Mr. WELDON of Pennsylvania, Mr. PACKARD, Mr. GILLMOR, Mrs. ROUKEMA, Mr. ORTIZ, Mrs. MORELLA, Mr. SANDERS, Mrs. NORTHUP, Mr. PALLONE, Mr. ADERHOLT, Mr. CLEMENT, Mr. BOYD, Mr. ROEMER, Mr. HYDE, Mr. SMITH of New Jersey, Mr. BERMAN, Mr. LEACH, Mr. WU, Ms. LEE, Mr. DAVIS of Florida, Mr. MARKEY, Ms. BALDWIN, Mr. STRICKLAND, Mr. BAIRD, Mr. WATT of North Carolina, Mr. SMITH of Washington, Mr. OBEY, Mrs. MYRICK, Mr. MARTINEZ, Mr. BOEHNER, Mr. OLVER, Mr. RYAN of Wisconsin, Mr. JENKINS, Mr. GALLEGLY, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. FORBES, Mr. BURR of North Carolina, Mr. FATTAH, Mr. HANSEN, Mr. KNOLLENBERG, Mr. MOAKLEY, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. TAUZIN, Mr. COYNE, Mr. COMBEST, Mr. MCNULTY, Mr. GRAHAM, Mr. ROGERS, Mr. GUTKNECHT, Mr. CAPUANO, Mr. BARR of Georgia, Mrs. CHRISTENSEN, Mr. WICKER, Ms. ROYBAL-ALLARD, Mr. THOMPSON of California, Mr. SPENCE, Mr. HILL of Montana, Mr. MORAN of Virginia, Mr. CONDIT, Mr. BOUCHER, and Mr. HAYES.

H.R. 4845: Mr. SENSENBRENNER, Mr. WAMP, Mr. LARGENT, Mr. HORN, Mrs. ROUKEMA, Mr. FRANK of Massachusetts, and Mr. BARRETT of Nebraska.

H.R. 4890: Mr. WYNN and Mr. ABERCROMBIE.

H.R. 4897: Mrs. MALONEY of New York, Ms. CARSON, and Mr. WYNN.

H.R. 4902: Mr. GOODE.

H.R. 4920: Mr. BURR of North Carolina, Mr. UPTON, Mr. BARRETT of Wisconsin, Mr. LATOURETTE, Mr. ABERCROMBIE, Mr. FRELINGHUYSEN, Mr. ROGAN, Mr. PALLONE, Mr. FARR of California, Mr. WHITFIELD, Mrs. NAPOLITANO, Mr. BAIRD, Ms. WATERS, Mr. HOLDEN, Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of California, Mr. TOWNS, Mr. WEXLER, Mr. MCGOVERN, Mrs. CAPPS, Mr. KLINK, and Mr. STRICKLAND.

H.R. 4927: Mr. BONIOR, Mr. STRICKLAND, and Mr. MCGOVERN.

H.R. 4937: Mr. FROST.

H.J. Res. 100: Mr. COBURN, Mr. DAVIS of Florida, Mr. ENGEL, Mr. PICKETT, Mr. RAHALL, Mr. MCDERMOTT, Mr. DEMINT, Mr. MENENDEZ, Mr. CHABOT, Ms. JACKSON-LEE of Texas, Mr. BATEMAN, Mr. GONZALEZ, Mr. HYDE, Mr. SHERMAN, Mr. CROWLEY, and Mr. HALL of Ohio.

H. Con. Res. 58: Mr. RODRIGUEZ and Mr. GIBBONS.

H. Con. Res. 115: Mr. PAYNE.

H. Con. Res. 306: Mrs. CAPPS, Ms. VELAZQUEZ, Mrs. ROUKEMA, Ms. MCKINNEY, Mr. BERRY, Mr. BERMAN, Mr. LAMPSON, Mr. STEARNS, Mr. REGULA, Mr. DEUTSCH, and Mrs. MEEK of Florida.

H. Con. Res. 345: Mr. MILLER of Florida.

H. Con. Res. 362: Mr. GONZALEZ, Mr. EVANS, and Mrs. SLAUGHTER.

H. Con. Res. 368: Mr. LEWIS of California, Mr. MCKEON, Mr. HORN, Mr. CALVERT, Mrs. BONO, Mr. OSE, Mr. DOOLITTLE, and Mr. RADANOVICH.

H. Con. Res. 372: Mr. MALONEY of Connecticut and Mr. GIBBONS.

H. Con. Res. 376: Mr. UDALL of Colorado.

H. Res. 347: Mr. WU.

H. Res. 414: Mr. HINCHEY.

H. Res. 430: Mr. FLETCHER.

H. Res. 461: Mr. BACA, Ms. SLAUGHTER, Mr. DEMINT, Mr. MARTINEZ, Mr. MCINNIS and Mr. WYNN.

H. Res. 537: Mr. MURTHA.

H. Res. 543: Mr. ROYCE.

H. Res. 549: Mr. MALONEY of Connecticut and Mr. DICKS.

H. Res. 561: Mr. ROTHMAN, Mr. GARY MILLER of California, and Ms. NORTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3250: Mr. COBURN.

H.R. 4654: Mr. MCNULTY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4942

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 2: At the end of the bill, insert after the last section (preceding the short title) the following new section:

BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC. ____. (a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

(b) EXCEPTIONS.—

(1) POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

(2) PARTICIPATION IN LAW ENFORCEMENT OPERATION.—Subsection (a) shall not apply with respect to an individual possessing products in the course of a valid, supervised law enforcement operation.

(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed $50.

(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed $100.

(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.

(d) EFFECTIVE DATE.—This section shall apply during fiscal year 2001 and each succeeding fiscal year.

H.R. 4942

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT NO. 3: Amend the item relating to ''TAX REFORM IN THE DISTRICT'' to read as follows:

STUDY OF REGIONAL FINANCING ISSUES

For a Federal payment to the Metropolitan Washington Council of Governments (MWCOG) for a study analyzing potential methods for financing the infrastructure needs of the Washington metropolitan area and reviewing potential tax incentives that the District of Columbia could adopt to expand its residential tax base, $100,000, to remain available until expended: *Provided*,

That MWCOG shall enter into a contract for conducting such study only with a qualified independent auditor.

H.R. 4942

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT NO. 4: Strike the item relating to ''TAX REFORM IN THE DISTRICT''.

H.R. 4942

OFFERED BY: MR. DAVIS OF VIRGINIA

AMENDMENT NO. 5: In the item relating to ''FEDERAL FUNDS—FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT'', insert after the dollar figure the following: ''(increased by $3,000,000)''.

In the item relating to ''FEDERAL FUNDS—FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA (INCLUDING TRANSFER OF FUNDS)'', insert after the first dollar figure and the fourth dollar figure the following: ''(decreased by $3,000,000)''.

H.R. 4942

OFFERED BY: MR. ISTOOK

AMENDMENT NO. 6: Strike the item relating to ''TAX REFORM IN THE DISTRICT''.

In the item relating to ''METRORAIL CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)'', strike ''$7,000,000'' and insert ''$7,100,000''.

In the item relating to ''METRORAIL CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)'', strike ''$18,000,000'' and insert ''$17,900,000''.

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 7: Strike sections 101 through _____.

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 8: Strike sections 101, 102, 110, 114, 121, 138, and 154 (and redesignate the remaining sections accordingly).

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 9: Strike sections 103, 108, 109, 111, and 112 (and redesignate the remaining sections accordingly).

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 10: Strike sections 104, 116, 117, 118, and 139 (and redesignate the remaining sections accordingly).

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 11: Strike sections 105, 122, 144, 147, 148, 156, 157, and 167 (and redesignate the remaining sections accordingly).

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 12: In the item relating to ''DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION'', strike ''funds:'' and all that follows and insert a period.

Strike section 164 (and redesignate the succeeding provisions accordingly).

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 13: Strike sections 128 and 129 (and redesignate the succeeding provisions accordingly).

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 14: In section 130, strike ''funds'' and insert ''Federal funds''.

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 15: In section 131, strike ''funds'' and insert ''Federal funds''.

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 16: In section 168, strike ''the Health Insurance Coverage'' and all that follows and insert the following: ''none of the Federal funds appropriated under this Act may be used to implement or enforce the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13–399).''.

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 17: Amend section 168 to read as follows:

SEC. 168. None of the funds contained in this Act may be used to carry out the Health Insurance Coverage for Contraceptives Act of 2000 (D.C. Bill 13–399) unless such Act includes a religious exemption adopted by the Council of the District of Columbia and approved by the Mayor of the District of Columbia.

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 18: Strike section 168 (and redesignate the succeeding provisions accordingly).

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 19: In section 158(a), strike ''funds'' and insert ''Federal funds''.

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 20: In section 146, strike ''funds'' and insert ''Federal funds''.

H.R. 4942

OFFERED BY: MR. MORAN OF VIRGINIA

(To the Amendment Offered by Mr. Souder)

AMENDMENT NO. 21: In section 150 (as proposed to be amended by the amendment)—

(1) strike ''funds'' in subsection (a) and insert ''Federal funds''; and

(2) strike ''any funds'' each place it appears in subsection (b) and insert ''any Federal funds''.

H.R. 4942

OFFERED BY: MS. NORTON

AMENDMENT NO. 22: Strike ''GENERAL PROVISIONS'' and all that follows through the last section before the short title.

H.R. 4942

OFFERED BY: MS. NORTON

AMENDMENT NO. 23: In section 168, strike ''(a)'' and all that follows through ''(b)''.

H.R. 4942

OFFERED BY: MR. SOUDER

AMENDMENT NO. 24: In section 150, strike ''Federal''.

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, JULY 25, 2000 No. 98

Senate

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Minister Angela Williams, Shiloh Baptist Church, Washington, DC, a resident of South Carolina. We are pleased to have you with us.

PRAYER

The guest Chaplain, Minister Angela Williams, offered the following prayer:

Eternal God, our Sovereign Lord, we thank You for the many blessings You have bestowed upon our Nation. For You, O Lord, are our strength and our righteousness. We recognize that ours is a priceless inheritance—a country founded on the truth that all women and men are created equal and endowed by our Creator with the right to life, liberty, and the pursuit of happiness. We cannot forget these words, lest we fail as a Nation.

With Your everlasting arms, lift up the Members of the United States Senate, so that they may carry out their indispensable mission of conducting the Nation's business fully and fairly. Incline Your ear toward the United States of America, that You may hear the prayers of Your people. Let Your face continue to shine upon those of all races, nationalities, religions, and creeds—the rich and the poor, those with privileges and those who have been denied.

Now, more than ever before, we need Your peace. Families, schools, and communities too often seem besieged. But we know that in the midst of it all, You have only to say, ''Peace, be to you.'' Lord, help us to walk with You in integrity and wisdom and do that which is always just in Your sight. Continue to bless those who work on Capitol Hill, as we give to You all glory, honor, and praise. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will be in a period for morning business until 10:30 a.m., with Senators DURBIN and THOMAS in control of the time.

Senators should be aware that cloture was filed on the motion to proceed to the Treasury-Postal appropriations bill and on the motion to proceed to the intelligence authorization bill. Under the provisions of rule XXII, those votes will occur on Wednesday, 1 hour after the Senate convenes. During Thursday morning's session, there will be a time set aside for those Members who have not had the opportunity to make their statements in memory of our former colleague, Paul Coverdell.

I thank my colleagues for their attention.

ORDER FOR RECESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that at the hour of 12:30 p.m, the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 9:30 a.m. to 10 a.m., and Senator THOMAS, or his designee, from 10 a.m. to 10:30 a.m.

The PRESIDENT pro tempore. The able Senator from Massachusetts.

GUEST CHAPLAIN

Mr. KENNEDY. Mr. President, I commend the Senate's guest Chaplain today, Minister Angela Williams, for her eloquent prayer opening today's session of the Senate. Angela became a licensed minister in January of this year, and she is currently an associate minister at Shiloh Baptist Church in the District of Columbia. I had the privilege of attending her first sermon there last November. She is also currently a graduate student at Virginia Union University in Richmond, where she is pursuing the degree of master of divinity.

Angela's father, J.C. Williams, is also a minister. He served for 28 years with great distinction as a Navy chaplain. He retired in 1998, and is now an associate minister in Martinez, GA. Rev. J.C. Williams served as guest Chaplain for the Senate last September.

Our guest Chaplain today wears many hats. Angela Williams is also a talented lawyer, and is a graduate of the University of Texas Law School. As an Assistant United States Attorney in the Middle District of Florida, she was selected to serve on the National Church Arson Task Force, which was created by the Department of Justice to investigate, prosecute, and prevent the epidemic of church arsons that were afflicting many parts of the country. From 1996 to 1998, Angela Williams investigated and prosecuted approximately 25 percent of those Federal cases nationwide.

Angela is also well known to many of us in the Senate and the House of Representatives. For the past 2 years, in

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

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addition to her ministry, she has served as a member of my Senate staff on the Judiciary Committee.

All of us on both sides of the aisle and with the Clinton administration who have worked with Angela have great respect for her ability and dedication. Her principal responsibilities have been in the area of law enforcement issues, especially hate crimes, and she deserves great credit for her leadership on this important issue in our country today.

Angela will be leaving my staff at the end of this week. All of us who know Angela wish her well. We have been very impressed with her calling to the ministry and her dedication to it. It has been a privilege to work with her as a member of our Senate family, and we are grateful for her inspiring prayer as guest Chaplain today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I thank the Chair.

(The remarks of Mr. THURMOND pertaining to the submission of S. Res. 342 are located in today's RECORD under ''Submissions of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER. The Senator from Illinois.

REPUBLICAN AGENDA

Mr. DURBIN. Mr. President, this week will be the last week before we break for the party conventions—the Republicans in Philadelphia; the Democrats in Los Angeles. We have a full array of legislation that could be considered this week. I am not sure, being a member of the lowly minority, as to what issues we will actually address, but the American people should pay close attention to what has occurred in this Chamber in the last 2 weeks.

A little bit of history puts it in perspective. Not that many years ago, we were struggling with annual deficits. It was crippling the economy of the United States and certainly causing a shockwave across America as families had to step back and consider the impact of a huge national debt that we passed on to future generations. In fact, our national debt now is approaching $6 trillion, and we collect $1 billion in taxes every single day in America to pay interest on our old debt.

That $1 billion in taxes does not educate a child; it does not buy a tank or a gun; it does not provide health insurance for anyone; it does not improve Social Security or Medicare. It pays interest on old debt.

It is debt that was accumulated primarily during the period when Presidents Reagan and Bush were in office and some partially during the period when President Clinton first began, but we have turned the corner. People have come to understand a dramatic thing has occurred. We are now reaching a point where we are not talking about deficits and debt but about the possibility, the opportunity of a surplus. This is something which America's families and businesses have worked hard to earn: a surplus that reflects a strong economy with more and more people working, which reflects the fact we have had the greatest period of economic expansion in the history of the United States. In fact, I hope we do not become blase about this. This is something that was hard to achieve and American families and businesses working with our Government leaders reached this new point.

Having reached the point where we can look ahead and say we have a strong economy and a surplus coming, it is now up to the Congress to decide what to do with that surplus. There are two very different approaches as to what to do with the surplus.

During the last 2 weeks, the Republican Party has come to the floor of the Senate and suggested they know what to do with this surplus. They have suggested we take $1 trillion, approximately half of the projected surplus over the next 10 years or so, and dedicate it to tax cuts. Tax cuts are a popular proposal for politicians. Any of us would like to stand before a crowd in our States or hometowns and talk about cutting their taxes. But the honest question is, Is that the best thing for us to do at this moment in time?

On the Democratic side, we believe that there is a better approach. We believe our first obligation is to pay down the national debt, strengthening Social Security and Medicare and making certain that our children carry less of a burden in the future. The Republicans say give tax cuts, primarily to wealthy people, over $1 trillion worth. We say take that money and pay down the debt. We are not sure if that surplus is actually going to be there 2 years, 4 years, 6 years from now. Wouldn't every family and business in America agree it is more sensible to first retire this huge debt that looms over America and its future? That is the Democratic position.

Most people believe we should deal with the national debt. The Republican position, with notable exceptions, including the Presiding Officer, who has taken a more conservative approach when it comes to dealing with the surplus—is, no, we should cut taxes on a permanent basis and hope for the best. The tough part of it, too, is that this cutting of taxes is primarily going to those at the highest income levels.

I had a chart last week which showed that 43 percent of the estate tax cut proposed by the Republicans went to people making over $300,000 a year. For people with an average income of $900,000 a year—a show of hands is not necessary—the Republicans proposed a $23,000-a-year tax break. If one is making somewhere in the neighborhood of $75,000 a month, will another $2,000 a month really make a difference in their life? I find that hard to imagine. Yet when it comes right down to it, that is what we hear from the Republican side: Give the tax breaks to the wealthiest people in America.

On our side, we believe this surplus should be used to pay down the debt, strengthen Social Security and Medicare, and then find those targeted tax cuts that can make a real difference in a person's life.

Let me give a few examples of targeted tax cuts that cost far less than what the Republicans have suggested but would mean dramatic tax relief to working families. I start with middle-income families worried about paying for college education expenses, as well they should be. Between 1990 and 1998, average tuition and fees increased 79 percent at public universities, 56 percent at private 4-year institutions, compared to a 23-percent increase in the Consumer Price Index and a 41-percent increase in per capita disposable income. Families know this. When children are born, they think ahead: How are we going to pay for this kid's college education?

On the Democratic side, we believe if we are talking about changing tax policy, let us give to middle-income families the deduction of college education expenses, a helping hand so that if a son or daughter is accepted at a good university, they don't have to make the decision that they can't go because of money. That is our idea. We would have deduction for college education expenses.

The Republican idea is an estate tax cut that would give an average $23,000-a-year tax break to people making $900,000 a year. What is of more value to the future of America: Someone who gets $2,000 a month to put it in an investment or another vacation home or a family who takes a tax break offered on the Democratic side and helps their son or daughter go to the very best college or university into which they can be accepted?

Secondly, working families I know are struggling with the concept of day care, what to do with the children during the day so they have peace of mind in that the children are safe in a quality environment. Some working people choose day-care centers in their hometowns. They can be very expensive. I know my grandson is in day care, a very good one. I am happy he is there. Many families don't have that luxury. They can't turn to good day care because they can't afford it. What about the family who decides that instead of both parents working, one will stay home to care for the child? That is a good decision to make, if one can afford to make it.

On the Democratic side—this is another change in tax policy that is far better for America than to give tax breaks to wealthy people—Senator DODD of Connecticut came to the floor and said: Let's help families pay for

day-care center expenses with a tax credit or offer a tax credit to mothers who will stay at home with children so they will get a helping hand, too. I think that is eminently sensible.

We know that children in the early stages of their life really are forming their minds and their values, and we want them to be in the very best environment. If they get off to a good start, many kids will do well in school and have a great future ahead of them. But on the other side of the coin, if children are being pushed and shoved from one incompetent and dangerous babysitter to the next, it is risky. It is something no family would want to face. On the Democratic side, instead of tax breaks for the wealthy, we want to target tax breaks for those who are struggling to find a way to keep a parent at home to watch a child or to pay for day care.

A third area we have worked on is the whole question of long-term care. Baby boomers understand this. Their parents and their grandparents are reaching an age where they need special attention, special help, special care. Much of it is expensive. Families are making sacrifices for their parents, the elderly, and their families. We think they deserve a helping hand. We understand people are living longer and have special needs. We have proposed a tax break that will help families who are concerned about long-term care and caring for their parents and elderly people.

These are the types of targeted tax breaks which the Democrats support: Deduction of college education expenses; help for day care, to keep parents at home so they can watch their children; help for long-term care, to take care of our aging parents. This is our concept of targeted tax relief. The Republican concept of tax relief is a $23,000 annual tax break for people making over $300,000 a year.

Frankly, I will take this issue anywhere in my home State of Illinois. I would like to argue this point as to whether we take a handful of people and give them the most exceedingly generous tax breaks or look at 98 percent of America's families who are struggling with the realities of life.

I am glad my colleague from Massachusetts is here. I will be happy to yield to him at any point. I want to make one point before I do.

There are many other issues which are languishing in this Congress which need to be addressed, issues to which the American people look to us for leadership. I will cite a few so one can understand the frustration, many times, of dealing with real-life problems at home and this Disneyland situation on Capitol Hill. The people need to be represented in this Chamber, not the powerful. The powerful have their lobbyists. The special interests have their political action committees. They have shown extraordinary strength when it comes to stopping issues about which people really care. Allow me to address a few.

A prescription drug benefit under Medicare: Is there another action we can take in America that is fairer or better for our seniors and disabled than to give them the opportunity to afford prescription drugs?

Is it not scandalous that senior citizens in many States get in buses and take 100-mile trips over the border to Canada to buy their prescription drugs? The same drugs manufactured in the United States, approved for sale in the United States, can be purchased in Canada for a fraction of the cost.

Is it not scandalous and disgraceful that senior citizens across America, when they receive the prescriptions from their doctor and are told, take this medicine; you will be strong and healthy and independent if you do, can't afford to fill the prescription, go to the store and find they have to choose between food and medicine, fill the prescription and take half of what they are supposed to because they can't afford it? That is a reality of life. It is something we should address.

The simple fact is, this Congress has failed to come up with a prescription drug benefit under Medicare. We have talked about it for a year and a half or longer. The President has called for it for years. The Republican Congress says no because the pharmaceutical companies, which are enjoying some of the greatest profits in their history, don't want to see this prescription drug benefit. They know that if we have the bargaining power under Medicare to keep prices under control, their profit margins might slip.

So, once again, the powerful and special interest groups are the ones that are prevailing. The Republican answer to this is, well, why don't we turn to the same insurance companies that offer HMOs and managed care and ask them if they would offer a prescription drug benefit. Excuse me if I am skeptical, but we know what these companies have done when it comes to life-and-death decisions on medical care. Too many times they say no when they should say yes. People are forced into court before judges to plead and beg and do their very best to get the basic care they need to survive.

Is that what we want to see when it comes to life-saving prescription drugs, another battle between America's families and these insurance companies?

We received a report recently about over a million people who have lost their HMO Medicare policies—cancelled—because the companies didn't think they were making enough money. The Republicans say that is the answer. We don't think so. It should be a universal, guaranteed program under Medicare, one that you are confident will allow your doctor to give you a prescription that you can fill and will allow you to be able to afford to fill it. That is another issue stopped in this Congress by the special interest groups.

The Patients' Bill of Rights would let the doctors make the decisions, not the insurance companies. We have lost that issue on the floor of the Senate. We raised that issue and the insurance companies prevailed. They would not let Senator KENNEDY's bill come forward to give people the peace of mind that they were getting the best medical care and that they would not have to fight with a clerk from an insurance company when it came to what they and the people they love might need.

As at Columbine High School, all of the press reports about shootings in schools and in other places shock America from one coast to the other. Can this Congress pass commonsense legislation for gun safety for a background check at gun shows, to make sure criminals and children don't get their hands on guns? Can we pass legislation to require a child safety device on every handgun so that kids don't rummage through the closet, find a handgun, and shoot themselves or a playmate? No. The answer is we can't because the powerful gun lobby stopped that legislation from being passed as well.

Prescription drug benefits, Patients' Bill of Rights, commonsense gun safety legislation, and an increase in the minimum wage—Senator KENNEDY has fought for that for years. The minimum wage is $5.15 an hour in this country. Imagine trying to live on that, on the $10,000 or $12,000 a year in income that it generates. That is next to impossible. We have tried to raise the minimum wage because we believe it is not only fair but it gives people who go to work every day a chance for a livable wage. The Republicans say, no, we can't afford a livable wage; we can't afford to increase the minimum wage, but we can afford to give a trillion dollar tax break to the wealthiest people in this country.

Does that make sense? Is it fair or just? I don't think so.

The issues of education and health care, compensation for working people, a Patients' Bill of Rights, prescription drug benefits, none of these have been addressed. The Republicans will be off to their convention in Philadelphia in a few days. They will take great pride in talking about what they have achieved in Washington. I hope the American people will take a look at the list of issues I have referred to and ask themselves how many of those issues are important to their families. I think many of them are. All of them are stalled because the people don't rule in this Chamber, the powerful do. Those powerful special interests have stopped our attempts to try to make sure we have sensible fiscal policy to keep this economy moving forward, to pay down our debt, strengthen Social Security and Medicare, and to make sure that tax cuts help the people who deserve them.

We have a big agenda in this town and very little of it has been addressed. I think it is a commentary on this Congress and its leadership that we have failed to respond to the issues that families in America care about.

Before yielding the floor to the Senator from Massachusetts, I ask unanimous consent that this editorial from the Chicago Tribune of Sunday, July 23, 2000, entitled ''Budget Surplus Induces Frenzy,'' be printed in the RECORD.

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

BUDGET SURPLUS INDUCES FRENZY

Congressional Democrats have likened the Republicans' tax-cutting frenzy to a ''legislative Wild West.'' But a growing number of Democrats, too, are hitching up their britches and joining the roundup, crossing the aisle to vote for tax cuts as well as their own spending increases. What is prompting all this activity is a federal budget surplus that seems to have taken on a magical life of its own.

Capitol Hill is awash in money. Why make hard choices when you can have it all? Blink and you just may have missed the latest incredibly rosy forecast of that gargantuan budget surplus. The economy is now approaching $10 trillion in size and more Americans are working than ever. That means federal tax receipts are soaring—the prime reason that the budget surplus keeps growing.

The latest revision by the Congressional Budget Office estimates the surplus at $232 billion for the fiscal year ending Sept. 30—$53 billion higher than the April estimate. Through 2010, the surplus is forecast to be $2.2 trillion. Include Social Security surpluses and it grows to $4.5 trillion. If your mind isn't boggled by these sums, you just aren't paying attention.

But before Congress proceeds to spend every last red cent of this money, here are a few cautionary red flags.

PAY DOWN THE DEBT

The national debt totals $5.6 billion. Reducing the publicly held portion of it—about $3.6 trillion—is akin to giving the whole nation a tax cut because it reduces future debt service. This must be the No. 1 priority.

GET REAL WITH SPENDING CAPS

They were imposed in 1997 when it looked like the only way for America to dig itself out of a swamp of red ink was to strictly limit discretionary spending. That's what gets spent on everything else after defense, debt service and entitlement programs like Social Security and Medicare are paid for. Well, the deficit swamp has been drained. The caps remain, but that doesn't mean Congress complies with them. The Republicans have been moving spending in or out of the current fiscal year or calling it an ''emergency,'' allowing them to technically meet the caps but still spend lavishly.

This is worse than having no caps at all. It is time to be honest about these spending caps. Establish a new baseline cap; allow for minimal annual increase, then stick to it.

REMEMBER PROJECTIONS AREN'T REAL MONEY—YET

That doesn't mean the projected surplus won't become real money. But 10 years is a long time and a lot can change over a decade. If you don't believe that, just remember back to 1990 and the projected deficits that seemed to stretch endlessly into the future.

SOCIAL SECURITY AND MEDICARE STILL NEED WORK

Neither presidential candidate has addressed the core demographic problem that looms for these programs: the aging of the giant Baby Boom generation. The Concord Coalition refers to both their Social Security reform plans as ''free lunch proposals.'' There is no free lunch. Expanding tax-free retirement accounts—as Al Gore proposes—or allowing market investment of some portion of Social Security taxes—as George Bush proposes—won't change the fact that the system will become actuarially unsound unless benefits are cut, taxes raised or the retirement age delayed.

Add to Medicare's shaky fiscal foundation some looming big ticket items—a prescription drug benefit and some provision for long-term care—that will have to be financed if, as seems increasingly likely, the nation decides they are essential to have.

LISTEN TO ALAN GREENSPAN

The spending and tax cut ''debates'' under way now have little to do with the soundness of overall fiscal policy. Is this a good thing to consider? Should we do this? These are not the questions being asked. There is an assumption that the money is there, so why bother with that debate? If they're politically popular—and what's not to like about a tax cut or higher spending—put 'em in the pot. The most recent example of this is the metamorphosis of the GOP drive to end the marriage tax penalty. This has now grown into a generous tax cut for all married people, with a total 10-year price tag of $292 billion.

No one can guarantee the economy will continue to prosper as robustly as it has. ''A number of the potential programs, both expenditures and tax cuts in the pipeline, do give me some concern,'' said Federal Reserve Board Chairman Alan Greenspan, at his midyear economic review on Capitol Hill last week. ''The growing surplus has kept the expansion stable. Tax cuts or spending increases that significantly slow the rise of surpluses would put the economy at risk.''

Listen to the man.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time do we have remaining?

The PRESIDING OFFICER (Mr. SANTORUM). On the Democratic side, the time is until 10 o'clock.

THE SENATE'S CALENDAR OF BUSINESS

Mr. KENNEDY. Mr. President, I point out to our colleagues and friends the Calendar of Business for the Senate. This is the calendar of the business pending, the unfinished business, and a list of various pieces of legislation reported out of the committees.

The American people probably don't have this at their fingertips, but if you take the time to look at this when you visit the library, or you can write to Members of the Congress, you will find out that in the pending business the first order is a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965. Right next to it, it says May 1, 2000. That means that this has been the underlying and pending piece of legislation. Yet we are denied any opportunity to address what is going to be the Federal participation in working with States and local communities in the areas of education. We didn't address it in the rest of May. We received assurances by the Republican leadership that we were going to come back and address those issues and questions. We didn't do it in June, and we didn't do it in July, although we were told we would be able to address these issues in evening sessions and have a disposition of that legislation.

In the meantime, what have we done? As my friend from Illinois has pointed out, we have seen a tax cut of over $1 trillion. We had something else done, too. The House of Representatives have given themselves a pay increase of $3,800 a year. We didn't see the increase in the minimum wage. They didn't vote for that. In fact, when TOM DELAY was asked about the increase in the minimum wage, he said: That doesn't affect us. What he continued to say is we are not in the business; we are overseers of a $2 trillion economy. And he was quite dismissive of the problems and challenges that are affecting working families at the lower wrung of the economic ladder.

We have not done the American people's business. We are not addressing the questions of smaller class sizes. We are not addressing the issue of trying to train teachers to be better teachers. We are not addressing the issue of afterschool programs. We are not addressing the efforts to try to deal with the problems of the digital divide. We are not dealing with the greater kinds of accountability of the expenditures of funds in terms of education. That is off the agenda. As has been pointed out many times since the founding of the Republic, debates on the floor of the Senate are about priorities.

The majority leaders have effectively dismissed debate, discussion, and action on education in order to have a trillion dollar tax cut for the wealthiest individuals and a pay increase for themselves. No attention to prescription drugs. Thumbs down on that. Thumbs down on a Patients' Bill of Rights. We haven't got time to debate a Patients' Bill of Rights or a Medicare prescription drug program. We haven't got the time to debate a gun issue to try to make our schools safer. But we have the time to debate a trillion dollar tax cut and a pay increase of $3,800.

If you take the increase in the minimum wage for 2 years, we are talking about half of what the increase would be for a Member of Congress. We can't even debate it. We can't discuss it. We can't vote on it because that is not part of the agenda of our Republican leadership. That is what this is about. It is about priorities. That is what this election is going to be about, ultimately. No action in terms of the Patients' Bill of Rights, even though we are one vote short of being able to get action, to try to ensure that decisions affecting families are made by doctors and trained medical officials and not accountants for the HMOs. We are not going to have, evidently, action on the gun issues to try to make our schools safer and more secure, to try to limit the availability of guns to children in our society that results in more than 10 children every single day being killed. We are not able to do it. We want to indicate to the majority that we are going to take every step possible to

make sure we are going to address those issues. We have been cut out and closed out to date. But we are not going to do it.

Here it is Tuesday morning. Quorum calls all day Monday. Quorum calls this morning. Failing to take action on these issues, it is basically an abdication of our responsibility. We are not going to go silently into the night. I understand the hour of 10 o'clock has arrived.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Since there are no Republican Senators on the floor seeking recognition, I ask unanimous consent to speak 10 additional minutes.

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

CONGRESSIONAL INACTION

Mr. DURBIN. Mr. President, I thank the Senator from Massachusetts because I think he has made his case convincingly that there are many things we have failed to do in this Congress which mean a lot to the American people.

Take a look at the inaction of the Republican-controlled Congress on so many issues that are really life-and-death, day-to-day issues that families across America expect us to lead on, such as the issue of commonsense gun safety; 30,000 American lives were lost to gun violence in 1999. We lose 12 children every single day in America. As many children are dying in America because of gun violence every day as were lost at Columbine High School. It is a reminder that we have a situation with gun violence that is unprecedented in the history of the world. The obvious conclusion from the Republican leadership is, there is nothing we can do or want to do to change it.

We believe, on the Democratic side, that commonsense gun safety is something we should enact, and do it very quickly. We passed a bill here on the floor of the Senate. It had a tie vote of 49–49. Vice President Al Gore cast the deciding vote. We sent it over to the House of Representatives. In 2 or 3 weeks, the gun lobby tore it to pieces. They sent it to a conference committee. For over 1 solid year, that bill has been stuck in a conference committee because the Republican leadership is unwilling to bring forward any gun safety legislation. Yet we see these statistics where literally thousands of Americans are victims of gun violence.

In my State of Illinois, in the city of Chicago, there are now gathering together summit conferences of leaders from communities because of the unprecedented killings which are taking place—particularly of our children—with drive-by shootings. Children are being killed while lying in bed or sitting on the front porch with their parents. It is becoming too commonplace. The obvious attitude of the Republican leadership is, there is nothing they are willing to do to even try to address it.

We think if you buy a gun at a gun show, you should go through the same background check as a person who buys a gun from a gun dealer. We want to know if you have a history of violent mental illness. We want to know if you have committed a violent felony in the past. We want to know if you have a history of the kind of activity that has required an injunction to protect someone against domestic violence. We think it is only fair and just that we ask people who want to exercise their rights under the second amendment to accept the inconvenience of a few questions being asked. Yet the Republicans apparently disagree. They refuse to move any gun safety legislation.

As to the Patients' Bill of Rights, which Senator KENNEDY addresses, every day 14,000 Americans are denied their needed medicines; 10,000 are denied their needed tests and procedures. You know the stories. You know that in your hometown convenience store there is a little canister which says, can you leave your change for this little girl, who needs a certain medical treatment, which is even denied by her insurance company, for which she has no insurance. That is a reality for a lot of families who are struggling to pay for expensive medical care. It is the reality of many of these families who turn to these insurance companies. These companies say: No, it is not one of our recommended procedures; your doctor is just going to have to be told no. I have talked to those doctors who have said to mothers and fathers what their child needs, and then they turn around and find an insurance company overruling them.

We think patients in this country should come first, that quality medical care should be in the hands of professionals and not in the hands of insurance company clerks.

More than 11 million Americans have been denied an increase in the minimum wage for over 2 years. In Illinois, 350,000 people got up and went to work this morning for $5.15 an hour. These are not lazy people. These are hard-working people who are asking this Congress to keep them in mind as we give tax breaks to wealthy people, to keep them in mind as we approve congressional salaries for those of us who serve in the House and Senate. But no, the Republican leadership has told us we have no time to consider an increase in the minimum wage.

Of course, the prescription drug benefit under Medicare—13 million seniors in America have no prescription coverage.

I met a woman in Chicago who had a double lung transplant. Her medical bills are $2,500 a month for the drugs she needs so her body will not reject these lungs. She can't afford it. She has to turn to welfare and to Medicare. She lives in a basement with her children because, frankly, she has no income, no resources. She has had times when she didn't have the money to fill her prescription, and she has suffered irreversible lung damage every time that has happened. That is her life every single day.

That is what it means to be poor in America—or, even those with Social Security checks who do not think themselves to be poor and able to afford prescription drugs.

Yet when we propose a plan that offers guaranteed universal coverage under Medicare for prescription drugs, the Republican leadership says: No, we think we ought to turn to these same insurance companies that have treated us so well—I use that term advisedly—under our HMO and managed-care system and ask them to give prescription drug benefits, the same insurance companies that have been cutting people off when it comes to HMO supplemental policies under Medicare.

Over 1 million Americans have been cut off, many in my State of Illinois. I don't trust the insurance companies to provide, out of the kindness of their hearts, prescription drug benefits. I think there should be guaranteed universal coverage under the Medicare system.

Another bill stopped by the Republican Congress is school modernization.

We should debate a bill that will allow us to increase the limits of immigrants coming into this country to provide those immigrants to fill highly-skilled jobs and good-paying jobs in this country that can't be filled with American workers. I think it is a reality. It is the No. 1 complaint of businesses that can't find skilled workers.

Yesterday, as I got on the plane in Springfield, IL, a fellow from a local company, Garrett Aviation, said: Let me tell you that my biggest problem in business is I can't find workers to fill the jobs.

The industries come to Congress and say: Allow us to have more people immigrate to the United States who can fill these jobs. I think it is a real problem. If we don't allow this immigration, some of those jobs and companies will go overseas.

But let's look at it in the long term. What are we doing to improve the workforce in America to make sure we have people who are skilled enough to fill these jobs and make these good incomes? Are we dedicating our money in our schools and in training to make this happen? I don't think so.

In the 1950s, we were afraid of the Russians. When they launched Sputnik with their advances in science, we passed the National Defense Education Act. We said: We are going to help kids across America pay for their college education. We believed that these kids, once trained, would make America strong so we would not have to worry about this threat from Russia.

I know about that program. I was one of the beneficiaries. I borrowed money from this Government to go to college and law school. I hope many people think that was a good investment. Some may not think so. I paid the money back. Shouldn't we do the same

thing again with a national security education act that says we want to train our workers for the future needs in America to make certain they can fill the jobs with Boeing Aircraft in St. Louis or Motorola in the Chicago area? We are not doing that.

This Congress won't address that. It won't address school modernization. It won't address the question of the deduction for college education expenses. It won't address the need to improve teacher skills. That is something we don't have time for on the agenda of this Congress.

Businesses across America look to us for leadership. Families across America expect us to create opportunities. Time and again, we have seen instead efforts by the Republicans in the Senate to give tax breaks to the wealthiest people in America and to ignore the realities facing our families. I think our agenda has to be an agenda closer to the real needs of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

APPROPRIATIONS

Mr. BOND. Mr. President, our colleague from Illinois and others have talked about the things we have not passed and that they would like to see passed in this session. But we have a big problem. We have a problem because the absolutely essential work that this body must do is being held up. The work on appropriations bills that fund the agencies of Government for the next year must be done before the end of the fiscal year—September 30.

Many of the things my colleague has talked about have already been passed and are in conference. But we can't get floor time to do it when we are dealing with filibusters. The Democratic plan has been to stall, delay, and block.

We will have an opportunity to vote on cloture on the Treasury-Postal bill. That means cutting off a filibuster. But that goes through the lengthy process of the 30 hours that are required for debate.

We are also ready to take up the energy and water appropriations bill. But the minority leader has raised objection to that.

Energy and water carries many important things. It carries funding for projects that are vitally important to South Dakota—to river States such as Missouri, to the Nation, the national laboratories in New Mexico, and others.

All of these vital appropriations are being held up because the minority leader is now objecting to a provision that was included in the bill this year but has been included in four previous bills Congress has sent to the President and which have been signed by the President. The state of affairs is, we are ready for a time agreement. If there are objections to particular items in a bill, we have a process called amendments. You can move to strike; you can move to amend. We are ready to do business.

Let there be no mistake. Let the American people understand. We are watching a series of Democratic stall, moves—delay, stall, and block. Sometimes we call them a filibuster. But filibusters don't need to be people talking on the floor. It can be refusal to allow a bill to come up. It can be filibustered by amendments. Basically, it is the Democratic side that is trying to keep the Senate from doing its work.

We have lots of important votes. They may win; we may win some. The Senate has its rules. It permits debate and amendment. We are willing to do so and debate a commonsense provision that happens to be in this bill to see what the will of the Senate is.

The provision in the bill as reported out of committee that has existed in four previous appropriations bills, previously signed by the President, is designed to prevent changes to Missouri River management which would increase the risk of spring flooding and bring many dire consequences. I intend to lay out some of the problems and a number of leaders in this country who oppose it.

The provision is very simple. It is also very important. The provision is designed to stop flooding. Out West we hear the Fish and Wildlife Service is now proposing to tear down dams. Here the Fish and Wildlife Service wants to take action on flow management to pretend that dams don't exist. They have gone out of their way to try to dictate the work of the Corps of Engineers. There are all kinds of procedures—there are public hearings, there are assessments, there are impact statements, and many other things—required before an agency can take action. The Fish and Wildlife Service wants to jump over all that and say: Corps of Engineers, you do our bidding. They sent a letter on July 12 which said: You must establish a plan to increase spring flooding on the Missouri River and to cut off the possibility of effective barge transportation, environmentally sound barge transportation in the summer and the fall, affecting not only the Missouri River but the Mississippi River as well.

The Fish and Wildlife Service wants to do to the communities, to the States along the Missouri River, what the National Park Service did to the community of Los Alamos when it tried a control burn. We don't need a controlled flood that the Fish and Wildlife Service has proposed.

While we have a lot to debate with our friends in the upper basin about the way the river is managed, I never expected they would ever support an action simply designed to increase downstream flooding. As far as I know in the debates—and they have been vigorous debates in the past—that was never their intent. I don't know what the intent now is of the minority leader. We have fought vigorously and honestly with our friends in the upper river States about their desire to keep fall water for their recreation industry. We want to work out ways to help them. We need that late year water to ensure we keep river transportation so our farmers have an economical and environmentally sound way of getting their products to the market. We also need flood control. We have never had them complain about flood control. Dams were built in the middle of the last century, principally to prevent flooding on the lower Mississippi and lower Missouri Rivers. Mr. President, 85 percent of the population in the Missouri River basin lives in the lower basin below Gavin's Point. That doesn't include the lower Mississippi River which gets that water from the Missouri.

As with the dams out West, the Fish and Wildlife Service has a theory that we should travel back in time and have rivers that ''mimic the natural flow of the river.'' Dams were built to stop the natural flow because the natural flow was flooding many hundreds and thousands of acres. It was killing people and damaging billions of dollars of property. One third of our State's food production is in the floodplain of the Missouri River and the Mississippi River. In 1994, the Corps of Engineers proposed to change the river and have a spring rise.

On a bipartisan basis, we communicated our opposition to the President. Twenty-eight Senators representing States along the Missouri and Mississippi and Ohio Rivers signed this letter to the President. The Corps went back to the drawing board and began fresh to develop a consensus plan. Between then and early this year, a consensus among the States—with the exception of Missouri—was developed that included conservation measures but had no spring rise.

The Fish and Wildlife Service, at the table with the States for years, came to Washington, and the next thing we know they are insisting on a spring rise, the will of the States, the comments of the people, the overwhelming objection of State and local officials notwithstanding.

The Fish and Wildlife Service doesn't want public comments. They heard them. They know what the comments are. Don't flood us out. The Fish and Wildlife Service has no mandate to protect people from the dangers of flooding. I invite them out the next time we have a spring flood in Missouri to see the devastation, to comfort and console the families who have lost loved ones in floodwaters. We lost some this year in floods in Missouri. The public has gone on record strongly opposing this spring rise. In 1994, the public opposed it, from Nebraska to St. Louis to New Orleans to Memphis and beyond. To prevent the risk of downstream flooding in 1995, Congressman BEREUTER from Nebraska put a provision in the energy and water appropriations bill to block any change in river management that included a spring rise.

The same provision was included again in 1996, 1998, 1999, and again by the Senate subcommittee. As I repeat, this provision has been adopted by voice vote in the House and has been included in four previous conference reports, signed by the President four times before.

Let me note two additional realities. According to our State Department of Natural Resources, not only is this plan experimental, but it could injure species. I quote from the assistant director for science and technology who said the plan calls for a significant drop in flow during the summer. This will allow predators to reach the islands upon which the terns and plovers—the endangered species—nest, giving them access to the young still in the nest. While the impacts on the pallid sturgeon are more difficult to determine because we know less about them, low flows during the hottest weather may pose a significant threat. In other words, there is a real danger to the environment and to the endangered species.

The U.S. Geological Survey is studying what can be done to encourage and protect the habitat for the pallid sturgeon. I visited them. They do not know—and they are the ones who have the most expertise; they have been studying—they do not know yet that anything like a spring rise would have any impact on the pallid sturgeon. They say the jury is still out. I can explain that better. They don't know if this would protect the pallid sturgeon. We do know that the spring rise will increase flood risk. It is totally experimental in terms of improving habitat. The Missouri Department of Natural Resources had a very good argument that it may make it more dangerous for the endangered species.

Finally, this proposal by the Fish and Wildlife Service ignores the hard and fast and undisputed reality that on the lower Missouri we already have a spring rise, courtesy of the Kansas River, the Osage River, the Platte River, the Blue River, the Grand River, the Tarkio River, the Gasconade River, and others.

Each flows into the Missouri, and when it rains, the Missouri lifts from the tributaries into its basins. We already have a spring rise. It floods Missouri regularly. We don't need another source of flooding to carry out some experiment that the Fish and Wildlife Service is trying to conduct at the peril of our citizens. We cannot stand the Fish and Wildlife Service sending an additional ''pulse'' of water downstream that will put it above our heads.

When they release water at the last dam in Nebraska, it takes 12 days to arrive in St. Louis. In those 12 days, we can experience thunderstorms and flash floods in the spring, and there is no way to get that water back once it is sent down the river. Unless the Fish and Wildlife Service can predict 12 days of weather, or 14 days of weather for Cape Girardeau, then they are betting on the safety of the hundreds of people whose lives may be put at danger if they put out a spring release as proposed.

As I said, I have worked with them and others. I worked with our upstate upper-river people. I have worked with Senator KERREY, Senator SMITH, Senator DOMENICI, and others to fund conservation efforts that do not imperil our citizens. These are the ones on which we ought to be focusing, these are the ones that would be tested, these are the ones that do not flood us.

This is not a partisan issue. It is a philosophical issue and it is a regional issue. Our Governor is a strong Democrat. He has sent me a letter, which I will ask be printed in the RECORD, which outlines very strongly his opposition. Governor Carnahan wrote:

An analysis of the flooding that occurred along the Missouri River during the spring of 1995 showed that, had the spring rise proposed by the Fish and Wildlife Service been in effect, the level of flooding downstream would have been even greater. The Corps could not have recalled water already released hundreds of miles upstream. If the current plan is implemented and the state incurs heavy rains during the spring rise, there is a real risk that farms and communities along the lower Missouri River will suffer extensive flooding.

In addition, a spring rise has a detrimental effect on Missouri agricultural land. Sustaining high river flow rates over several consecutive weeks will exacerbate the problem of poor drainage historically experienced by farmers along the river. The prolonged duration of an elevated water table will limit the productivity and accessibility of floodplain croplands. The combination of an increased risk of flooding and damage to some of the state's most productive farmland poses too much of a risk for the economy and the citizens of Missouri.

I ask unanimous consent to have printed in the RECORD the letter from the Governor and the statement by the Department of Natural Resources.

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

STATE OF MISSOURI,
OFFICE OF THE GOVERNOR,
Jefferson City, MO, July 24, 2000.

Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR KIT: I am writing regarding recent developments surrounding efforts to revise the Missouri River Master Manual. I am especially concerned about proposed plans by the Fish and Wildlife Service for a spring rise and request your continued assistance in averting these plans.

The proper management of the Missouri River is critical to the economic and environmental health of the state. As you know, the July 12, 2000, letter from the United States Fish and Wildlife Service of the Department of the Interior to the Corps of Engineers outlined plans for a spring rise of 17,500 cubic feet per second. I have consistently opposed a spring rise from Gavins Point Dam as detrimental to the state's interests and would again like to state my opposition to the current proposal. Implementation of a spring rise would result in an increased risk of flooding and would have a negative impact on Missouri farmland. The frequently-cited experimental releases on the Colorado River in no way compare to the situation in Iowa, Nebraska, Kansas and Missouri where so many working farms and river communities would be harmed by the spring rise.

An analysis of the flooding that occurred along the Missouri River during the spring of 1995 showed that, had the spring rise proposed by the Fish and Wildlife Service been in effect, the level of flooding downstream would have been even greater. The Corps could not have recalled water already released hundreds of miles upstream. If the current plan is implemented and the state incurs heavy rains during the spring rise, there is a real risk that farms and communities along the lower Missouri River will suffer extensive flooding.

In addition, a spring rise has a detrimental effect on Missouri agricultural land. Sustaining high river flow rates over several consecutive weeks will exacerbate the problem of poor drainage historically experienced by farmers along the river. The prolonged duration of an elevated water table will limit the productivity and accessibility of floodplain croplands. The combination of an increased risk of flooding and damage to some of the state's most productive farmland poses too much of a risk for the economy and the citizens of Missouri.

I support any efforts that would prevent the Corps from initiating the recent proposal to initiate a spring rise. Thank you for your continued support in this matter.

Very truly yours,

MEL CARNAHAN.

PROPOSED RIVER CHANGES WILL FURTHER ENDANGER SPECIES

The U.S. Army Corps of Engineers is currently considering changes to the way that it operates the dams along the Missouri River. These dams control the level of reservoirs and the flow of water in the river from South Dakota to St. Louis. The Corps has to take into account all the users of the river and its water and balance the agricultural, commercial, industrial, municipal and recreational needs of those living near the river. As part of this review, the U.S. Fish and Wildlife Service is examining the potential effect on three endangered species that may result from the proposed changes. The pallid sturgeon, least tern, and piping plover depend on the river and the areas along its banks for their survival.

There are three major problems with the operations plan proposed by the Fish and Wildlife Service that may actually harm the species rather than help them recover. The plan would increase the amount of water held behind the dams, thus reducing the amount of river between the big reservoirs by about 10 miles in an average year. The higher reservoir levels would also reduce the habitat for the terns and plovers that nest along the shorelines of the reservoirs. Finally, the plan calls for a significant drop in flow during the summer. This will allow predators to reach the islands upon which the terns and plovers nest giving them access to the young still in the nests. While the impacts on the pallid sturgeon are more difficult to determine because we know less about them, low flows during our hottest weather may pose a significant threat.

Some advocates of the proposed plan claim that this plan is a return to more natural flow conditions. However, the proposal would benefit artificial reservoirs at the expense of the river and create flow conditions that have never existed along the river in Iowa, Nebraska, Kansas and Missouri. Balancing the needs of all the river users is complicated. Predicting the loss of habitat and

its impact on the terns and plovers should not be subject to disagreements.

The Fish and Wildlife Service and Corps of Engineers need to examine the implications of this proposal and recognize its failure to protect these species.

Dr. JOE ENGELN,
Assistant Director for Science and Technology, Missouri Department of Natural Resources.

Mr. BOND. Mr. President, our Department of Natural Resources representatives are as green and pro-environment as any group around. They believe it is a bad idea. Farm groups oppose it. The ports and river transportation and flood control people oppose the spring rise. The Southern Governors' Association opposes the spring rise.

There should be an important conservation element in any balanced plan, but balance is not in the Fish and Wildlife Service mandate nor in its plan. They want to manage a river solely for critters. We need to have it managed for people. We cannot have the next flood laid at the doorstep of the Congress that is now considering whether to experiment with the lives and property of millions of people who live along the river.

Some say the President may veto the bill, but he signed it four times before. If he were to do that, he could answer to the people from Omaha to Kansas City to Jefferson City to St. Louis to Cape Girardeau to Memphis down the delta to New Orleans.

I urge my colleagues to move forward on this bill. We can debate this provision, but I believe it is important for safety.

I ask unanimous consent to have printed in the RECORD letters of support for this position from the National Corn Growers Association, the American Farm Bureau Federation, the American Soybean Association, the Agricultural Retailers Association, the National Association of Wheat Growers, the National Council of Farmer Cooperatives, the National Grain and Feed Association, the Missouri-Arkansas River Basins Association.

I also ask a resolution from the Southern Governors' Association printed in the RECORD.

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

JULY 24, 2000.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: We are writing concerning an important provision in the fiscal year 2001 Energy and Water Appropriations bill.

Section 103 of H.R. 4733 stipulates that changes in the management of the Missouri River cannot be made to allow for alteration in river flows during springtime. Removing this provision would not only affect farmers in Missouri, Nebraska, Iowa and Kansas by potentially flooding their land, but also affect barge traffic movements on the Missouri and Mississippi Rivers. Without proper management of river flows over the course of the year, transportation movements could be hampered by insufficient water levels on the Missouri River and the Mississippi River between Memphis, Tennessee and Baton Rouge, Louisiana.

If an amendment is offered to strike Section 103, we urge you to vote against it. Removing this provision would have significant impacts on productive agricultural lands as well as the movement of agricultural commodities and input supplies along the Missouri and Mississippi Rivers.

Sincerely,

American Soybean Association, Agricultural Retailers Association, Midwest Area River Coalition 2000 (MARC 2000), National Association of Wheat Growers, National Corn Growers Association, National Council of Farmer Cooperatives, National Grain and Feed Association.

MISSOURI RIVER FLOW MANAGEMENT RESOLUTION

SPONSORED BY GOVERNOR RONNIE MUSGROVE OF MISSISSIPPI & GOVERNOR MEL CARNAHAN OF MISSOURI, APPROVED MARCH 23, 2000

Whereas, the flow of commerce on the Mississippi River is essential to the economic welfare of the nation; and

Whereas, the United States Department of Agriculture reports that 70 percent of the nation's total grain exports were handled through Mississippi River port elevators; and

Whereas, more than one half of the nation's total grain exports move down the Mississippi River to Gulf ports; and

Whereas, free movement of water-borne commerce on the Inland Waterway System is critical to the delivery of goods to deep-water ports for international trade; and

Whereas, the reliability of adequate flows for navigation is a key requirement for fulfillment of delivery contracts, employment in ports and terminals, and energy efficiency; and

Whereas, delays and stoppages would threaten the successful implementation of international trade agreements under NAFTA and GATT; and

Whereas, the Missouri River contributes up to 65 percent of the Mississippi River flow at St. Louis during low water conditions; and

Whereas, reduction of Missouri River flows above St. Louis would result in more frequent and more costly impediments to the flow of commerce on the Mississippi River; and

Whereas, the reach of the Mississippi River between the mouth of the Missouri River at St. Louis and the mouth of the Ohio River at Cairo, Illinois is at higher risk for delays and stoppages of navigation because of low-water conditions; and

Whereas, the Northwestern Division of the U.S. Army Corps of Engineers (USACE) is considering several proposed alterations to the current edition of the Master Water Control Manual for the Missouri River that would reduce support of water-borne commerce by restricting the flow of the river during the summer and fall, low-water period at St. Louis;

Then let it be resolved that the Southern Governors' Association would strongly oppose any alterations that would have such an effect and would urge the Corps to consult with affected inland waterway states prior to endorsing any proposal that would alter the current edition of the manual.

ORDER OF PROCEDURE

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

Mr. GRAMS. Mr. President, I ask unanimous consent I be allowed to speak as in morning business, to extend the morning business for at least 5 minutes so I would have about 10 minutes.

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

Mr. GRAMS. Mr. President, I want to talk a little bit about taxes, as my Democratic colleagues have done already this morning. I want to go back over what the President said on Saturday in his weekly radio address to the Nation.

I also had the honor this week to respond to the President's radio address. But at the time I wrote up the speech, I had not had an opportunity to see exactly what the President was going to say. I assumed he was going to be talking about taxes this week because that is what the Senate concentrated on last week. But I have now had the opportunity to look through the President's speech. I want to comment on some of the things the President talked about, now that I have had the opportunity to see it.

I want to go back to Saturday morning, when the President gave his radio address. In his speech to the Nation he said:

> Now we have the chance to pass responsible tax cuts as we continue to pursue solid economic policy.

What the President is talking about is that he is willing to give some kind of tax relief to the American public but only the kind the President thinks you need; not what your family needs or not what you are looking at in your budget this month but what Washington, inside the beltway, has determined you should have and, by the way, what amounts you should have.

But these are targeted tax cuts. In other words, you only can receive these dollars back, or this tax relief, if you do what the President tells you to do. If you invest here or if you do this or you do that, then you can receive back or be able to keep some of your hard-earned money. But if you don't, Washington is going to take it. It is telling you what to do, how to spend your money.

Then he went on to say:

> Instead of following the sensible path that got us here, congressional Republicans are treating the surplus as if they had won the lottery.

We are talking about giving the money back to the people who earned it, and by the way, the ''risky, budget-busting tax cuts'' we are talking about—that is eliminating the death tax and marriage penalty, the unfair taxes—would be less than 10 percent of the projected budget surplus. It is less than a dime on the dollar, and this is what the President is saying is going to create complete chaos because somehow we are going to give back to the American taxpayer about 10 percent of the projected surplus. But he says we are acting as if we won it in the lottery. It is the President and my colleagues on the Democratic side of the aisle who think this is a lottery that they have won; that the surplus is

there and they are somehow going to find the best way of spending it for you. They are going to determine the best way of spending it for you.

They say we think it is a lottery when our proposal is to give the money back to those who earned it, not spending it. Even Alan Greenspan—and again we had him before our Banking Committee last week where we went over the same thing: The surplus is here; what's the best thing we can do with the surplus? Mr. Greenspan says: Pay down the debt.

We are paying down the debt. A huge amount of these surplus dollars is targeted to reducing the debt, but also there is money left that can be and should be given back in the form of tax relief. But he said the worst thing we could do is what the President is advocating and my Democratic colleagues are advocating. The worst thing, Alan Greenspan said, that we could do is spend the money.

That is what they want to do. They want to find new ways to spend it—but, of course, to benefit you. But they want to determine how to spend it, so they are going to enlarge Government or fatten existing programs. But who is going to pay the bill? It is going to be taxpayers. If we do not get tax relief today and we allow these dollars to be spent to enlarge or fatten the Government, who is going to support that larger, fatter Government tomorrow? It is going to have to come from possibly even in an increase in taxes. So if we miss this opportunity during times of surplus to cut taxes now, you can almost bet we are going to be facing the possibility of tax increases in the near future.

We are talking about eliminating unfair taxes, and the majority of Americans agree with this. The marriage penalty and the death tax—even the President has called these unfair taxes.

The President said in his speech:

> Taken together, the tax cuts passed last year and this year by this Congress would completely erase the entire projected surplus over 10 years.

Of course, he is talking about the $800 billion tax cut package last year which he vetoed, that is dead and in the wastebasket, and combines it with the cuts we have this year, only 10 percent of the surplus. But he puts them together and says Republicans want to give it all back.

That is not all bad. It should be given back. We are talking about overcharges, surpluses. These are dollars over and above what the Government has projected to need to carry out all of its responsibilities.

We have $1.8-plus trillion earmarked to pay for programs the Government has said we need to do.

These dollars are over and above that. Taxpayers fund every agency, every program, every project, every bureaucrat in that $1.8 trillion budget. Taxpayers are the most used, abused, and underappreciated people in our society. In other words, if they can get more money from you by twisting you a little bit harder, they are going to do that.

One of my colleagues earlier this morning said if you make $75,000 a month and you receive through this tax cut another $2,000 a month, would that really make a difference? That is not for him to decide. These are dollars that somebody has worked for and earned.

By the way, they are not talking about how much in taxes this individual is already paying on that $75,000, but they are saying: $2,000, what difference would it make to them? In other words, Washington can use it and spend it better than they can, so it should be no problem that we take these tax dollars away from them, even if they are unfair.

Again, the majority of Americans agree, the death tax is unfair. You have paid all your taxes all your life to accumulate your estate, and the Government wants to come in after you die and take more than half of it again. It is the same with the marriage tax penalty. Because you are married, you are going to be taxed at a higher rate—on average, per couple, $1,400 per year—and somehow that is fair.

Think of it. If someone asked you, what is your projected income over the next 10 years, would you want to sign a contract committing you to spend every single penny of it right now? The President is distorting this whole story. We are talking about a surplus, the overcharge. We are not talking about the base wage which the Government is receiving in taxes, but he is talking about the surplus.

We should give the surplus back. I like to use a story about finding a wallet. Say this family is sitting around their kitchen table. They find a wallet, and it has $1,000 in it. They say: If we take our regular budget and now add this $1,000 to it, we can buy that big-screen TV we always wanted. They say: We have the money; we found it.

Congress has found this wallet with all these surplus tax dollars in it. I was taught—and I think most parents continue to teach their children today—that if you find a wallet with money in it, you should do your best to find the owner and give it back, not to run with it and say: Oh, we found this money; how can we better spend it? We can spend this money.

That is what is happening here. These are overcharges. Would you spend all your money now? All we are saying is we should give it back to the taxpayers so they can decide how to spend it best.

The President said:

> We should have tax cuts this year, but they should be the right ones.

We should have tax cuts, but they should be the right ones. The President 2 years ago in Buffalo, NY, said something to this effect, and I will paraphrase it: We could give back all of this surplus, but what if Americans do not spend it right?

That is the same thing he is doing here: We could have tax cuts, but they should be the right ones. In other words, if we give the taxes back to the American people, the overcharge, the surplus—we are not even talking tax cuts here. That is a misused term. We are not cutting taxes. What we are trying to decide is how much of the surplus should go back to you, the taxpayer, that you have been overcharged.

The President said: We could give it all back, but what if you don't spend it right? In other words, you are smart enough to go out and earn your money, but somehow you are too dumb to know how to spend your money, and Washington can do that for you and do it better and do it in these targeted programs that are going to help everybody. But it will not let you have the opportunity to spend the money the way that will best benefit your family.

Every family is a little different. Your needs are different from mine and your neighbors' or even your brothers' and sisters' in raising their families. You should have the opportunity to decide how this prosperity, these extra dollars, should be spent.

What the President is saying is, send them to Washington, or keep sending this surplus to Washington, and we will decide what is best for you and how best to spend it.

The President said: In good conscience, I cannot sign one expensive tax break—again, it is not a tax break; it is an overcharge—after another without coherent strategy. In other words, they want to control how these extra tax dollars are spent —not you, taking it out of your control. They want to determine exactly how these tax dollars should be spent.

The President also says he supports this marriage tax penalty we passed, but he said it should be a carefully targeted marriage tax penalty that will cost less. Why will it cost less? Because the President eliminates a great number of these couples who currently qualify for the marriage tax penalty. He is saying that if you make too much money, if you itemize, or do not itemize, somehow you will not qualify.

The President says ''targeted.'' Again we hear that word ''targeted.'' When we hear that, it means Washington believes it can best determine what you need or what program the Government can create or how the Government can spend your tax money.

I want to say one other thing before I close, and that is what the President said at the end of his speech. I agree with these last few lines:

> The surplus comes from the hard work and ingenuity of the American people. We owe it to them to make the best use of it, for all of them and for our children's future.

I agree with that statement. The only thing is we disagree on how to accomplish it. ''The surplus comes from hard work and ingenuity of the American people. We owe it to them to make the best use of it. . . .'' To me, the best use would be to give the surplus back.

We are not talking tax cuts at all. We are not talking about reducing the revenues Washington needs to run this Government and its programs. What we are talking about is the surplus. We owe it to them to make the best use of it. That will be in rebating, returning those dollars to you so you can then decide what is best for your family. Is it braces for one of your children, or dancing lessons? Is it to begin an educational fund for your child? He is 5 years old, and you want to prepare for his college. You will make that decision, and you will not have to worry or wait for a Government program and then stand there with a hand out asking: Do I qualify, and can I get some of my tax dollars back?

You will have to wait for somebody in Washington to say yes or no. That is not what should be happening. You should have control over your dollars. We all need to pay taxes. We know that. There are a lot of good things the Federal Government does. We know that. But Washington should not have the control of determining how to spend the additional dollars, the surplus.

I strongly urge the President to sign our two tax bills that we want to send him: the death tax repeal and the marriage tax penalty. I hope the President will consider them and, as he said in the last line of his speech—again I will read it—we owe it to them to make the best use of it for all of them. And my opinion is to give it in tax relief.

I thank the Chair.

EXTENSION OF MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that the period for morning business be extended until 12:30 p.m., with the time equally divided in the usual form.

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

Mr. GRAMS. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

THE PAST AND THE FUTURE

Mr. REID. Mr. President, in 1993, one of the most interesting times in my legislative career was when we in this Chamber voted on President Clinton's deficit reduction plan. It was a historic vote.

As the Presiding Officer will remember, the bill passed the House of Representatives by a single vote without a single Republican voting for the President's plan. It came to the Senate and ended up in a tie vote, and the Vice President of the United States, AL GORE, broke the tie. It was a very difficult vote for everyone. In the Senate, as in the House, not a single Republican voted for the budget plan.

There were people on the other side of the aisle who told of all the calamities that would take place in the country if that passed. Seven years ago, this is what we heard from the other side of the aisle, Senate Republicans, from then-Representative WAYNE ALLARD:

> In summary, the plan has a fatal flaw—it does not reduce the deficit.

Of course, it has reduced the deficit from some $300 billion a year to where we now have a surplus.

Senator CONRAD BURNS:

> So we are still going to pile up some more debt, but most of all, we are going to cost jobs in this country.

What the Senator from Montana said, in truth and in fact, was wrong. In fact, over 20 million new jobs have been created; over 60 percent of those jobs are high-wage jobs. Contrary to what the Senator from Montana said, we didn't pile up more debt. We have reduced the debt. We have not only cut down the annual yearly deficit, we have actually paid down the debt—not enough, in my estimation, but we have begun to pay down the debt.

Senator HATCH of Utah said:

> Make no mistake, these higher rates will cost jobs.

Again, not true.

Senator PHIL GRAMM of Texas on August 5, 1993, on the Senate floor:

> I want to predict here tonight that if we adopt this bill the American economy is going to get weaker and not stronger, the deficit four years from today will be higher than it is today and not lower. . . . When all is said and done, people will pay more taxes, the economy will create fewer jobs, Government will spend more money, and the American people will be worse off.

Everything he predicted is the direct opposite. The economy didn't get weaker; it got stronger. The deficit isn't higher; it is lower. Americans aren't paying more taxes; they are paying less taxes. He said, ''The economy will create fewer jobs.'' Of course, as I have indicated, it created more jobs. ''Government will spend more money.'' The fact is, the Federal Government today has 300,000 fewer Federal employees than it had when this statement was made by Senator GRAMM. We have a Federal Government today that is smaller than when President Kennedy was President.

He went on to say in September of 1993:

> . . . [T]his program is going to make the economy weaker. . . . Hundreds of thousands of people are going to lose their jobs as a result of this program.

Wrong, absolutely wrong; not even close. The program the President asked us to vote for, and we did, made the economy stronger. We have had the lowest inflation, the lowest unemployment in more than 40 years. There had been economic growth as high in the past but never any higher than we have had. We hold the record for the longest period of economic growth in the history of this country.

PHIL GRAMM went on to state, on another occasion on the Senate floor:

> I believe that hundreds of thousands of people are going to lose their jobs as a result of this program. I believe that Bill Clinton will be one of those people.

Well, hundreds of thousands of people didn't lose their jobs; tens of millions of people got new jobs. And President Clinton was reelected. Again, my friend from Texas was wrong.

The Senator from Iowa, Mr. GRASSLEY:

> I really do not think it takes a rocket scientist to know this bill will cost jobs.

Well, my friend from Iowa was wrong, too. It didn't take a rocket scientist. It took people with courage to follow a leader who said: Do this and the economy is going to turn around. We did that. We are not rocket scientists, but common sense dictated if we did the things that were in that budget, it would make the economy better. It would set a new course in the United States for economic viability. We followed that lead, and here is where we now are.

My friend CONNIE MACK, with whom I came to Congress in 1982, said in 1993:

> This bill will cost America jobs, no doubt about it.

Senator WILLIAM ROTH, chairman of the Finance Committee now, said back then:

> It will flatten the economy.

Not true. Quite the contrary. My friend from Delaware went on to say:

> I am concerned about what this plan will do to our economy. I am concerned about what it will do to jobs. I am concerned about what it will do to our families, our communities, and to our children's future.

Well, he should not have been concerned. Or if he was concerned, I am sure he feels much better today because everything about which he was concerned has been to the good of the country. The economy is better. It has been better for families and communities and the future of our children.

Senator RICK SANTORUM of Pennsylvania:

> People know it's bad policy. . . . Let's do something . . . that creates jobs, that really will solve the deficit, not just feed this monster of government with more and more money for it to go out and spend more and more.

He was reading a different set of blueprints than everyone else because he was wrong.

Senator STROM THURMOND, longest serving Senator in this body, said in 1993:

> It contains no real spending cuts to reduce the deficit or improve the Nation's outlook.

Representative DICK ARMEY, majority leader in the House:

> The impact on job creation is going to be devastating.

DAN BURTON, Representative from Indiana of longstanding, said:

> The Democratic plan means higher deficits, a higher national debt, deficits running $350 billion a year.

He was only about $450 billion wrong about the deficit. In fact, it has turned around. We have a $100 billion surplus or more.

JOHN KASICH, with whom I came to Congress in 1982, a Representative from Ohio, said:

This plan will not work. If it was to work, then I'd have to become a Democrat . . .

That is a direct quote. KASICH is retiring from the House this year. Maybe he is doing it so he can reregister. It is quite clear that if he is a man of his word, he should become a Democrat because he was wrong in his prediction.

It is good once in a while to revisit history, to talk about what people said will happen, to go back and see what the record is.

Let's look at the record not in 1993, and what has transpired that has turned this economy on fire, but let's talk about the future. We in the minority believe in the future. We don't believe in the past, even though once in a while it is important that you look at history. We believe in the future. We believe the future in this country has been hampered, hindered, slowed down by the majority in the Congress, the Republican House, the Republican Senate.

We believe we should be able to have up-or-down votes and have a full debate without any restrictions. I know we have people who come and say: Sure, you can debate the Elementary and Secondary Education Act, but we are going to limit debate. We want you to have five amendments, and we will have five amendments.

Let's do it the way we have always done it in the Senate. Let's bring out the elementary and secondary education bill, complete it, vote on it, and go on to something else.

One of the actions we should take when we finish the debate on the Elementary and Secondary Education Act is to provide money for modernizing our schools. We need new schools some places. We need to renovate schools in other places. This is important for our children.

We need to do something about the health care delivery system in this country. Forty-five million Americans have no health care. The greatest power in the history of the world, and we have 45 million people who can't go to the doctor when they are sick. That is an embarrassment. How can President Clinton go to the G–8 when we have 45 million people who have no health insurance? I, as a Member of the Senate, am not proud of that fact. That number is going up 1.5 million every year. Next year, it will be almost 47 million. We don't even talk about that anymore. We don't talk about the uninsured.

We are now talking about a small number of people who are insured. We are talking about the Patients' Bill of Rights. I am glad we are doing that. But we are ignoring the 45 million people. We need to pass a Patients' Bill of Rights so we have doctors again taking charge of patients, not a clerk in Baltimore determining whether or not someone can have an appendectomy or an MRI.

When I was a young man, my first elected job was to the board of trustees. I was elected to the board, and later I became chairman. I was a young man. This was for the largest hospital district in Nevada. It was called the Southern Nevada Memorial Hospital. When I came there, over 40 percent of the seniors who came into our hospital had no health insurance. In those days, when you came to the hospital, you had your mother, brother, neighbor, or somebody else who had to sign and be responsible for that bill. If they didn't pay the bill, just as all hospitals in America would do, we would go after you with a vengeance. We would go after your wages, your car, your house. We had a very aggressive collection agency that would go after bills of seniors who did not pay.

When I was on the board of trustees, Medicare came to be. Bob Dole voted against that, and he was proud of that. Dick Armey said it was a bad idea. Medicare is not a perfect program—far from it—but it has given dignity to senior citizens because they don't have to beg for health care. When it came into being, prescription drugs weren't a big deal. Prescriptions did not keep people alive. They did not make people live more comfortable lives. Today, the average senior citizen gets 18 prescriptions filled every year. We can't have a program for senior citizens in health care that doesn't include prescription drugs. That is part of the future in the Democratic vision. We want prescription drug benefits in Medicare. We want prescription drugs to be more affordable for everybody.

There is a stereotype out there that someone who gets minimum wage is a teenager flipping hamburgers at McDonald's. Over 60 percent of the people who draw minimum wage are women, and for over 40 percent of those women, that is the only money they get for their families—nothing else. Minimum wage is not just for people flipping hamburgers at McDonald's; it is for people earning a living, keeping people off welfare. I think it would be nice if we increased the minimum wage. I believe people need dignity with work. The minimum wage is one of those things that does just that.

I come from the West. I remember with fondness that on my 12th birthday my parents ordered me a 12-gauge shotgun out of the Sears and Roebuck catalog. I was 12 years old, and I had a 12-gauge shotgun. They paid $28 for it. I loved that gun. I still have it. I got the stock reworked. It was bolt action. I have been a police officer and I carried a gun. I have a lot of guns—a rifle, a shotgun, pistols. So I understand guns. But I still think it is not a bad idea if we have a law so that crazy people and felons can't buy guns.

What have we as Democrats been trying to do? We have been trying to close loopholes, saying that at pawnshops and gun shows where there are loopholes, where criminals and crazies buy these guns, we want to close those loopholes. We can't even vote on that. They keep stopping us. We don't have the opportunity to do that. As my friend from North Dakota, Senator DORGAN, has said—he uses these one-liners—I don't believe you need an assault weapon to go deer hunting. If you do, you should find another hobby. Some of these comments on the gun safety issues reflect, I think, what the American people really think.

I could talk more, but I think it is too bad that we are here in morning business, not able to address some of these very important issues.

One of the issues that tears into my heart every time I mention this is that we need to do a better job of helping kids to stay in school. I say to my friend from Minnesota, who was a college professor before he came here, at one of the very fine institutions of higher learning in America, Carleton College—and we have lots of them—I know the Senator from Minnesota got the best students. But there are a lot of the best students who didn't have the opportunity to come to his institution. A lot of them dropped out of school.

We have 3,000 children who drop out of high school every day in America and 500,000 a year. Every time a kid drops out of school, he or she is less than they could be. I have tried on the Senate floor, with my friend from New Mexico, Senator JEFF BINGAMAN, to pass legislation that would set up in the Department of Education a branch whose sole function in life would be to work on the dropout problems we have. The House passed it. Last year, it was defeated on a straight party line vote in this body.

I think we need to do something about that. I think we have the luxury of doing so. I think we should do something. I know my friend from Minnesota is an expert in this field. I talk about people having no health insurance and people who have health insurance treated poorly. What about the problems we have with mental health in this country? It is an ignored segment of our society. The Federal Government, I believe, has a role and obligation to do something about the many problems facing Americans today, not the least of which is 31,000 people who kill themselves every year. We have to better understand that. I wish we were debating some of these issues today.

I didn't want the day to go by, when we have time on the floor, without talking about some tough votes we have taken and how important it was that the 1993 Clinton Budget Deficit Reduction Act passed, how important it is to the history of this country, and how well we are doing as a result of that, and how much better we could do if we could vote on some of these issues I have outlined today.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Minnesota is recognized.

LET'S DO THE SENATE'S BUSINESS

Mr. WELLSTONE. Mr. President, I thank my colleague, Senator REID

from Nevada, for his really fine statement. One of the things I most appreciate about Senator REID is, his voice is a quiet voice, but it is a very firm and strong voice.

I come to the floor wondering why it is that on Tuesday morning at 11 o'clock we are in morning business, which means we can't really do the work of democracy. To me, the work of democracy is to focus on issues that are important to people's lives and to try to make a difference.

Mr. REID. If the Senator will yield, we have a very simple situation here. We in the minority believe we have the right to have a few judges approved by the Senate. Our dear friend from Michigan, Senator LEVIN, has had a judge pending for 1,200 days and he has not even had a hearing. We would like that person to have a hearing. Senator HARKIN from Iowa has had a judge pending who already had a hearing. We also believe we have some appropriations bills that need to move forward, and there are some strings on that. We want to work, but there are some things that we think, in fairness, we deserve. As a result of that, things have slowed down, which is too bad.

Mr. WELLSTONE. Unfortunately, I am well aware of the situation, and, again, I think we have reached a point where this is raw politics. People in the country this November can decide about what direction we should take. A calculation can be made that a Presidential race is coming up and we don't want to move any judges anymore, whether it is for the court of appeals or Federal district judges. But when there has been such a long wait, as a Democrat, I think it is important that Democrats draw the line and insist that some of these highly qualified men and women be able to serve in the judiciary.

I want to very briefly emphasize some of what was said this morning. I want to be out here on the floor of the Senate right now but not in morning business. I would like to be out here discussing a piece of legislation or with the ability to introduce an amendment to a piece of legislation that would make a positive difference in the lives of people in Minnesota and other people in the United States of America.

I was at a public hearing with Representative SHEILA JACKSON-LEE from Houston. It was in Houston in Harris County, which I think is about the fifth largest county in America. It was about the mental health of children. I will never forget the testimony of Matt, who directs the county correction system. He spoke within a law and order framework. He made it clear that he is a no-nonsense law and order person. But he also said people believe these kids who are locked up are locked up because they have done something bad. But the truth is—these are his statistics—about 40 percent of these kids are locked up because parents couldn't get mental help for them. There was nothing available.

I would like to be out on the floor of the Senate introducing legislation and passing legislation that would make it possible for these kids to get the help—so they wouldn't be locked up; so they could go on and live good lives.

There is a piece of legislation I have introduced with Senator DOMENICI called the Mental Health Equitable Treatment Act. I think it is shameful that there is for so many people who struggle with mental illness still such discrimination in coverage, and their illness is treated as if it is a moral failing when they don't get the coverage. When it comes to the stays in the hospital, physician visits, and what bills are covered, the coverage isn't there. They go without treatment. I would like to be on the floor of the Senate doing the business and work of democracy by trying to pass this legislation.

My colleague, Senator REID, said that a Patients' Bill of Rights is just but one step. I agree with him. I think it is important to people in the country to make sure that in this health care system they fit in; to make sure the providers fit in; and to make sure that the people who are denied access to care which they believe they need for themselves and their families have a right to appeal when there is some protection for them.

I would like to pass meaningful patient protection legislation. I would like the floor right now involved in that debate.

I introduced a bill for the Service Employees International Union. It is a great union. I was at a press conference with Andy Stearn, the president, and other members of the union. This is a union that knows how to organize workers. It is the fastest growing union in America. Probably 70 or 75 percent of the membership is women. Probably 70 or 75 percent of the membership is people of color. It is a piece of legislation that I think speaks to the No. 1 concern of people around the country; that is, health security for themselves and their families.

What we basically say in this legislation is, as a national community, here is what we can agree upon—that there should be health care benefits for the people we represent that is as good as we have in Congress. I am determined to introduce a resolution and have a vote on that proposition that the people we represent should have the same health security that we have.

In that legislation, we agree nationally, as a community, that health care coverage should be affordable; that when you have an income below $20,000, you pay 0.5 percent and no more of your annual income; between $25,000 and $50,000, you pay no more than 5 percent of your income per year; and over $50,000 a year, you would never pay more than 7 percent of your annual income.

Part of the problem with health care is not just the 44 million or 45 million who are uninsured, but all of the people when it comes to paying deductibles and fees just can't afford it any longer. Too many people are not old enough for Medicare. Even if they are, they can't afford prescription drug coverage. They are too poor for medical assistance. Even if they are, it is by no means comprehensive. They are not lucky enough to work for an employer that can provide them with affordable coverage.

We also say nationally that we, as a national community, we agree there should be good patient protection legislation.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield.

Mr. DURBIN. I thank the Senator for his leadership. I say to those listening to this debate that Senator WELLSTONE of Minnesota has been a consistent voice on the floor of the Senate on the issue of health care. Many of us visit that issue and believe it is important. He has dedicated his life in Congress and the Senate to champion the cause of good health care for all Americans and is recognized nationally for his leadership on issues such as coverage of those who suffer from mental illness.

To put the agenda of the Senate in perspective for a moment, because the Senator raises an important question about 40 million Americans who have no health insurance, and many who are underinsured today, and the fact that this Congress refuses to even debate the issue or discuss the issue when we reach out for a good program that Senator KENNEDY, Senator WELLSTONE, and I supported to extend health insurance coverage to children of working families in many States, and reaching out in other areas, but we seem to be reluctant to address what most American families have to address every single day—the lack of security, and the lack of peace of mind when it comes to health insurance—I would like the Senator from Minnesota to comment on the fact that we are in possibly one of the greatest periods of prosperity in the history of the United States. We are talking about surpluses under the budget that may reach $2 trillion. The only suggestion from the Republican side of the aisle is that we should use $1 trillion of the surplus—almost half the surplus—to give tax breaks to the wealthiest people in America rather than addressing working families who are uninsured and people who are looking for the peace of mind by having some protection when it comes to basic health care.

Will the Senator from Minnesota reflect on what we have done on the floor of the Senate over the last 2 weeks in the context of what I consider the high priority he has raised?

Mr. WELLSTONE. I say to my colleague from Illinois that any time he wants to raise such a question, continue to do so. He got a little ahead of me. This is exactly where I want to go.

To finish this proposal on this legislation and what I like about it—then I

will talk about this in a broader context—we are saying to States within this framework, go ahead and decide how you want to do this. Once we agree on universal coverage, once we have agreed it will be affordable with good benefits and patient protection for all citizens, then States decide how they want to do it—one insurer, the employer pays, pay or play, we decentralize. I think it makes all the sense in the world.

Then the question is, What is the cost? Over the first 4 years, as you phase it in, it would be $100 billion. If you are looking at the total cost over 10 years, it would be $700 billion a year. That is not even a third of the projected surplus. So the question becomes, What are our priorities?

I argue, based on conversations and meetings I have had with Minnesotans—some people do not agree with this point of view, but I say honestly that I do no damage to the truth on the floor of the Senate or any other time. I hope when we summarize all of the discussions from people about how to reduce poverty, how to have good welfare reform, how to have a stable middle class, how to make sure our country does well in the international economy, how to make sure our children have opportunities, how to make sure we can reduce the violence—over and over and over again, the focus is on a good education, good health care, and a good job. That is on what people are focused.

There are two questions. I don't want to monopolize the floor. But one of them has to do with priorities. I think what happened during the last couple of weeks is, frankly, that there has been a major ideological debate, not, in some ways, dissimilar to what happened in 1981. To the extent that you are now going to have new tax cuts disproportionately benefiting, by the way, people at the very top—I am not totally against some tax cuts. In fact, I think some tax, targeted tax cuts make a lot of sense, especially focused on working families and the priorities of our families in the country. But if you are going to basically erode the revenue base, and you are going to say over the next 10 years here is $800 billion or $900 billion, no longer from this floor any kind of investment in children, education health care, prescription drug benefits so people can afford those benefits, but instead it is going to be tax cuts disproportionately helping those people who are already the very top of the economic ladder, then you are doing two things.

No. 1, there is no standard of fairness in terms of who gets the tax relief and who gets the help. But even more importantly than that, you are eroding the revenue base, making it impossible for Government through public policy to make a positive difference in the lives of people.

If you believe when it comes to education—whether it be pre-K, whether it be affordable child care, whether it be what we can do K through 12, whether it would be higher education and spending for Pell grants, or when it comes to health care, or when it comes to a whole range of issues that affect people's lives in this way—if you believe that there is nothing the Government can or should do, fine. But that philosophy works well when you own your own large corporation and you are wealthy; it doesn't work for most people.

Talk to veterans about veterans' health care; talk to families about child care; talk to families about health care; talk to families about higher education; talk to families about affordable housing; talk to families about how they believe life can be better for themselves and their children. They don't believe for a moment that there is nothing we can or should do that would make a difference. Their discouragement is all too often that we don't seem to be on their side, and we don't seem to be speaking to them or including them.

We were in morning business at 11 o'clock this morning. The Republicans don't want to go forward with Federal judges. They don't want to have opportunities for amendments. They do not want to have opportunities for debate. They do not want to talk about minimum wage. They don't want to talk about affordable prescription drug costs. They don't want to talk about patient protections. They don't want to talk about health security for families or about a commitment to early childhood development. They don't want to talk about a lot of these issues. Therefore, I think the Senate is not doing the work for enough people.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield.

Mr. DURBIN. The Senator has come to this floor repeatedly and discussed concerns that I hear in Illinois and that the Senator from Minnesota hears in Minnesota from working families and middle-income families trying to do their business. They get up and go to work every morning. They think ahead for their children. They want to realize and live the American dream. The Senator in the parlance of politicians feels the pain of families and their anxieties about their future. It appears that the Senate in the last 2 weeks feels the pain of the wealthy people in America.

For those who think I overstate the case, this is an analysis of the tax cuts that have been proposed over the last 2 weeks in the Senate and the people who benefit from them.

The Republicans proposed that we take over $1 trillion—over half of the surplus for the next 10 years—and give it in tax cuts to the wealthiest of Americans. We analyzed their tax cut package. Democrats support tax cuts. The Senator from Minnesota talked about tax cuts so people can deduct the cost of college education; so people can deduct and have a credit for quality day care for their kids; for long-term care for their aging parents; for prescription drug benefits. The Republicans focused on the estate tax and a few other taxes.

I would like to ask the Senator from Minnesota to comment on this distribution chart because we analyzed the Republican tax cut. Who are the winners and who are the losers? The good news is that everybody gets a tax cut under the Republican plan.

But look at the tax cut. If you happen to make less than $13,000 a year—these are people of minimum wage—the tax cut is worth $24 a year, or two bucks a month.

Move up to $12,400 in income. You are going to see $82 a year, or about seven bucks a month. Now you get up to people making $40,000 a year. We are up to about $11 a month, or $131 a year. If you are up to $65,000, these folks are going to see a tax cut of about $16 or $17 a month under the Republican plan.

Fast forward and jump with me, if you will, to the top 1 percent of wage earners in America. People making over $300,000 a year—people in the gallery don't have to raise their hands—folks who are making over $300,000 a year are going to see an annual tax cut from a Republican proposal of $23,000 a year. On average, these people make over $900,000 a year, $75,000 a month. And the Republicans have proposed giving them an additional $2,000 a month in disposable income. For what? For what?

I can tell Members what these working families would do with $2,000 a month. It is fairly predictable. They would be paying for the kids' college education. They would be buying health insurance to make sure they are covered. They would be paying for quality day care. They would be taking care of an aging parent. That is what working families would do with a tax break. That is what Democrats support.

The Republicans say no; give the biggest tax cut to those who are making the most money. The response? Well, Senator, you don't understand. These people are paying too much in taxes. People making under $50,000 a year can use some tax relief, too. They are paying payroll taxes and facing a lot of problems every month.

The Republicans, frankly, won't listen to this. I want the Senator from Minnesota to comment on this distribution chart on his proposals of what we could be doing to help working families across this country.

Mr. WELLSTONE. Mr. President, this brings into sharp focus yet another issue that should be our priority, that the majority party, the Republican Party, refuses to take up. That is campaign finance reform.

I am not making a one-to-one correlation between what any Senator says on the floor or how he or she votes or the position he or she takes on an issue. I am talking about the overall

bias of big money and the way in which it dominates politics. When people see this chart and hear the distribution of who benefits and who does not, the benefits are in inverse relationship to need. It violates every standard of fairness people have. People are all for some tax relief, if it is for families, if it speaks to the concerns of working families.

This chart is, to most people, a little outrageous. This feeds into the skepticism that people have. Most people would say that is exactly what the majority party is all about. The folks they represent are the folks who can; they are the heavy hitters. They are the contributors, the players, the investors. They are the ones who have the clout. They are the ones who hire the lobbyists. They are the ones who know how, who march on Washington every day. The rest are left out.

By the way, all too often, people unfortunately have that perception of both parties. What we have seen over the last week or 2 weeks only reinforces the skepticism and cynicism people have about who gets represented in the Senate and who doesn't.

I say to my colleague from Illinois, there is another issue. The issue is, above and beyond not meeting any standard of fairness, and above and beyond huge benefits but in inverse relationship to need, there is another issue. I believe part of what the majority party is doing—and, by the way, every Republican has a first amendment right to believe this is the right thing to do for the country—is essentially eroding the revenue base, giving away $1 trillion in money so when it comes to health security for families, when it comes to long-term care for our parents or our grandparents or when it comes to how you can help a child so he or she by kindergarten can come ready to learn and does not fall behind and can do well in school, they don't believe there is anything the Government should be doing. I don't agree. I don't think most of the people in the country agree. I think in that sense that is clearly where the differences between the two parties make a difference.

I am a critic of the timidity of our own party quite often. The differences right now between Democrats and Republicans make a real difference in the lives of people in this country.

I conclude by mentioning another issue. I want to make sure I don't do this in a cheap shot, bashing way. I don't want to. There is a bitter irony because we will have an appropriations bill on the floor—maybe—this week where we will be raising our salaries and, by the way, what is tricky for me is our salaries are above the Federal employees, including support staff who work hard. I am not interested in bashing away at people. But we are not interested in raising the minimum wage. We don't want to raise the minimum wage for people. If there is one proposition that people in the country agree on, people ought to be able to make enough of a wage so they can support their families and give their children the care they know their children need and deserve.

We are now at the point where we want to have a minimum wage bill on the floor; we want to raise the minimum wage. I say to Senator DURBIN, 75 to 80 percent of the people in the country believe that is the right thing to do.

Disproportionately, it is women in the workforce out there every day, people who are working 40 hours a week, almost 52 weeks a year, still poor in America, and still can't support their families. We are going to have an appropriations bill out here where we are going to be raising our wages—and we don't do badly—but this Senate, this Republican majority, is not willing to even entertain a debate and let us vote on whether or not we think we should raise the minimum wage.

These are big issues because they crucially affect the quality or lack of quality of the lives of the people we represent.

Mr. DURBIN. Will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased to yield.

Mr. DURBIN. This chart shows what is happening to families of three trying to survive on a minimum wage. There are lots of people trying to live while earning a minimum wage. It usually means multiple jobs. There are 350,000 in Illinois alone who get up and go to work for a minimum wage. They usually have a second job. One of my friends who works in the Watertower Place across the street from the hotel I stay in Chicago—she is a great friend of mine—is trying to take care of an aging mother. She has two jobs. She works in a parking garage as an attendant and then when she gets off that job she is a hostess in a restaurant. This lady works harder than most of us who think we are hard workers, and she is working for a little bit above the minimum wage.

What we see on this chart, I say to Senator WELLSTONE, is when we judge what the poverty line is in America, look what happened in about the year 1989. All of a sudden the minimum wage fell below the poverty line. Those of us who wanted to make sure people who get up and work hard every day get a decent paycheck and a chance to have a livable wage have asked to raise the minimum wage from $5.15 to $6.15 an hour over a 2-year period of time. I guarantee you will not live a life of luxury at $6.15 an hour, but you may be able to take care of some basic needs such as school uniforms for the kids, and shoes, maybe a decent place to live, a safer and cleaner place to live. Yet we cannot seem to get that issue before the Congress.

Republican leadership—in what has been a departure from the past where they said this is a bipartisan issue—has now said this is a partisan issue. Republicans oppose a minimum wage increase. The Democrats support it and the Republicans have stopped us.

I will give an example. If I'm not mistaken, Governor Bush from Texas, his position is States ought to be able to opt out of the minimum wage increase. That is what he would do. So you would have certain pockets in the United States which would not have a minimum wage increase. That is cold comfort for people who get up and go to work and try to keep things together for their family. But the Senator from Minnesota is correct. The minimum wage has been plummeting in its buying power. Congress has the authority to take care of that issue. Congress has refused.

Instead of dealing with a minimum wage and giving people basically $1 an hour increase, which comes out to about $2,000 a year if my math is correct, here we decide to give $2,000 a month in tax breaks to people making over $300,000 a year. We cannot give $2,000 a year to people who work hard every single day, but we can give folks making over $300,000 a year under the Republican tax break plan, a $23,000-a-year tax cut—almost $2,000 a month. Those are the priorities. Those are the differences.

I think we try our best to feel the pain of working families. The Republicans feel the pain of the wealthy, the pain they must go through every day trying to decide what to do with another $2,000 when they have a paycheck coming in of $25,000 a month. What anguish, what pain, what frustration it must be to try to figure out another mutual fund or another vacation place.

How about the families worried about having a few bucks in the bank and paying for their kids' education?

Mr. WELLSTONE. I say to my colleague—and I am breaking my promise on last words, but on the whole issue of Governor Bush, talking about compassionate conservatism, I have no doubt he says it with sincerity. I am fond of this old Yiddish proverb—I think it is a Yiddish proverb—about how you cannot dance at two weddings at the same time. Frankly, you can talk about compassion. But the other problem is you cannot make a difference unless you are willing to, in fact, reach into your pocket and invest some resources.

My colleague mentioned minimum wage. It occurred to me that one of the truly awful things is there are two groups of citizens we say we care the most about—let's talk about compassion—the very young children and the elderly, the people who built the country with the strength of their backs, who now, toward the end of their lives, may be struggling because of illness. Think about it for a moment, I say to my colleague from Illinois. Let's talk wages and then let's talk investment. The men and women who take care of small children, who work in child care, or take care of elderly people—either home-based care or nursing homes—are the most miserably paid workers in our

country. We devalue the work of adults who take care of small children. We devalue the work of adults who take care of the elderly and those people struggling toward the end of their lives. They have the lowest wages and the worst—among the worst—benefits.

Raising the minimum wage would help. It would make a difference. So would affordable health care coverage. We could make a difference, I say to my colleague from Illinois, and we should. But we do not.

Is there any wonder at the turnover in both of these fields? I know in child care there is a 40-percent turnover every year, because if you graduate from school, college, you probably are going to have a debt. If you want to work in the child care field, you are looking at a $9-an-hour job maybe with no health care benefits, or a $7-an-hour job. The same goes for home-based care or for nursing homes.

My final point. The problem with this chart is that you are talking about the top 1 percent getting the lion's share of all of these tax benefits. You are also talking about eroding the revenue base over the next decade to the point where, in certain decisive areas of life, we will not be able to make the investment. I want to shout this from the mountaintop on the floor of the Senate and finish with these words.

When it comes to child care, if you want to talk compassion and you talk so much about small children and you care so much that there is nurturing care and they are challenged and come to school ready to learn, this is not going to be done on the cheap. This is going to require real investment if we are serious.

When it comes to the elderly—I went through this with my parents. Now I will be critical of us for a moment. I am all for tax credits. It is fine. But both my mom and dad had Parkinson's. We moved them to Northfield. We actually lived here and we moved them to Northfield, MN, to try to keep them at home. We did. We kept them at home for a long time. It got to the point where we would spend the night with them, our children would, and then we were just exhausted.

I sent a note out. It was the best day I ever had teaching at Carelton. I was desperate. I sent a note out to students and I said: Here is the situation with my parents. My dad in particular, he was from Ukraine, then Russia, and speaks 10 languages fluently and I think you would enjoy him. But we need some help. Would anybody be interested in spending the night?

The next day I got 170 letters back from students saying they would be more than willing to help. It was wonderful. Then at the very end he fell and broke his hip and we no longer could keep them at home.

But my point is, home-based care, enabling people to stay at home as long as possible, live with dignity, it is not done on a tax credit of $3,000. It is a lot more expensive than that. But if we are serious about this, we are going to have to make some investment. I can think of a better use of $1 trillion over the next decade for our country, the United States of America, than tax cuts that disproportionately go to the top 1 percent of the wealthy. I think we can do better for people like my mom and dad, who are no longer alive today. And I know we can do better for these small children.

Mr. DURBIN. Will the Senator yield?

Mr. WELLSTONE. I yield.

Mr. DURBIN. I say to the Senator, he may recall we asked the Members of the Senate to take their choice, make a pick, make a decision. That is what we are sent here to do, cast a vote. Senator DODD stood up on day care and said: Shouldn't we help working families who are struggling to find a safe, quality place to leave their kids when they are off to work so they can have peace of mind and the children can grow in a positive learning environment, a safe environment?

He said: Instead of giving a tax break of $23,000 a year to the wealthiest 1 percent of Americans, why don't we talk about targeting tax cuts so families can have more of a tax credit to pay for day care? He took another step the Senator from Minnesota, I am sure, remembers. Senator DODD said: What about those families where the mother, for example, decides to stay home and raise the kids? Shouldn't we be encouraging that family? They are making an economic sacrifice for the good of their children. Shouldn't they have a tax break?

I agree with him. My wife stayed at home. I am glad she did. I guess we did not buy all the things we could have in life, but we sure ended up with three good kids, thanks to her hard work. She stayed home and helped raise those kids.

A lot of families make that decision, that economic sacrifice. Shouldn't our Tax Code help those mothers? Frankly, we are going to help you whatever your choice. Whether you go to work and need help with day care or stay home with your children, we are going to give you tax relief targeted to those families. The Republicans said: No, no, that is not a priority. Here is the priority. The priority is giving to people who make an average income of $900,000 a year about $2,000 more a month to figure out what they are going to do with it.

That is the difference. That is what the debate came down to.

The Senator from Minnesota, as he talks about long-term care, touches my heart, too. My mother passed away a few years ago. Thank goodness, she was able to stay independent for a long period of time, usually watching her son on C-SPAN and calling him in the evening to correct him on some of the things he said. I understand what families go through when they start making these decisions—and they are heartbreaking decisions—about their parents and grandparents. We believe tax breaks should be available to those families who want to take care of their parents and grandparents, who are willing to sacrifice. But not on the Republican side. They are more concerned about this estate tax which, as my colleague from Minnesota says, disproportionately helps the very wealthiest people in the United States.

Mr. WELLSTONE. Mr. President, I say to my colleague, I remember the amendment well because I offered it with Senator DODD. But there was one other important feature to it. It was a refundable tax credit. It was going to provide some help for those families who did not come under $30,000, which is critically important.

I say the same thing about higher education. If we want to do tax credits, make sure they are refundable. Again, think of our community college students. I have reached the conclusion that the nontraditional students have become the traditional students. I have reached the conclusion that the majority of students today in higher education are no longer 18 and 19 living in a dorm. The majority are 30, 35, 40, 45, 50, going back to school, many of them women, many of them with children. And, again, I can think of a better use of this money than a tax break for the top 1 percent of the population.

I far prefer to be out here on the floor passing legislation which will assure affordable higher education, affordable child care, and make a real investment in health care than some of these other areas.

Mr. DURBIN. If the Senator will yield before he yields the floor, most of us in the Chamber are well aware of Senator WELLSTONE's background. Having been involved in teaching in Minnesota and higher education in his professional career before his election, he understands, if not better than most of us, what higher education is about, what it offers, and also what it costs.

The Senator from Minnesota raises another point. We offered an alternative to this estate tax break which comes down to $23,000 a year for the wealthiest Americans. We said we are going to help for the very first time in America working middle-income families. We are going to allow them to deduct the cost of college education expenses from their income taxes. It is not a major deduction, but it helps. It said, for example, up to $12,000 a year could be deducted, and it would be treated in the 28-percent rate, which means a little over $3,000 a year.

The PRESIDING OFFICER (Mr. THOMAS). The time for the minority has expired.

Mr. DURBIN. Is anyone seeking recognition on the floor?

The PRESIDING OFFICER. Yes, there is. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the senior Senator from Wyoming. I thank him for all his efforts in organizing information to be shared with fellow Senators and with the American public.

BUSINESS OF THE SENATE

Mr. ENZI. Mr. President, I am compelled every once in a while to come to the floor to let people know what is happening. I know there are people watching the work of the Senate, and I know those people do not have, for the most part, a program or a scorecard. It is pretty hard to follow the rules of what is going on around here without that.

I make an attempt partly to explain to myself what is going on and take the opportunity to share it with other people who might be interested and might be listening.

Right now, we are in the closing days of a race for the U.S. President. It does not really have a lot to do with this body; it has a lot to do with our interaction with the administrative branch. Sometimes it is easier for rhetoric to invade the Chambers and to appear to be the most important thing we are doing.

What we ought to be doing is the appropriations bills for this Nation. We handle in excess of $1.8 trillion. That is how much we spend on behalf of the American public. We ought to be debating that. We are not. We cannot get unanimous consent to proceed to a debate on an appropriations bill. We cannot move forward to talk about the $1.8 trillion of appropriations for this country.

Instead, we have debate on things that we have debated, things that have been decided, for the most part, and, on some occasions, with some finality. Instead, we have people in this Chamber who would rather rehash votes we have already taken and retake them again. I guess the plot is to put fellow Members in a bad light in their constituency: They have already voted on these issues once, let's get them to vote again, and that will be progress for this country. You have to be kidding me.

The appropriations for this country are the important things that need to come before this body. They are the things about which we ought to be talking right now, and we ought to be talking about them in some detail. Pretty quickly we are going to run out of time. October 1 is the start of the new fiscal year for this country, and that is when we need to have the appropriations finished. That is when they start spending next year's money. That is when we hope and pray they will be spending it with the conciseness all of us envision.

When we are relegated to not being able to proceed on an appropriations bill because we cannot reach unanimous consent, we cannot debate in detail. Later, we are going to have to make massive decisions on this money, and in fact it is my belief the minority would prefer to have the President negotiating these things instead of the way our forefathers envisioned it: that Congress would come up with the mechanism and the plan and the votes to pass appropriations bills that the executive branch would administer.

That is not how it is working. The longer we push this process, the more it will be a nonvoted mediated expenditure without looking at the details. The amendments are the way the details get into this appropriations process, and it is not going to happen because we are shoving everything back through this process. We are keeping the appropriations of this Nation from being debated. We are not being allowed to proceed to the debate on important appropriations bills. Instead, we are hearing the rhetoric about how we should have minimum wage, Patients' Bill of Rights, education, and the other important things on which we have already worked, on which we have already voted that are in conference committee. Those conference committees should be finishing.

I will tell you what happened on the Patients' Bill of Rights. I am on the conference committee for the Patients' Bill of Rights. It is one of the toughest jobs I have had in my life. A number of us on the committee have spent from about 1 to 6 hours a day working on it, and it is largely nonscheduled time. When somebody discovers a place where there might be a negotiation breakthrough, we get together and talk about it. We work out words. We meet with the House folks, and we try to come to a conclusion.

We did that for months and months. Yet we hear on the floor of the delay in getting the Patients' Bill of Rights done. We were making major breakthroughs on the Patients' Bill of Rights. The Democrats in this Chamber bailed out of the process and said: Let's go back to the original House version. Sure, we have spent 3 or 4 months making important changes in this. I don't think they ever said that on the floor. But we had made 3 or 4 months of important changes in major areas. We had virtually wrapped up those areas as being much better than either the House or the Senate bill. That is what a conference committee is about. That is what a conference committee is supposed to do. We were in the process of doing that.

The only thing I can conclude from the Democrats going back to the original version of the Patients' Bill of Rights on the House side was that they could see we were making progress that the country would like, and they wanted to keep an issue instead. That is not how Government is supposed to be done. That is not the way we are supposed to do it.

We have debated these issues. We are working on these issues. But there is a desire to keep things as an issue instead of a solution, and I can't tell the Senate how much that dismays me.

There are a few other bills that could come up in this process, too. We are working on the elementary and secondary education authorization. It is done once every 5 years. The bill has come out of committee. It has been to the floor. We have debated it a few times. The amendments that are brought for that bill are not education amendments. It is all of these other ones that the Democrats would like to vote on and vote on and vote on again because that keeps them as an issue. What we need to do is get some finality to the education issue. We need to have some agreement between both sides that we will talk about education, that we will make education decisions, that we will make education in this country better for every student in elementary and secondary schools. We have to do that. That is our obligation. That is our assignment. That is what America is counting on.

We can't get that job done if we keep going back and making political statements about issues on which we have already voted. If there is a vote and you want to use it against somebody, you can put the spin on it and use it against them. You don't have to have five votes on the same issue to spin it that way. That isn't how elections ought to be working in this country, but it does say something about how elections do work in this country.

The voters are more discriminating than that. They are able to tell the rhetoric from their desires. As I travel Wyoming—and I am back there almost every weekend—our whole delegation usually goes out on Friday because we don't have votes here, and we travel the State. In Wyoming that means by car. I have traveled 300, 500 miles on a weekend. The average town in Wyoming is about 250 people. The exciting thing about visiting those towns is you get to talk to about 80 percent of the people. You get a pretty good feel for what your constituents think we ought to be doing. They do think we ought to be doing the appropriations process in detail and getting it wrapped up.

They also think that some of the votes we have taken lately are very important from a fairness standpoint. One of those issues is the death tax. Practically everybody in Wyoming understands that death is a terrible thing and when you accompany death with a tax bill, it is even worse. That doesn't affect everybody in Wyoming. Those people understand that the death tax does not affect everybody in Wyoming. But they see a basic fairness issue where it does affect other people, and it affects the businesses for which they work. If the small business they work for has to sell off part of it for death taxes and can no longer function and goes out of business, it is their job. They understand that. It is the same with the farms and ranches in Wyoming and the rest of the country. If you have to sell off a significant part of your ranch or farm to pay the death tax, you may not have an economic remainder left. When that happens, you don't have the same culture in this country, and you do not have the same jobs. People lose their jobs. So they see the basic fairness issue of making sure that death is not a taxable event.

The bill that is out there for the President to make his decision on

doesn't say they avoid taxes forever. There is a capital gains tax in it. When there is a sale of the business or a sale of the land, when there is a taxable event, it gets taxed. That is how it ought to be. It should not be triggered by death and be a second tax on the same property.

I had a letter from a constituent who said, if we do the death taxes, isn't that going to increase the gap between the wealthy and the poor? That is a good question. The answer is, no. What we are working on is middle America, the workers, particularly the workers who have been building IRAs and 401(k)s and who have been participating in the growth of the stock market, taking their wage and investing a little bit of it. There are a lot of blue-collar workers across this country who are now millionaires. They took some of their wages and saved it. They aren't in some of the old exclusions we had on death taxes. They are saying: Wait a minute. I worked my lifetime to save this money. I took some risks to make this money. I didn't do it so I could have a great retirement with a lot of vacation places. I did it so my kids would have a better chance, so that my kids would have some advantages, so that my kids would start at a little different level in their job than I started in mine.

I want to make sure death taxes don't take it away. If we let middle America, which by the Democratic definition is anybody who pays taxes—no, that would be the rich. At any rate, if we let middle America keep their money instead of paying it in death taxes and move up into a little higher level, that is the way America has operated. That is why virtually all the people in Wyoming tell me: Eliminate the death taxes.

We did that. It is going to be heading down to the President to see if he agrees on it.

I hear a lot of the marriage penalty in Wyoming. Again, it is a fairness issue. They want the marriage penalty eliminated. The bill we sent down there was not the Senate bill. The Senate bill would have had a lot more marriage penalty elimination. We went with the House version for the most part. We increased it in the lower levels so the marriage penalty among those paying taxes but making the lower amounts would benefit from it and benefit the most. That is the way the bill is right now that is being sent to the President.

Again, we had a debate; we took the vote. That issue was resolved.

We hear a lot on taxes about the rich versus the poor and what we need to do with all the surplus. It is not surplus. It is excess taxes. It is tax money that got paid that is in excess of what we had anticipated and what we had planned to spend. There are a lot of exciting things we can do with excess. Everybody wishes they had some. The greatest thing would be to win a lottery. That is kind of an excess sort of thing, unanticipated money that you got, with just a couple of bucks for expenditure. If we just give these out on all the new ideas for spending programs, that is what we will be doing—holding a national lottery.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ENZI. I think your side had time and I patiently listened while I was in the chair. Your questions turn into statements. I would like to finish making my statement, if I might.

What we are turning into is a country that recognizes that the Federal Government can give us everything and we forget about where the everything came from.

It is pretty exciting to get a windfall. I figured out—and this is mostly from talking to my Wyoming constituents—that when a new program around here is proposed, there are people across this country who benefit from it. Maybe they get $1,000. In fact, that turns out to be about the average a person in one of these programs gets—$1,000. Of course, it employs some different people because they administer the program, and they get more than $1,000 a year benefit out of it. They become the main lobbyists for the new program, and they get very excited about getting this new program in place and spending the money. You know, if a person gets $1,000 or more, it is worth a letter or two—more than that, maybe it is worth a trip to Washington.

So we hear a lot about the importance of the new programs and everything. What we don't hear about is the taxpayers saying: Whoa, that isn't a program I like or a program I want to fund; that isn't where I want to put my money.

Do you know why we don't hear as much from those people? First of all, they are busy earning the tax money that we spend; secondly, it is only costing them about a quarter for a new program. How many letters can you write for 25 cents? You can't. So what we wind up with is a huge lobby for new programs.

The President, when he did his State of the Union speech, laid out several billion dollars a minute in new programs—new programs—that he would like to see done. In fact, there were about $750 billion worth of expenditures listed there. Now, we have programs in this country that we are not funding adequately at the present time, programs that we have said are important, such as IDEA, that we bring up every once in a while to get additional funding. We don't do it, but we keep looking at new programs.

There are some things that need to be done in this country, and the best way is to get on with the appropriations process, to work through it in the kind of detail it deserves, and to quit throwing in peripheral things just because they can be brought up, which come with points of order and additional votes, each taking about an hour and using up the time of the Senate. It is time we got on with the business of appropriations and visited with constituents about the details of how they think this country ought to run.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, what is the present order of business?

The PRESIDING OFFICER. We are in morning business until 12:30.

THE LOOPHOLE IN COLLEGE GAMBLING

Mr. BROWNBACK. Mr. President, I want to make a few remarks on an issue very important to our young student athletes, as well as our colleges and universities. It is a piece of legislation that, if the appropriations continue to be held up on the other side of the aisle, I think we should consider. We should go to this piece of legislation.

The legislation is the Amateur Sports Integrity Act, which was passed out of the Commerce Committee by a 16–2 vote. There was strong bipartisan support for the legislation and introduction of the bill. Senator LEAHY and I introduced the bill. Basically, the legislation closes the one loophole on college gambling.

Presently, you cannot gamble legally in this country on college athletics. You can't bet on the Road to the Final Four, the NCAA basketball tournament, football and bowl games—except in one State in the country, and that is Nevada. That is what has led to a number of problems we have had of expanded sports gambling on amateur athletics and expanded cases where student athletes have fallen to the whims of people promising them some help if they will shave a point or two off the game. So we are trying to close that one loophole in Nevada so it is clear that it is illegal to bet on college sports in the United States.

This bipartisan legislation is in direct response to a recommendation made by the National Gambling Impact Study Commission, which last year concluded a 2-year study on the impact of legalized gambling on our country. The recommendation called for a ban on all legalized gambling on amateur sports and is supported by the NCAA, coaches, teachers, athletic directors, commissioners, university presidents, school principals, and family groups from across the country. Those groups are all strongly supportive of this legislation.

In my home State, Roy Williams, the basketball coach at the University of Kansas, considered taking the job at North Carolina but decided against it—happily, in my opinion. He is a strong proponent of this legislation. These are the people supporting this who know about the threat of gambling on amateur athletics. These are the people who are fighting the problem on the front lines 24 hours a day. These groups support our legislation which will prohibit all legalized gambling on high

school and college sports, as well as the Summer and Winter Olympic Games.

The Nation's college and university system is one of our greatest assets. We offer the world the model for postsecondary education. But sports gambling has become a black eye on too many colleges and universities.

Gambling on the outcome of sporting events tarnishes the integrity of sports and diminishes the esteem in which we and the rest of the world hold U.S. postsecondary institutions. This amendment would deal with that problem. It would remove the ambiguity that surrounds gambling on college sports and make it clearly illegal in all 50 States in the United States.

We should not gamble with the integrity of our colleges or the future of our college athletes. Our young athletes deserve legal protection from the seedy influences of the gambling, and fans deserve to know that athletic competitions are honest and fair.

Gambling scandals involving student athletes have become all too common over the past 10 years. In fact, there have been more gambling scandals in our colleges and universities in the 1990s than in every other decade before it combined. These scandals are a direct result of an increase in gambling on amateur sports.

It was just 2 years ago, during the Final Four, that we learned of the point-shaving scandal at Northwestern University involving their men's basketball team. This scandal involved both legal and illegal gambling on several Northwestern games. Kevin Pendergast, a former Notre Dame place kicker who orchestrated the basketball point-shaving scandal at Northwestern University, has stated—and I think this is clear, and it points to where we have a problem and why this is a problem and something we should take care of. In other States, it is illegal. Here is what the guy who masterminded that point-shaving case at Northwestern said:

> My relationship with sports gambling continued off and on and ended with a $20,000 bet placed in a sports book in Las Vegas. This was part of three basketball games that have been mentioned by Senator Brownback in the Northwestern point-shaving incident. The majority of the monies wagered in these games were legally wagered in Nevada. And by legally wagered, I mean you walk up to the sports book and place a bet on one team or the other. Now it was obviously illegal because of what was going on behind the scenes, but like I said, the majority of the monies wagered in this situation were wagered in a legal manner in sports casinos in Nevada.

That was the big case that broke 2 years ago. He went to a number of college athletes and said, ''We are not talking about losing the game. Don't lose the game. We just want you not to win it by as much as the margin.''

That is what we are talking about—the point spread. We will be able to wager money on the game, and if you are ahead by five points and the margin says six on it, just don't score. We are learning, as we have gone through hearings, that you don't do this on offense; you do it on defense. If you want to shave points, it is not that you miss the free throw or the shot; you actually let your player get by you on an offensive move. It is less obvious to the other people watching that that is something that is going on. So actually people have thought this through quite a bit on how you allow shaving to take place.

That is what Kevin Pendergast said on this one particular case that broke 2 years ago.

In fact, the last two major point shaving scandals involved legalized gambling in Las Vegas sports books. The point-shaving scandal involving Arizona State University is believed to involve more money than any other sports gambling case in the history of intercollegiate athletics and involved legalized gambling and organized crime.

A study recently conducted by the University of Michigan found that 84 percent of college referees said they had participated in some form of gambling since beginning their careers as referees. Nearly 40 percent also admitted placing bets on sporting events and 20 percent said they gambled on the NCAA basketball tournament. Two referees said they were aware of the spread on a game and that it affected the way they officiated the contest. Some reported being asked to fix games they were officiating and others were aware of referees who ''did not call a game fairly because of gambling reasons.'' Just a few months ago, newspaper articles from Las Vegas and Chicago detailed how illegal and legal gambling are sometime interconnected.

I get irritated sometimes at the referees in games. But if I thought there was anything going on where they were gambling on the games and that it was affecting their calls, imagine how poisonous this would be to them and to the integrity of the sport that is taking place.

The National Gambling Impact Study Commission Report recognized the potential harm of legalized gambling by stating that sports gambling ''can serve as gateway behavior for adolescent gamblers, and can devastate individuals and careers.'' Some of its findings include:

More than 5 million Americans suffer from pathological gambling;

Another 15 million are ''at risk'' for it; and

About 1.1 million adolescents, ages 12 to 17, or 5 percent of America's 20 million teenagers engage in severe pathological gambling each year.

According to the American Psychiatric Association:

Pathological gambling is a chronic and progressive psychiatric disorder characterized by emotional dependence, loss of control and leads to adverse consequences at school and at home;

Teens are more than twice as vulnerable to gambling addictions than adults because they are prone to high-risk behaviors during adolescence; and

Ninety percent of the nation's compulsive gamblers start at an adolescent age;

According to the Minnesota Council on Compulsive Gambling, gambling on sporting events is a favorite preference of teenage gamblers.

We are talking about the gateway behavior, the pathological gambling, and 90 percent of it starts as teenagers. Where does it generally start? One of the favorite gateways is sports gambling.

Opponents of our legislation have tried to discredit our efforts by insisting that we should be focusing our efforts on curbing illegal gambling, not legal. I agree that we should be looking at ways to help law enforcement and institutions for higher education combat illegal gambling. The NCAA has undertaken numerous steps to combat gambling among student athletes and stated during the Commerce Committee hearing its intention to do even more.

I want to list some of the steps they proposed and are doing.

They are sponsoring educational programs for student athletes, including development of a sports wagering video; partnershiping with several professional organizations; assisting in bringing Federal and local enforcement officers to camps across the country; continuing to broadcast antisports gambling through public service announcements during NCAA championship games aired on CBS and CNN, most recently aired 18 times during the 2000 basketball championship games, and will continue to run during championship games this year.

They developed a ''don't-bet-on-it booklet,'' created in partnership with the National Endowment for Financial Education to educate students about the dangers of sports gambling and to acquaint them with good financial management strategies.

They distributed these to at least 325,000 NCAA students.

The NCAA established policies that prohibit gambling on professional or college sports by college athletic personnel, student athletes, athletic conferences, and NCAA employees.

They prohibit student athletes from competing if they knowingly provide information to individuals concerning games.

They prohibit student athletes from competing if they solicit a bet on any intercollegiate game, or if they accept a bet on any intercollegiate team, or if they accept a bet on any team representing the institution, or participate in any gambling activity that involves an intercollegiate athlete through a book maker, or any other method employed by organized gambling.

They have instituted background checks on men and women basketball

officials to try to deal with the study that I just mentioned by the University of Michigan about the number of referees who have been involved in gambling.

The NCAA has been working in partnership with the National Association of Student Personnel and Administrators on implementation of on-campus surveys aimed at obtaining data related to gambling behavior of college students. The goal is to enlist 50 institutions to participate in the project. I hope the results will be available later this year.

The NCAA is working with several of the largest athletic conferences to assist in the development of comprehensive research on student athletic gambling behavior. They have other programs they are working with as well.

My point in mentioning all of that is there were charges made at the hearing in the Commerce Committee that the NCAA isn't doing enough. I agree. They are not. They are not stepping up and doing more. That should not be an excuse for us not doing what is right here, which is to ban the gambling on student sports. We shouldn't be subjecting our student athletes to this type of pressure.

Opponents have claimed that this is a state issue, not a federal one. This argument doesn't hold water. Congress already determined this is a federal issue with the passage of Professional and Amateur Sports Protection Act (PASPA) in 1992. Ironically, while Nevada is the only state where legal gambling on collegiate and Olympic sporting events occurs, Nevada's own gaming regulations prohibit gambling on any of Nevada's teams because of the potential to jeopardize the integrity of those sporting events.

If it is good for the goose, it is good for the gander. This should be banned everywhere.

During a press conference on my legislation earlier this year I encouraged colleges and universities from across the country to ask the Nevada Gaming Control Board to prohibit any wagers from being ''accepted or paid by any book'' on their respective athletic teams in Nevada. Unfortunately, the board refused the NCAA's request, stating that ''the same level of protection is already extended within each of these states.'' What they failed to mention was that no state, except for Nevada, allows betting on college teams from other states. The frequency of gambling scandals over the last decade is a clear indication of legal gambling of college sports stretching beyond the borders of Nevada, impacting the integrity of States' sporting events in other places.

I said to the Nevada Gaming Control Board: If you take UNLV off the books, allow a way for the University of Kansas and Kansas State University to get off the books. Let our board of regents petition the Nevada Gaming Board that if they don't want to be on the books, Kansas State University can be pulled off, the Governor can send a letter officially requesting, or the legislature can even pass a resolution saying the request be pulled off the books. Give us a way out to protect the integrity of our universities.

They denied the request. They said they would not do it because if we wanted out, there will be a whole bunch more who want out. Should that not tell us something right there, as well?

I am a strong advocate of States rights. However, States rights meet a State's authority to determine how best to govern within that State's own borders; they do not have a right to impact the integrity of Kansas sporting events. They do not have the authority to set laws allowing a State to impose its policies on every other State while exempting itself. Gambling on college sports, both legal and illegal, threatens the integrity of the game. That threat extends beyond any one State's borders.

I realize a ban on collegiate sports gambling will not eliminate all gambling on college sports. However, as Coach Calhoun stated in his testimony during the hearing: It is a starting point.

It is an important starting point. This is exactly what this legislation is about, a beginning. It will send a clear signal to our communities and, more importantly, a clear message to our kids: Gambling on student athletics is wrong and threatens the integrity of college athletes.

I believe it is important that every Senator voting on this legislation should ask him or herself this question: Is it unseemly and wrong to bet on kids? I think so. If enacted, there will be no ambiguity about whether it is legal or illegal to bet on college sports. As part of a broader strategy to resensitize the public to the problems associated with college sports gambling, this will make a difference. We should not wait for another point-shaving scandal in order to act. There will be another point-shaving case that will come down. Given the amount of money—over $1 billion bet each year on college sports—there will be another point-shaving case that will occur.

Mr. President, if the minority, if the Democrat side, chooses to continue to hold up legislation on appropriations bills, I think this would be a good time to go take up this bill. I think it would be appropriate. I think it would be a good time to take it up.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I ask unanimous consent I be given 10 minutes to speak in morning business.

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

A BIPARTISAN RESPONSE TO CHINESE PROLIFERATION

Mr. THOMPSON. Mr. President, today I want to talk about one of the most serious issues facing the United States—the proliferation of weapons of mass destruction and the means to deliver them. I also want to talk about the legislation that Senator TORRICELLI and I have introduced—the China Nonproliferation Act—to address this growing threat.

The world is a more dangerous place today because key supplier countries like the People's Republic of China [PRC] continue to proliferate weapons of mass destruction to rogue states like North Korea, Iran, and Libya.

China has sold nuclear components and missiles to Pakistan, missile parts to Libya, cruise missiles to Iran, and shared a wide variety of sensitive technologies with North Korea.

Russia has provided nuclear weapons assistance to Iran, and missile technologies to North Korea.

North Korea has provided missile technologies to a variety of countries in the Middle East and Africa, and openly acknowledges these sales are one of its main sources of hard currency.

Many of these technologies are being used by rogue states to develop weapons of mass destruction and the means to deliver them—capabilities which are prompting many policymakers and defense experts in this country to call for the immediate deployment of a multi-tiered national missile defense system.

Two years ago,a bipartisan commission headed by former defense secretary Don Rumsfeld challenged the administration by concluding that rogue states like North Korea and Iran could develop an ICBM within 5 years of deciding to do so. In fact, the Commission reported that:

> China also poses a threat to the U.S. as a significant proliferator of ballistic missiles, weapons of mass destruction and enabling technologies. It has carried out extensive transfers to Iran's solid-fueled ballistic missile program. It has supplied Pakistan with a design for a nuclear weapon and additional nuclear weapons assistance. . . . The behavior thus far of Russia and China makes it appear unlikely . . . that either government will soon effectively reduce its country's sizable transfers of critical technologies, experts, or expertise to the emerging missile powers.

Shortly thereafter, North Korea surprised our intelligence agencies by successfully launching a three-stage rocket—the Taepo Dong I—over Japan, demonstrating the technological know-how to hit the United States with a small warhead, and essentially confirming the Rumsfeld Commission's assertions.

In July 1999, the Deutch Commission, which was organized to assess the federal government's ability to address WMD proliferation, concluded that:

> The U.S. Government is not effectively organized to combat proliferation, despite the fact that ''Weapons of mass destruction pose a grave threat to U.S. citizens and military forces, to our allies, and to our vital interests in many regions of the world.'' The report also confirmed that China ''is both a source and transfer agent for passing knowledge, technology, sub-systems, and entire

systems to dangerous state and sub-national actors.

Last September the intelligence community released a new National Intelligence Estimate of the ballistic missile threat. This report asserted that ''during the next 15 years the United States most likely will face ICBM threats from Russia, China and North Korea, probably from Iran, and possibly from Iraq.'' North Korea could convert its Taepo Dong-1 space launch vehicle to deliver a light payload—sufficient for a biological or chemical—to the United States. And Iran's missile program is not far behind. In short, some rogue states may have ICBMs much sooner than previously thought, and those missiles will be more sophisticated and dangerous than previously estimated.

An unclassified CIA report provided to Congress earlier this year said that from January to June of last year ''firms in China provided missile-related items, raw materials, and/or assistance to several countries of proliferation concern,'' including Iran, North Korea, and Pakistan.

The report also said that China has provided extensive support to Pakistan's nuclear and missile programs in the past, and that ''some ballistic missile assistance continues.''

Additionally, ''North Korea obtained raw materials for its ballistic missile programs from various foreign sources, especially from firms in China.''; and

''Russia and China continued to supply a considerable amount and a wide variety of ballistic missile-related goods and technology to Iran.''

Iran has ''manufactured and stockpiled chemical weapons, including blister, blood, and choking agents and the bombs and artillery shells for delivering them.'' The report adds that, during the first half of 1999, Iran sought production technology, expertise, and chemicals that could be used for chemical warfare ''from entities in Russia and China.''

''Throughout the first half of 1999, North Korea continued to export ballistic missile-related equipment and missile components, materials and technical expertise to countries in the Middle East and Africa.'' In February of this year, U.S. intelligence officials indirectly confirmed press reports that North Korea has delivered to Iran 12 engines that would be critical to Iran's efforts to build extended-range Shahab missiles.

The next report is due out any day now, and it isn't much different, I am told.

In a hearing before the Governmental Affairs subcommittee on International Security, Proliferation, and Federal Services last month, Robert Walpole, National Intelligence Officer for Strategic and Nuclear Programs, testified that the threats to our Nation's security are real and increasing. He added that the major factors fueling this threat are continued proliferation and ''increased trade and cooperation among countries that have been recipients of missile technologies.'' Many of the rogue states and other countries seeking these weapons of prestige, coercive diplomacy, and deterrence are working hard to develop an indigenous capability—which requires the acquisition of ''dual use'' items from the industrialized countries of the West.

The public press accounts are equally troubling:

New reports since 1997 have detailed how Russian entities have provided Iran's missile programs with speciality steels and alloys, tungsten coated graphite, wind tunnel testing facilities, gyroscopes and other guidance technology, rocket engine and fuel technology, laser equipment, machine tools, and maintenance manuals.

North Korea has provided missile technologies and assistance to Iran and Libya, and is supposedly building a missile factory in Sudan for Iraq.

All of these events lead to one bottom line: That dangers to the United States exist and are increasing; that the unfettered sale of ''dual-use'' and military-related technologies are abetting those threats; and that the problem is being fueled by a few key suppliers like China.

Let me give a brief summary of the revised China Nonproliferation Act. The U.S. walks a delicate tightrope as it balances national security and trade with China. Free trade and open markets are essential, but the federal government's first responsibility is the protection of our national security. That's why Senator TORRICELLI and I have introduced the China Nonproliferation Act, which requires an annual review of proliferation, establishes clear standards, reasonable penalties, adequate presidential waivers, congressional oversight, and much-needed transparency.

The goal of this bill is to address the proliferation of key suppliers like China, while minimizing any negative impact on United States businesses or workers. We received a number of comments on the original draft of this bill, and we have made substantial changes in order to address concerns raised by the administration and others. I'd like to take a moment now to set the record straight on what our bill does and does not do.

The administration raised four concerns regarding the original draft of our bill, all of which have been addressed in the revisions.

First, in response to the concern that the bill singled out China, we have broadened the bill to apply to all key suppliers of weapons of mass destruction as identified by the Director of Central Intelligence. Rather than singling out certain suppliers, this bill applies equally to all countries based on their proliferation activities. Those determined to be key suppliers by the DCI will be subject to the act. This mechanism allows countries to be added or dropped from the list based on their behavior.

Second, in response to the concern that the original bill failed to provide adequate flexibility for the President, we have made the sanctions against supplier countries under the act discretionary, as opposed to the mandatory sanctions contained in the original bill.

Third, in response to a concern that individual companies could face mandatory sanctions based on insufficient evidence, we have raised the evidentiary standard for imposing mandatory sanctions on companies identified as proliferators to give the President complete discretion in making a determination as to whether a company has engaged in proliferation activities.

Finally, in response to a concern that the original bill captured legal transactions and legitimate efforts by countries to pursue their own defense needs, we have changed the language to make clear that only actions that contribute to proliferation of weapons of mass destruction will trigger penalties under the act.

Furthermore, the revised bill addresses additional concerns raised by the U.S. business community that U.S. firms and workers could be adversely impacted.

The bill now contains a blanket provision that protects the agricultural community from any adverse impact.

In addition, the bill's penalties apply only to companies of key supplier countries, not to U.S. companies and workers.

We have also made changes to the congressional review procedure to ensure that Congress exercises adequate oversight without overburdening the Congress. We have raised the bar with regard to the initiation of expedited congressional review procedures. We did this by requiring at least one-fifth of the Member of either House to sign onto a joint resolution. We have also exempted the President's exercise of national security waiver authority from this congressional review process.

In short, the key features of our bill are now consistent with current law and similar to the Iran Nonproliferation Act of 2000, which passed the Senate 98–0 in February. These two laws are structured in much the same way, with the difference being that our bill addresses the supplier of the weapons, and the Iran Act addressed a user. Under both bills, the President is required to supply a report, based on ''credible information,'' on foreign entities transferring WMD and missile items. The activities covered in these reports are the same, except that the Iran Act covers transfers of these items into Iran and this bill covers transfers of these items out of key supplier countries—the international equivalent of going after the drug dealers to get to the root of a pervasive drug problem. Under both the Iran Act and our legislation, the President is authorized, but not required, to impose sanctions against countries violating the act. The principal difference between our bill and the Iran Act is that our bill requires sanctions against the individual,

company, or government entity, identified as a proliferator, whereas the Iran Act made these sanctions discretionary; however, our bill requires a Presidential determination that the proliferation activities have occurred prior to triggering these sanctions, leaving the President with substantial discretion.

In response to the critics, we are confident that these changes will still fulfill our goal of halting proliferation from key suppliers like China and sending the right message abroad, while removing any unintended consequences. But despite our efforts, opponents of the bill continue to contend that current nonproliferation laws are sufficient and effective, that Chinese proliferation is under control, and that sanctions never work. They add that diplomacy and ''engagement'' will bring the world's key suppliers around. I ask these critics, where is your evidence?

All we need to do is look at the evidence to realize that existing legislation has clearly not been effective, because we continue to receive alarming reports of China's proliferation activities. In a report issued in July of 1998, the Rumsfeld Commission called China a ''significant proliferator of ballistic missiles, weapons of mass destruction and enabling technologies.'' Recent reports indicate that Chinese proliferation behavior has worsened over the past year, and North Korean activities remain intolerable, demonstrating the inadequacy of our nonproliferation laws.

In the last several weeks, on the eve of the Senate's consideration of PNTR for China, and after the House had already voted, it was revealed that China was assisting Libyan experts with that country's missile program, illegally diverting United States supercomputers for use in the PRC's nuclear weapons program, and helping build a second M–11 missile plant in Pakistan. And just last week, Iran successfully test-fired its Shahab-3 missile, which is capable of striking Israel, American troops in Saudi Arabia, or American bases located within the borders of our NATO ally, Turkey. This missile was developed and built with significant assistance by the PRC.

The classified reports of Chinese proliferation are even more disturbing.

And all we need to do is look at the events of recent weeks to see that diplomacy alone will not resolve the serious threat to our national security posed by proliferation. In the last few weeks, three senior United States delegations traveled to Beijing to discuss these issues. Each was sent back to Washington empty-handed, under the explicit threat that if the United States continues to assist Taiwan with its defensive needs or proceed with our own National Missile Defense, the PRC will continue to proliferate offensive weapons and technologies to whomever it pleases.

Opponents also argue that we don't need more laws—current laws are sufficient and effective. If this is the case, then why is China's proliferation problem not improving? Moreover, why was it okay to pass the Iran Nonproliferation Act of 2000, by a vote of 98–0, less than 6 months ago, and it's not okay to do so now? That legislation was designed to address a serious problem: The development of a credible nuclear weapons and missile program thanks to the direct assistance of the Russians, Chinese, and North Koreans. Weren't there enough laws on the books then also? Or does the potential to make a buck off the Chinese make it all different?

Our bill recognizes the value of a multilateral approach to the problem and encourages the President to pursue a multilateral solution. But at the same time, we must act. Over the years, when the United States has been serious about implementing measures to signal our displeasure with a foreign government's action, these measures have had an effect. For example, United States economic pressure in the late 1980s and early 1990s led to China's accession to the Nuclear Nonproliferation Treaty in 1992. In June 1991, the Bush administration applied sanctions against the PRC for missile technology transfers to Pakistan. These measures led to China's commitment five months later to abide by the Missile Technology Control Regime [MTCR]. In August 1993, the Clinton administration imposed sanctions on the PRC for the sale of M–11 missile equipment to Pakistan in violation of the MTCR. Over a year later, Beijing backed down by agreeing not to export ''ground to ground'' missiles if sanctions were lifted, which occurred in November 1994.

Critics of our legislation also say that the problem is not with the laws, it is with the President's willingness—or unwillingness—to enforce them. On this point I would certainly agree. In the case of Chinese proliferation, the Clinton administration has too often put ''good relations'' and commerce before national security. Time and time again this administration has jumped through hoops to whitewash or make the problems with China go away. The President himself acknowledged that he has avoided complying with current laws. In April 1998, while speaking to a group of visitors, he complained about legislation that forces his administration to penalize other nations for behavior that falls short of our expectations. He went on to say that this creates pressure for the administration to ''fudge the facts.'' I have no trouble believing this is true. A prime example is when the intelligence community discovered a shipment of Chinese M–11 missile canisters on a dock in Pakistan. The President failed to take action. His justification? He couldn't prove that there are missiles actually in the canisters. This of course only emboldened the PRC, as evidenced by their recent substantial assistance to the Pakistani missile program.

The Clinton administration has never made nonproliferation a policy priority. We've never acted aggressively in the face of these violations, and have never treated nonproliferation as a serious agenda item in our official dealings with the PRC.

It is not surprising, then, that the White House does not want to see any legislation considered by the Congress which might reflect negatively on its stewardship of the proliferation problem. But that is precisely why this legislation is needed. This legislation attempts to enhance congressional oversight by requiring reports from the President on proliferation activities and his response to those activities, and by creating expedited procedures for the Congress to consider a joint resolution of disapproval of the President's actions where that is warranted.

Opponents argue that the congressional review procedures in our bill are also unwarranted and infringe on the rights of the President. However, Congress has a responsibility here. We do not have the luxury of sitting back and avoiding a matter that involves our national security when we see that things are going in the wrong direction. Our goal is not to tie up the Senate with annual votes on China's proliferation activities, but it is to provide a procedure for Congress to exercise its oversight role when the President has truly failed to respond to these threats. In response to concerns raised by other Members that the original review procedure would allow individual Senators to disrupt the business of the Senate, we have raised the standard to initiate the expedited procedures to one-fifth of the Members of either House, more than that required to initiate a cloture petition in the Senate. And regardless of how the Senate votes, the President can still veto the measure. All this provision does is ensure that Congress' legitimate role in foreign policy is preserved, that we are made aware of the proliferation activities of key suppliers countries and what actions the President is taking to deal with this threat, and Members have the means to fulfill our constitutional duties to ensure that America's security is safeguarded.

Other critics of my bill have argued that we need to hold hearings and subject the bill to committee review. Over the past four years, the Governmental Affairs Committee alone has held 15 hearings on proliferation. Over 30 hearings have been held by my committee, the Armed Services Committee, and the Foreign Relations Committee. Furthermore, this legislation has the full support of the chairman of the committee of jurisdiction, the Foreign Relations Committee. The issue of proliferation has received a full hearing and it is time to act. In the past, the Senate has not hesitated to act in an expedited fashion where a serious threat to U.S. interests was involved.

I find it ironic that some of those members who so eagerly call for hearings are the same ones that voted last year for the Food and Medicine for the World Act—a sanctions relief bill

which was offered to the Agriculture Appropriations bill without prior hearings, and was voted for by 70 Members of this body. This bill significantly affected our relations with several states, most notably Cuba and the other state sponsors of terrorism. This bill would have changed U.S. policy that had been in place for decades, through several administrations, and tightly bound the President's ability to initiate sanctions against a country. Moreover, the bill required congressional approval to implement sanctions, and did so through the same expedited procedures found in our original bill. Again, I ask what is different here?

Some have even raised the argument that the transparency provision in our bill is bad and will do great harm to our capital markets. Why is that transparency fine everywhere but in this bill. Whether it be within the government, campaign finance reform, you name, it, transparency is fine. But not when we want to let U.S. investors know when a foreign company that they have invested in, or are considering investing in, has been reported by the intelligence community as a proliferator of weapons of mass destruction and the means to deliver them. Is it so bad to let American investors know that their hard-earned dollars might be providing the capital to support a weapons proliferation program for North Korea or Libya that might one day threaten their hometown? We warn Americans that cigarette smoking might be hazardous to their health, that cholesterol might cause heart failure, and that driving without a seat belt on could result in serious injuries in an accident, but we're unwilling to tell them that their pension fund might be helping China ship chemical weapons to Iran? Do we think Americans aren't smart enough to make responsible decisions, or are we actually afraid that they might do just that?

This is not some stretch of the imagination. A few months ago, PetroChina attempted to raise $10 billion through an IPO to finance its operations in Sudan, a country that has been listed as a state-sponsor of terrorism. While this case raised the level of public attention on this issue, the problem started before PetroChina. The California Public Employees' Retirement System (or Calpers) has invested millions of dollars of employee pension funds in companies with close ties to the Chinese government and the Chinese People's Liberation Army. Calpers has invested in four companies linked to the Chinese military or Chinese espionage: Cosco Pacific, China Resources Enterprise, Citic Pacific, and Citic Ka Wah Bank. According to the Wall Street Journal, American workers own $430 billion worth of foreign equities through pension funds.

Congressionally mandated commissions studying the issue of proliferation have concluded both that the Chinese government is using the United States capital markets to fund its proliferation activities and that the United States needs to address this issue as part of a solution to proliferation. The Deutch Commission study of the threat posed by proliferation stated that ''the Commission is concerned that known proliferators may be raising funds in the U.S. capital markets'' and concluded, ''It is clear that the United States is not making optimal use of its economic leverage in combating proliferators . . . Access to U.S. capital markets . . . [is] among the wide range of economic levers that could be used as carrots or sticks as part of an overall strategy to combat proliferation. Given the increasing tendency to turn to economic sanctions rather than military action in response to proliferation activity, it is essential that we begin to treat this economic warfare with the same level of sophistication and planning we devote to military options.''

The Cox Commission review of United States national security concerns with China also concluded that ''increasingly, the PRC is using United States capital markets as a source of central government funding for military and commercial development and as a means of cloaking technology acquisition by its front companies.'' The committee also concluded that most American investors don't know that they are contributing to the proliferation threat saying, ''Because there is currently no national security-based review of entities seeking to gain access to our capital markets, investors are unlikely to know that they may be assisting in the proliferation of weapons of mass destruction by providing funds to known proliferators.''

It is clear that China has been using United States capital to fiance its military and proliferation activities, and it seems that this activity will only increase in the future. At least 10 Chinese companies are currently listed on United States stock exchanges, and the PetroChina initial public offering was a test case designed to pave the way for additional offerings. China Unicom, the second largest telecommunications operator in China, was recently listed on the New York Stock Exchange, and has already raised approximately $5 billion in its initial public offering, and total proceeds of the IPO are expected to exceed $6.3 billion.

These problems have gone unaddressed for too long. That is why we have included a provision regarding capital market transparency in the China Nonproliferation Act. However, even in light of all of the above, the capital market response is optional. It is merely one of several responses available to the president if a foreign company is determined to be a persistent proliferator.

In conclusion, let me end by reiterating that our bill is not an attempt to derail the vote on permanent normal trade relations [PNTR] for China. I have long been a strong supporter of free trade. That is why we have asked for a vote separate from, but in the context of, the China-PNTR debate all along. We want Members to vote based on their conscience and the right solution to this serious national security issue, not based on parliamentary concerns or on how such a vote might affect the pending trade bill.

But it is essential to address this issue now. At a time of monumental change in our relationship with Beijing—when China is asking to become a member in good standing of the global trading community—is it asking too much for a fellow permanent member of the U.N. Security Council to obey international rules and norms with regard to the proliferation of weapons of mass destruction?

The United States cannot continue this charade of confronting Chinese proliferation by establishing more commissions, holding more hearings, passing more ineffective legislation, or seeking more empty promises from Beijing. We are confident that our bipartisan approach to this serious threat addresses the problem in a firm, responsible, and balanced manner. The United States must send the right message abroad, and as strong proponents of free trade, we believe that requires engaging and trading, while establishing a framework for appropriate United States response to China's actions that threaten this country.

We cannot take one approach without the other—not when our national security is at stake.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. THOMAS. Mr. President, it is my understanding we go in recess at 12:30.

The PRESIDING OFFICER. The Senator is correct.

DICK CHENEY AND NATIONAL GOVERNANCE

Mr. THOMAS. Mr. President, I wanted to take a minute today to react to the news that has been all over, of course, in the last few days about the selection of a Wyoming person to be on the ticket with Governor Bush. We are very excited, of course, and very proud of Dick Cheney. We think he is certainly a great addition to anyone's ticket for national governance. We think he is a great choice.

Mr. Cheney, of course, was most recently Secretary of Defense. He moved to Secretary of Defense from serving Wyoming for nearly 10 years in the Congress, in the House. I was fortunate enough to be able to replace Dick Cheney in the House, representing Wyoming, so I, of course, have followed his career closely. No one was more excited than I was when he left to go to Defense. In any event, not only that but of course he had worked in the White House. He had worked there as an administrative person, finally worked his way up to be Chief of Staff for President Ford.

So really there is no one who has had a broader and better experience in National Government than Dick Cheney. Perhaps even more important than that, this is a person who is a real person. I am sure all of us get a little exasperated from time to time in politics, where it seems almost everything is spinning the issue, particularly in election times. You hear things. Someone asks a question and the question is never answered because they spin off into something that is entirely different to be advantageous to themselves. Not Dick Cheney. Dick Cheney is a guy who is real. He is a guy just like the rest of us. He grew up in Caspar, WY; went to school there. So all of us, including the Presiding Officer here, from Wyoming, are very proud of Dick Cheney and very pleased that he will be a part of this campaign, hopefully of governance in this country.

Finally, for a couple of seconds I would like to say how disappointed I am that we are not moving forward, doing the business of the people of this country. We are down to where there are 4 days left this week, less than that, actually—a week when we had hoped to do, probably, three appropriations bills. We go out, then, in August for recess, come back in September, probably have less than 20 working days to accomplish the business of this country.

Whether you like it or not, one of the major features of the Government is the appropriations process. It is determining what money is spent for, what programs are given priorities. Of course, that is what the appropriations process is all about. We are talking about $1.8 trillion, almost $700 billion of that being in appropriated funds. So our responsibility is to do that. Now we find ourselves being held up from going forward. I understand there are differences of opinion. That is what this is all about. There are supposed to be differences of opinion. But there is also a way to deal with those without holding up the progress of the entire Congress and ignoring the things we are designed to do, often simply to make an issue.

We find ourselves, unfortunately, in Presidential years more interested in creating issues than we are in creating solutions. I think that is too bad. Obviously, issues are important. Obviously, differences of view are important. Obviously, there is generally a considerable amount of difference between the views on the other side of the aisle, the minority, and the majority. The minority, of course, is generally for spending more money, having more Government. They see the role of the Federal Government expanded greatly, where most of us on this side are more interested in holding down the size of government, moving government closer to the people and the States and in the counties and that sort of activity.

It is discouraging when they use that leverage of basically shutting down the things we must do. Unfortunately, there is a history of that. In 1998, in the second session, the minority held up the education savings account, the protection of private property rights, product liability reform, NATO expansion, the Human Cloning Prohibition Act, funding for the Treasury Department—all in the effort to use that leverage.

Last year, of course, we had the obstruction of the Social Security lockbox—six times. We would go back to the same six times to make an issue out of it. Ed-Flex, the idea of giving more flexibility to education and letting people on the ground, in the States and on the school boards, have more determination as to what was done there, and bankruptcy reform—still in limbo.

We had delay in such critical issues as the elementary-secondary education bill. That is something that ought to be moved. Marriage penalty tax relief—it took a very long time. You can make decisions on things, but to try to change it by avoiding moving forward is a very destructive kind of operation. That is where we find ourselves right now, unfortunately.

The Ed-Flex bill, as I said, had to have five votes before we could break that. The lockbox legislation to protect Social Security, we went over and over that.

Much of it is the idea somehow if we can put everything off until after the first of the year, there will perhaps be another opportunity to do something different.

I think it is time for us to adjourn. I yield the floor.

Mr. DORGAN. Parliamentary inquiry, Mr. President?

The PRESIDING OFFICER. The Senator will state it.

Mr. DORGAN. Mr. President, I am wondering, the Senate reconvenes at 2 o'clock by previous order today, is that correct?

The PRESIDING OFFICER. At the hour of 2:15.

Mr. DORGAN. Mr. President, I shall not ask to extend morning business. But I ask consent I be recognized at 2:15 for 20 minutes of morning business.

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

RECESS

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

Thereupon, at 12:31 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BROWNBACK).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Kansas, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate be in a period for morning business until the hour of 3 p.m., with the time equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, by previous order, I am recognized for the next 20 minutes. The Senator from Idaho wishes to deal with the 20 minutes following that; is that correct?

Mr. CRAIG. Yes. The Senator from Idaho asks unanimous consent that the unanimous consent request he just made become active immediately following the time of the Senator from North Dakota.

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

Under the previous order, the Senator from North Dakota has the next 20 minutes. The Senator from North Dakota is recognized.

UNFINISHED BUSINESS ON SENATE AGENDA

Mr. DORGAN. Mr. President, I was listening to some of the discussion this morning before the Senate broke for the party lunches. I was especially interested in a couple of presentations about the progress some think the Senate has made in this Congress, and about why they believe the Senate is not making progress today or this week.

It reminds me of the story of the fly that landed on the nose of an ox. The ox, with the fly on its nose, went out for the entire day and plowed in the field. They came back to the village at night, and the villagers began applauding. The fly, still on the nose of the ox, took a deep bow and said to the villagers: We've been plowing.

That is sort of what I heard this morning—we've been plowing—when, in fact, this Senate, as all of us know, has not done the work we should have been doing for the American people.

I thought it would be interesting to describe what the agenda should have been and what we have done.

I will talk about some of the issues with which most Americans believe the Congress should be dealing: Common sense gun safety. For those who might be listening, I'm not talking about gun control; this is not in any way going to abridge people's Second Amendment right to own guns. This legislation will, however, close a loophole in the law that allows people to purchase guns at gun shows without having to get an instant check.

If you buy a gun in this country in a gun store, you must have your name run through an instant check system

to find out whether you are a felon. That makes good sense. We should not sell guns to felons. The instant check system helps identify if someone trying to buy a gun at a gun store has been previously convicted of a felony and therefore should not be sold a weapon.

But guess what? Go to a gun show on a Saturday somewhere and you can buy a gun without an instant check being done. This does not make any sense. We want to close that loophole. We do not want to be selling guns at a gun show to a convicted felon. Yet we cannot get this common sense piece of legislation enacted in this Congress because it is considered radical or extreme by some. It is a very simple proposition: Close the gun show loophole to prevent felons from buying guns. We should get that done.

Or what about the Patients' Bill of Rights? Every day 14,000 patients are denied needed medicines; 10,000 are denied needed tests and procedures in this country. But we cannot pass a decent Patients' Bill of Rights because, in this Congress, we have people who stand with the big insurance companies rather than standing with patients.

I know it is inconvenient to some to hear about specific patients who have been denied needed care by their HMOs. I have talked about these patients at great length in the past because these folks are what the Patients' Bill of Rights is all about. It is about the woman who fell off a 40-foot cliff while she was hiking in the Shenandoah Mountains. She fell 40 feet, broke several bones and was hauled unconscious into a hospital emergency room on a gurney. After surviving her life-threatening injuries, she was told by her managed care organization that it would not cover her medical care in the emergency room because she didn't have prior approval to go to the emergency room. This is a woman who was hauled into the emergency room unconscious. That is the sort of thing people are confronting these days.

Senator REID and I had a hearing in Nevada on this subject. At that hearing, a woman stood up and talked about her son. Her son is dead now. He died last October at 16 years of age. He was battling cancer and needed a special kind of chemotherapy to give him a chance to save his life. Unfortunately, his insurance company denied him this care. He not only had to battle cancer, but he also had to battle the insurance company that wouldn't cover the care he needed. His mother held up a very large picture of her son at the hearing and, with tears in her eyes, she cried as she told us: As my son lay dying, he looked up at me and said, Mom, I just don't understand how they could do this to a kid.

Kids who are battling cancer ought not have to battle the insurance companies or HMOs. Yet that is what is happening too often in this country. We propose to pass a Patients' Bill of Rights that is very simple. It says every patient in this country has a right to know all of his or her options for medical treatment, not just the cheapest option. It says that if you have an emergency and go to an emergency room, you have a right to care in that emergency room. It says that if you have cancer and your employer or your spouse's employer changes health plans, you have a right to continue seeing the oncologist who has been helping you to fight that cancer. But we can't get a Patients' Bill of Rights enacted because when it comes time to say who you stand with—the patients who ought to have certain rights or the big insurance companies that in too many cases have denied those rights—too many Senators say: We stand with the insurance companies.

The last time we debated this issue on the floor, about a month ago, my colleague from Oklahoma, Senator NICKLES, offered an amendment that he called a Patients' Bill of Rights. He accomplished his purpose, I suspect, because the next day the paper said the Senate passed a Patients' Bill of Rights. However, what the Senate really passed was a ''patients' bill of goods,'' not a Patients' Bill of Rights.

I thought it interesting that Dr. GANSKE, a Republican Congressman, wrote this letter:

Heaven forbid that any member of Congress would ever vote on a bill they haven't had time to read! Heaven really forbid that a member would vote on a bill that their staff hasn't seen!

Yet, that is exactly what happened two weeks ago on the floor of the Senate when the Nickles HMO amendment was brought up for a vote.

People are just now beginning to realize what was in that legislation. To help you understand the fundamental flaws of the Nickles bill, I am including a copy of an analysis of the Senate's patient's bill of rights that was added to the FY 2001 Labor/HHS legislation.

This Senate legislation eliminates virtually any meaningful remedy for most working Americans and their families against death and injury caused by HMOs.

This is Dr. GANSKE, a Republican Congressman, making this reference to the Nickles bill. He then includes a rather lengthy analysis.

Mr. President, I ask unanimous consent to print Dr. GANSKE's letter and the analysis in the RECORD.

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

JULY 13, 2000.

Hon. BYRON DORGAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DORGAN: Heaven forbid that any member of Congress would ever vote on a bill they haven't had time to read! Heaven really forbid that a member would vote on a bill that their staff hasn't seen!

Yet, that is exactly what happened two weeks ago on the floor of the Senate when the Nickles HMO amendment was brought up for a vote. The Norwood-Dingell-Ganske bipartisan Consensus Managed Care Reform Act of 1999 had been public for months before the House voted. Not so with the Nickles HMO bill.

People are just now beginning to realize what was in that legislation. To help you understand the fundamental flaws of the Nickles bill, I am enclosing a copy of an analysis of the Senate patient's bill of rights that was added to the FY 2001 Labor/HHS legislation.

This Senate legislation eliminates virtually any meaningful remedy for most working Americans and their families against death and injury caused by HMOs. Please read the analysis by Professors Rosenbaum, Frankford, and Rosenblatt as to why the Nickles bill is worse than the status quo!

Sincerely,

GREG GANSKE,
Member of Congress.

JULY 6, 2000.

HOUSE OF REPRESENTATIVES,
Rayburn House Office Building, Washington, DC.

DEAR SIR: At your request we have reviewed the Senate patients' bill of rights legislation that was inserted into the FY 2001 Labor/HHS legislation last week.

Rather than expanding individual protections, the measure would appear to undo state law remedies for medical injuries caused by managed care companies' treatment decisions and delays. In this regard, the bill runs directly contrary to United States Supreme Court's reasoning in its recent decision in *Pegram* v. *Herdrich,* which seems to reaffirm the authority of states to determine medical liability policy, and underscores the appropriateness of state courts as the forum for medical liability cases.

The displacement of state medical liability law in favor of a new federal medical liability remedy might have some policy validity, were the new law fair and just. But the remedy set forth in the Senate bill is compromised by an unprecedented range of limitations, exceptions, and defenses and appears to leave injured persons with no remedy at all.

In sum, in the name of patient protection, the Senate legislation appears to eliminate virtually any meaningful remedy for most working Americans and their families against death and injury caused by managed care companies.

CONCLUSION

The central purpose underlying the enactment of federal patient protection legislation is to expand protections for the vast majority of insured Americans whose health benefits are derived from private, non-governmental employment, and who thus come within the ambit of ERISA. Not only would the Senate measure not accomplish this goal, but worse, it appears to be little more than a vehicle for protecting managed care companies from various forms of legal liability * * *

* * * * *

By classifying medical treatment injuries as claims denials and coverage decisions governed by ERISA, the Senate bill insulates managed care companies from medical liability under state law.

Section 231 of the Senate bill amends ERISA §502 to create a new federal cause of action relating to a ''denial of a claim for benefits'' in the context of prior authorization. The bill defines the term ''claim for benefits'' as a ''request * * * for benefits (including requests for benefits that are subject to authorization of coverage or utilization review) * * * or for payment in whole or in part for an item or service under a group health plan or health insurance coverage offered by a health insurance issuer in connection with a group health plan.'' ERISA §503B, as added. Thus, the bill would classify prior authorization denials as ''claims for benefits'' that are in turn covered by the new federal remedy. Federal remedies under ERISA §502 preempt all state law remedies.

This classification would have profound effects, particularly in light of the Supreme Court's recent decision in *Pegram* v. *Herdrich*. As drafted, the Senate bill arguably would preempt state medical liability law as applied to medical injuries caused by the wrongful or negligent withholding or necessary treatment by managed care companies. The bill thus would reverse the trend in state law, which has been to hold managed care companies accountable for the medical injuries they cause, just as would be the case for any other health provider.

In recent years courts that have considered the issue of managed care-related injuries have applied medical liability theory and law to managed care companies in a manner similar to the approach taken in the case of hospitals. Thus, like hospitals, managed care companies can be both directly and vicariously liabile for medical injuries attributable to their conduct. In a managed care context, the most common type of situation in which medical liability arises tends to involve injuries caused by the wrongful or negligent withholding of necessary medical treatment (i.e., denials of requests for care).

State legislatures also have begun to enact legislation to expressly permit medical liability actions against managed care companies. The best known of these laws is medical liability legislation enacted in 1997 by the state of Texas and recently upheld in relevant part against an ERISA challenge by the United States Court of Appeals for the Fifth Circuit.

In *Pegram* v. *Herdrich,* the Supreme Court implicitly addressed this question of whether managed care state liability law should cover companies for the medical injuries they cause. The Court decided that liability issues do not belong in federal courts and strongly indicated its view that in its current form ERISA does not preclude state law actions. It is this decision that the Senate bill would appear to overturn.

In Pegram, the Court set up a new classification system for the types of decisions made by managed care organizations contracting with ERISA plans. The first type of decision according to the Court is a ''pure'' eligibility decision that, in an ERISA context, constitutes an act of plan administration and thus represents an exercise of ERISA fiduciary responsibilities. Remedies for injuries caused by this type of determination would be addressed under ERISA §502 (which of course currently provides for no remedy other than the benefit itself).

The second type of decision is a ''mixed'' eligibility decision. While the Court's classification system contains a number of ambiguities, it appears that in the Court's view, this second class of decision effectively occurs any time that a managed care company, acting through its physicians, exercises medical judgment regarding the appropriateness of treatment. Such decisions, as medical decisions rather than pure eligibility decisions, are not part of the administration of an ERISA plan and thus not part of ERISA's remedial scheme because, according to the Court, in enacting ERISA, Congress did not intend to displace state medical liability laws. The Court thus strongly indicated that these claims are not preempted by ERISA and may be brought in state court. In the Court's view, these mixed decisions represent a ''great many, if not most'' of the coverage decisions that managed care companies make.

The Senate bill would appear to reverse Pegram by effectively classifying all prior authorization determinations as §502 decisions, without any regard to whether they are ''pure'' or ''mixed''. As a result, state medical liability laws that arguably now reach mixed decisions apparently would be preempted, leaving individual physicians, hospitals, and other health providers as the sole defendants in state court. Under the complete preemption theory of §502, remedies against managed care virtually impossible standard to prove and particularly egregious in light of the fact that plaintiffs cannot even bring such an action unless they have gotten a reversal of the denial at the external review stage. Even where they have proven that a company wrongfully withheld treatment, plaintiffs can recover nothing for their injuries without taking the level of proof far beyond what is needed to win at the external review stage. Virtually all injuries would go uncompensated.

A plaintiff will be forced to show ''substantial harm'', defined in the law as loss of life, significant loss of limb or bodily function, significant disfigurement or severe and chronic pain. This definition arguably would exclude some of the most insidious injuries, such as degeneration in health and functional status, or loss of the possibility of improvement, that a patient could face as a result of delayed care, particularly a child with special health needs. In *Bedrick* v. *Travelers Insurance Co.*, the managed care company cut off almost all physical and speech therapy for a toddler with profound cerebral palsy. The Court of Appeals, in one of the most searing decisions ever entered in a managed care reversal case, found that the company had acted on the basis of no evidence and with what could only be described as outright prejudice against children with disabilities (the managed care company's medical director concluded that care for the baby never could be medically necessary because children with cerebral palsy had no chance of being normal).

The consequences of facing years without therapy were potentially profound for this child: the failure to develop mobility, the loss of the small amount of motion that the child might have had, and the enormous costs (both actual and emotional) suffered by the parents. Arguably, however, none of these injuries falls into any of the categories identified in the Senate bill as constituting ''substantial harm.''

The maximum award permitted is $350,000, and even this amount is subject to various types of reductions and offsets. This limitation on recovery will make securing representation extremely difficult.

No express provision is made for attorneys fees. Were the new right of action to be interpreted not to include attorneys fees this would be a radical change in the ERISA statute, and one that would create a massive barrier to use of the new purported ERISA remedy. To mount a case proving bad faith denial of treatment that caused substantial injury is an enormously expensive proposition. The limitations on is enormous. In *Humana* v. *Forsythe* the United States Supreme Court held RICO applicable to a managed care company that had systematically defrauded thousands of health plan members out of millions of dollars in benefits by systematically lying to members about the proportional cost of the treatment they were being required to bear (the policy was a typical 80/20 payment policy, but because of secret discounts that were not disclosed to members, group policy holders in many cases were paying for the majority of their care). This is racketeering, pure and simple, and thus represents a classic type of RICO claim. To use a patient protection bill potentially to insulate managed care companies against these types of practices is unwise at best.

CONCLUSION

The central purpose underlying the enactment of federal patient protection legislation is to expand protections for the vast majority of insured Americans whose health benefits are derived from private, nongovernmental employment, and who thus come within the ambit of ERISA. Not only would the Senate measure not accomplish this goal, but worse, it appears to be little more than a vehicle for protecting managed care companies from various forms of legal liability under current law. Viewed in this light, Congressional passage of the Senate bill would be far worse than were Congress to enact no measure at all.

Mr. DORGAN. We cannot get a real Patients' Bill of Rights passed. How about a Medicare prescription drug benefit? Well, we are not able to get that done either. We have been busy providing tax cuts, an estate tax repeal and a change in the marriage tax penalty. The head of OMB said yesterday that, under the recent tax proposals passed by the majority party, the top 1 percent of the income earners in this country will get more tax cuts than the bottom 80 percent combined.

This explains why the upper income folks, those with the largest estates and the highest incomes, rally around these tax cut proposals. There should really be no difference between the parties on the estate tax. Those of us in the minority believe we ought to repeal the estate tax for family farms and small businesses and allow a reasonable accumulation of wealth for a family. We said if you have up to $4 million, you should pay no estate tax. For a family farmer or small business, you can have assets up to $8 million and pay no estate tax at all. But that wasn't good enough for the majority. The majority party said, we must also fight to eliminate the tax burden on the estates of the Donald Trumps of America who will die with half a billion or a billion or several billion dollars. At what price? What else could we do with the money that the majority wants to use to relieve the tax burden on the wealthiest estates in America?

Perhaps we could use it to reduce the Federal debt. It seems to me that is probably a better priority than providing a tax cut for the estates of billionaires. Or we could use the money for a prescription drug benefit for Medicare, perhaps for school modernization, or to hire more teachers to lower class sizes. There are a whole series of proposals that might represent a better alternative than deciding we must use this revenue to relieve the tax burden on the largest estates in this country.

Is a prescription drug benefit in the Medicare program important? It is quite clear that if we were creating the Medicare program today, we would provide coverage for prescription drugs through Medicare. Senior citizens make up twelve percent of our population, but they consume one-third of all the prescription drugs used in this country. They reach a period in their life where they need to maintain their health, and miracle drugs that did not exist 30 years ago now exist to extend their lives. In the 20th century, we increased the life expectancy in America

by 30 years. A part of the reason for that is better nutrition, better living conditions, better education about healthy living, but part of the reason is also miracle drugs.

It is not unusual for a senior citizen to be taking two, four, five, and in some cases, ten or twelve different prescription drugs to deal with their health challenges. Those prescription drugs are enormously costly. The price is increasing every year. Last year, spending on prescription drugs in America increased 16 percent in 1 year. The year before the increase was about the same. Many senior citizens just can't afford these expenses.

I have held hearings through the Democratic Policy Committee in five or six States on this subject. I have had senior citizen after senior citizen tell me that, when going shopping, they first must go to the pharmacy in the back of the grocery store to purchase their prescription drugs. Only after they have bought their medications do they know how much money they have left to purchase food. It is a common story all across the country. So should we add a prescription drug benefit to the Medicare program? Of course, we should. Will we? We won't do it unless we get some cooperation from a majority party that believes this is not a priority for the country.

We believe it is. We have a plan that will provide a prescription drug benefit to Medicare beneficiaries in a way that is cost-effective, in a way that will tend to push down the prices of prescription drugs and provide an opportunity for coverage for senior citizens who elect to have this benefit. That ought to be part of the agenda in this Congress, but we can't get it done.

Or what about school modernization? This country has had such a wonderful 20th century, especially the last half of the century following the Second World War. Those who fought for America's freedom in World War II came back to this country, and began careers, got married, had children. They built schools all over America 50 years ago. Many of those schools are now in disrepair. These schools need renovation or replacement.

Not only are many of these schools desperately in need of modernization and renovation, but there is also a need to reduce class sizes from 28 or more, in some classes, down to 18 kids or fewer.

We know the quality of education is better when there are smaller class sizes. We know it is better for kids' education when they are going through the door of a modern schoolroom that all of us can be proud of. As I have said many times—and if it is tiresome to people, it doesn't matter to me—it is hard to go to the Cannon Ball Elementary School in North Dakota and have a third grader such as Rosie Two Bears say: Mr. Senator, will you build us a new school? That school has 150 students, one water fountain, and two bathrooms. Some of the classrooms have to be evacuated periodically because of raw sewage seeping up through the floors. Part of the building is 90 years old and has largely been condemned.

Are we proud of sending that young girl through that classroom door? I don't think so. We can do better. Perhaps that is more important than providing relief from the estate tax burden of somebody who dies with $1 billion. Instead of being able to leave only $600 million to their heirs, they get to leave all of the $1 billion because the majority party says that is their priority. Their priority is to give tax cuts to the top 1 percent of the American income earners that are more than the tax cuts we are going to give to all of the bottom 80 percent. That is their priority. My point is that we ought to be focusing on other priorities.

So this morning when we had people shuffle over to the floor of the Senate and talk about what a wonderful job this Congress has done and how we are stalled now because the Democrats somehow don't want to do anything, I just had to come over here and correct the record. One of the things hanging up work today is that there are people who have been nominated as Federal judges whose nominations have been before the Senate for 3 years without having been brought to the floor for a vote. We would like that to happen. That is considered unreasonable.

I say to those who think this Congress has a wonderful record that this is a Congress of underachievers. We have a little time left. We have this week and September and the first week of October. This is what we have to do. We have a Patients' Bill of Rights that we ought to pass. We have gun safety legislation that we ought to pass. We ought to close the gun show loophole. We ought to pass an increase in the minimum wage. The fact is, those working at the bottom rung of the economic ladder in this country have lost ground. Everybody here is so worried about providing tax breaks to the top income earners. What about providing some help to those at the bottom of the economic scale? These people get up and get dressed and have breakfast in the morning and go out and work hard, and they are trying to raise a family on a minimum wage that has not kept pace with inflation. We ought to do something about that.

We ought to provide a Medicare drug benefit. We can do that to address the needs of our senior citizens who are now struggling with health problems and just to make ends meet, only to discover that, in their twilight years, the medicines they need to make life better are financially out of reach for them.

Last week, we passed a piece of legislation that says maybe we ought to be able to access the more reasonable prescription drug prices on exactly the same prescription drugs that exist in Canada and elsewhere. The same companies produce the same pill, put it in the same bottle, and they sell it for a third of the price up in Winnipeg, Canada, or, for that matter, in virtually any other country in which they sell these drugs.

Last week, I suggested that I would like to see just one Senator stand up—in fact, I renew the challenge to anybody who wants to come to the floor—on the floor of the Senate and say that it is fair for American consumers to pay significantly more for the same exact drug than consumers in other countries. I will give any Senator who wants to do this the pill bottles; I held up several last week. The bottle of the prescription drug sold in the U.S. costs $3.82 a pill and the same drug in the same bottle, made by the same company, in the same manufacturing plant, sold in Canada costs only $1.82 a pill. The U.S. consumer pays $3.82 and the Canadian consumer pays $1.82. I want to see a Senator, just one Senator, stand up and hold these bottles and say, yes, this is fair to my constituents and, yes, this price inequity is something we ought to support. Of course, no one will because nobody believes that is fair. That is another issue that we have to address. We were able to get some legislation through the Senate and, of course, the pharmaceutical industry has indicated that it fully intends to kill that in conference. We will see.

So there is a lot left for this Senate to do. We have, at the end of this week, a break for the two national conventions, and then in September and October we will see the end of the 106th Congress. All legislation introduced between January of last year and now will eventually die, unless it is passed by this Congress, and we will have to start over again next year. So the questions of whether this is an effective Congress and whether this Congress creates a record any of us can be proud of are going to be answered in the next few months. Are we able to address the issues that the American people care about? Will the majority party stop obstructing on these issues? Will they decide a Patients' Bill of Rights should be passed by Congress? If so, let's do it soon. Will we be able to address the issue of reasonable gun safety measures, increasing the minimum wage, adding a drug benefit for Medicare, and school modernization? Those and other issues, it seems to me, are central to an agenda that will strengthen and improve this country. We will see in the coming days exactly what the 106th Congress decides it wants to leave as its legacy.

One of the great things about this democracy of ours is that the majority rules. That is certainly true in the Senate. They control the schedule. That is why we are now in morning business in the afternoon. Only in the Senate can you be in morning business in the afternoon, I guess. But we are not debating an appropriations bill, and we should be. There aren't enough people wanting to bring judges to the floor for confirmation and so on.

The point is this: The majority party has a choice to decide which of these issues and how many of them they want this Congress to adopt. I hope it will decide very soon that it chooses to join us and say these are the issues that matter to the American people, and these are the issues the 106th Congress shall embrace in the final weeks of this Congress.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, for the last several weeks, I have listened as some of my colleagues have, with escalating invective, expressed repeatedly their dismay about the manner in which Senate Republicans have processed President Clinton's judicial nominees. That some would accuse the Senate majority of failing to act in good faith strikes me as ironic, given the recent reckless statements made by President Clinton and members of the all-Democratic Congressional Black Caucus. I already have made my views on their reckless statements known and will not repeat them again here.

Some of my colleagues like to talk about proceeding in good faith, but they ignore the fact that there is much legislation with broad, bi-partisan support that is at a standstill because they refuse to let this institution work its will. From bankruptcy reform to H–1B legislation to juvenile justice reform to religious liberty protection legislation, there are several legislative items where the blessings of good faith cooperation have not been bestowed. Consider, for example, the fact that a handful of members on the other side of the aisle have kept us from simply proceeding to a formal conference on the bankruptcy bill. Having poisoned the water themselves, they have no ground for complaining that the water is now poisoned.

The more substantive complaints lodged by some of our colleagues have taken various forms. Some complain that there is a vacancy crisis in the federal courts; that the Senate has not confirmed enough of President Clinton's judicial nominees; and that the confirmation record of the Republican Senate compares unfavorably to the Democrats' record when they controlled this body.

The claim that there is a vacancy crisis in the federal courts is simply wrong. Using the Clinton Administration's own standard, the federal judiciary currently is at virtual full employment. Presently there are 60 vacancies in the 852-member federal judiciary, yielding a vacancy rate of just seven percent. Of these 60 vacancies, the President has failed to make a nomination for 27 of them.

Think about that. Some of my colleagues are complaining about a so-called vacancy crisis when almost half of the current vacancies don't even have a nominee. It is too late to really send additional nominations up here because we are in the final few months of the Congress and there is no way to get through them with the work we have to do in processing judges.

In 1994, at the end of the Democrat-controlled 103d Congress, there were 63 judicial vacancies. That is when the Democrats controlled the Senate and President Clinton was President. There were 63 judicial vacancies, yielding a vacancy rate of 7.4 percent. At that time, on October 12, 1994, the Clinton administration argued in a Department of Justice press release that ''[t]his is equivalent to 'full employment' in the 837-member Federal judiciary.'' If the Federal judiciary was fully employed in 1994, when there were 63 vacancies and a 7.4 percent vacancy rate, then it certainly is fully employed now when there are only 60 vacancies and a 7 percent vacancy rate, even though we have a significantly larger judiciary.

Democrats further complain that the Republican Senate has not confirmed enough of President Clinton's judicial nominees. So far this year, the Judiciary Committee has held seven hearings for 30 judicial nominees. In addition, the Committee is holding a hearing today for four additional nominees. This year the Senate has confirmed 35 nominees, including eight nominees for the U.S. Courts of Appeals.

With eight court of appeals nominees already confirmed this year, it is clear that the Senate and the Judiciary Committee have acted fairly with regard to appeals court nominees. In presidential election years, the confirmation of appellate court nominees historically has slowed. In 1988, the Democrat-controlled Senate confirmed only seven of President Reagan's appellate court nominees; in 1992, the Democrat-controlled Senate confirmed eleven of President Bush's appellate court nominees. This year, the Senate already has confirmed eight circuit court nominees—evidence that we are right on track with regard to circuit court nominees.

While some may complain that the Republican Senate has not confirmed enough of President Clinton's judicial nominees, conservatives criticize us for confirming too many. An editorial in today's Washington Times argues that the Republican Senate has confirmed far too many federal judges since gaining control of the Senate in 1995. This view is typical many reactionary conservatives who, like their counterparts on the extreme left, serve in some respects as a check on our political system. I plan to respond to this particular editorial in a more formal manner, but let me just say this—the notion that our Leader is not doing what he believes is best for our country's future is absurd.

The fact that the criticism comes from both sides leads me to believe that we probably are carrying out our advice and consent duties as most Americans would have us.

There are some on the political right who complain that we are not confirming conservative judges. They forget that we are in the midst of a liberal Presidency and that the President's power of nomination is more powerful than the Senate's power of advice and consent. I urge them to get on the ball and help elect a Republican President who will nominate judges that share our conservative judicial philosophy.

Finally, Democrats contend that things were much better when they controlled the Senate. Much better for them perhaps—it certainly was not better for many of the nominees of Presidents Reagan and Bush. At the end of the Bush administration, for example, the vacancy rate stood at nearly 12 percent. By contrast, as the Clinton administration draws to a close, the vacancy rate stands at just seven percent. The disparity between the vacancy rate at the end of the Bush Administration, as compared to the vacancy rate now, illustrates that the Republican Senate has, in fact, acted in good faith when it comes to President Clinton's nominees.

The Senate has carried out its advice and consent duties appropriately, in a manner that has been fair to all—to the President's nominees, to the federal judiciary, and to the American people. I stand ready to help Senators LOTT and DASCHLE undertake and complete work on the appropriations bills that are before us and on other legislation, much of which enjoys broad, bipartisan support and should be acted on this year.

I am getting sick and tired of my colleagues on the other side just stopping everything—even bills that they agree with—to try and make the Senate look bad for their own political gain, so that they can take control of the Senate after the next election. If I were in their shoes, I would want to take control of the Senate honorably, rather than dishonorably.

I repeat, I stand ready to help Senators LOTT and DASCHLE undertake and complete work on the appropriations bills before the Senate and on other legislation which enjoys broad bipartisan support and should be acted on this year.

It is my hope that the important legislative work of the Senate will not be impeded by political gamesmanship over judicial confirmations. I particularly resent people indicating that the Senate is not doing its duty on judicial confirmations, or that there is some ulterior purpose behind what goes on, or that this President isn't being treated fairly, because he has been treated fairly. I am getting sick and tired of it and will not put up with it anymore.

I yield the floor.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended to the hour of 4 p.m. with the time equally divided between the majority and minority.

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

BETTING ON COLLEGE GAMES

Mr. REID. Mr. President, my good friend from the State of Kansas, Senator BROWNBACK, has come to the floor a number of times in recent weeks to talk about some legislation that he favors. He favors a ban on legal betting on college games in Nevada.

This legislation has received the following comments from respected publications from around the country. George F. Will:

> Congress now is contemplating a measure that sets some sort of indoor record for missing the point.

Sports Illustrated columnist Rick Reilly:

> In fact, passing the bill would be like trying to stop a statewide flood in Oklahoma by fixing a leaking faucet in Enid. Nevada handles only 1 percent of the action on college sports. Not that bookies and the mob wouldn't very much like to get their hands on that 1 percent.

A Chicago Sun Times editorial:

> A Nevada ban is more likely to push wagers underground or on to the Internet. A ban would do little to stop betting on college games.

Sporting News, a columnist by the name of Mike DeCourcy:

> The NCAA has put no thought whatsoever into this push. This is strictly a public relations move that offers no tangible benefit.

Business Week:

> Now the NCAA is looking to fix its image with a bill only a bookie would love.

USA Today, founder Al Neuharth:

> University and college presidents and coaches properly are concerned about the integrity of campus sports, but the solution to the problem is getting their own houses in order.

I understand the NCAA is based in Kansas City and they have some jobs there. I am sure this move ingratiates the NCAA to my friend from Kansas. The fact is, this issue does not come close to doing anything to solve the problem. No, Mr. President, I do not gamble. I live in the State of Nevada. I have been chairman of the Nevada Gaming Commission, the top regulator of gaming. I do not gamble. I do not gamble on games or anything else, but I know a little bit about gambling, having been the chief regulator in the State of Nevada for 4 years.

While my friend says this legislation has widespread support, I have only read a few of the editorial comments. This legislation is held up to ridicule. Of course, we get college coaches coming in saying they do not want their kids playing and having people bet on them.

The NCAA makes billions—I am not misspeaking—not millions but billions of dollars from NCAA football and basketball. If they are so sincere in stopping betting on these games, why don't they not allow these games to be telecast? Just do not have any college games on television—no football games, no NCAA Final Four, no Rose Bowl, just outlaw them.

The NCAA is all powerful. They could do that, they think. They have been such a dismal, total failure regulating amateur athletics that they think now they have something they can finally win. What they are going to do is outlaw college betting in Nevada, the only place in the country where you can do it legally, and as has been said, less than 2 percent of the betting on college games takes place in Nevada. Over 98 percent of gambling on college games takes place in Washington, DC, in the State of Idaho—all over the country. It is done illegally. If the NCAA is so concerned about betting on college games, let's do something about the illegal betting that takes place; let's not go after the legal betting.

Lindsey Graham, on Hardball, a few weeks ago said:

> You're not going to stop illegal betting by passing the bill.

Of course not. Originally, the NCAA, in all its wisdom, said if we take away the 1.5 percent of the legal betting and leave 98.5 percent and they do not allow the State of Nevada to post odds, it will stop all over the country. Everybody will stop running the lines on these games.

Again, of course, the NCAA, for lack of a better description, simply does not know what they are talking about. John Sturm, the president of the Newspaper Association of America said:

> If Congress prohibits gambling on college sports, the association believes newspapers will continue to have an interest in publishing point spreads on college games, since point spreads appear to be useful, if not valuable, to newspaper readers who have no intention of betting on games.

I already established I do not bet on games, but I love to know what the point spread is on a game. It makes it more interesting. If UV is going to play in the Final Four and play Michigan State, Duke, or a team such as that, I want to know the point spread to see who is favored. That does not mean I am going to run down to the corner bookie and bet on the game or, if I am in Las Vegas, I will not go to the Hilton race book, MGM, or one of those places.

I would not know how to place a bet if you asked me to, but I do know the way they do it in Nevada is better than the way they do it in the service stations, bowling alleys, and bars because the illegal bookies base their game on credit, usually a week at a time. People place bets with their illegal bookie during the week. On Monday or Tuesday, they come around to collect that money. That is where the real trouble starts.

In Nevada, you could be Kirk Kirkorian, one of the richest men in the world—he owns the MGM and a number of other things around the world. As rich as he is, if he walked into his own race book, the rules are that he can get no credit. It has to be all cash. If he wants to bet on a ball game, he has to put up cash. There is no credit.

It goes without saying which is the better system. The better system is, in Nevada you can only bet what money you have in your pocket. No credit is allowed. For the illegal bookies around the country, credit is the name of the game. They do not break as many knuckles as they used to, but they sure put their loans out to people who ask to borrow the money. They pay exorbitant interest rates, and that is when people lose their homes, cars, and property.

When this bill comes up—and it will come up—this is not going to be a laydown. The merits are on the side of what is going on legally in the State of Nevada.

This issue is a sham, it is a farce, it is a diversion designed to deflect attention from an organization that while swimming in money itself, earned from the sweat of the college kids, is incapable, it seems, of doing anything positive.

My favorite—and it happened recently—is St. John's University. Their coach, who was almost hired by the local professional basketball team, is Mike Jarvis. He has a kid who had a used car. The kid trades in the used car for another used car. They suspended him from playing for three games.

That really helps the game a lot. A kid has a used car and trades it in on another used car, and they suspend him from playing. What the NCAA does is harass and intimidate people. We have an example in the State of Nevada, Jerry Tarkanian, one of the most successful coaches in the history of America. They eventually ran him out in the State of Nevada. He is now coaching at Fresno State. They harassed, did everything they could to embarrass him. He sued them. It took 8 or 9 years, but he won the lawsuit. They had to pay him money for what they did to him. By then he had already been run out of the State.

The NCAA recently signed a multibillion dollar broadcasting contract. That is not a bad deal for a nonprofit organization. Players, coaches, athletes recognize the unaccountable and often unquestionable power of this organization. They have been sued lately.

They had to pay out millions of dollars to assistant coaches who they would only allow to receive—I forget what the ridiculous sum was—$12,000 a year, $8,000 a year. The coaches sued them and, of course, the NCAA lost. They had to pay that judgment. They lose all the time in court.

To avoid scrutiny on them, this is an effort to throw out a red herring, something maybe people will take after, rather than who they should take after, and that is them.

This legislation, supported by my friend from Kansas who comes here all the time and talks about it—I know Senator JOHN MCCAIN, the senior Senator from Arizona, also favors this legislation—does nothing to address the problem of illegal gambling on college sports. No one supports illegal gambling on college sports except illegal bookies. They will be the primary beneficiaries of the legislation. That is not me speaking. I read to the Senate a few excerpts from editorials around the country.

A friend of mine called me. I care a great deal about her. She has recently suffered the loss of her husband. She has some money as a result of that—not a lot but a little bit. Someone called her and said—I won't mention a name—if this legislation passes, talking about the Brownback legislation, if it passes, you give me $20,000. At the end of 1 year I will give you $200,000 because that is how much money I can make by taking illegal bets. I can't do it now because people who want to bet come from all over the country to bet legally in the State of Nevada.

Illegal bookies love this legislation. One who I heard from in the heartland of America told me—not in Kansas but very close to Kansas—this will be the best thing that Congress could ever do for his business.

I have spoken to law enforcement authorities. There is no question that one of the scandals—referring to Arizona State, where there was some illegal betting taking place on Arizona State—was discovered because Nevada reported it. They could tell something was wrong because of heavy betting on Arizona State. You can bet a little on Arizona State football, but their basketball team has never been much to bet on. They could tell because of the betting that took place at Arizona State that something was wrong. They notified authorities, and that is where the arrest took place. That is where they were able to make a case against the illegal betting taking place at Arizona State.

What we should do is look at a way to stop illegal betting on college campuses. College presidents are concerned about it, as well they should be. Remember, what is going on in Nevada is legal and involves less than 2 percent of gambling in our country. Eliminating gambling legally in the State of Nevada on college games will do nothing but help illegal gambling on college campuses. We don't need new laws. We need better enforcement.

John Sturm, whom I quoted earlier, President of the Newspapers Association of America, in a letter to the House Judiciary Committee, made clear, basically, if Congress prohibits gambling in Nevada on college sports, it is not going to stop anything that goes on in the rest of the country. Certainly it is not going to stop newspapers from publishing these lines.

President Sturm also dispels another myth perpetrated by the National Collegiate Athletic Association that people use the spreads to place illegal bets. In fact, a recent Harris poll found that 70 percent of those who look at point spreads do so only to obtain information, such as me, about a favorite college team, about information on upcoming college games.

Another myth paraded around by the proponents of banning legal wagering on college games is that this is done because of a unanimous vote by the members of the National Commission to Study Gambling. Wrong again. That vote was very close. One of the members of the committee was from Nevada. He abstained. He said if he had been called upon to vote, it would have been a 5–4 vote. That is far from unanimous. The reality is, this proposal was given little consideration by the commission. They had many other things to talk about. The proponents of the ban have the right to their opinion, but they are absolutely wrong. Their opinion in this case lacks substance.

We need to step back and take a look at this. We need to understand the legal business of America is not going to lay down and say, OK, run over us. There has been some criticism about not letting this bill go forward, not having a time agreement on it.

This is something we need to talk about. This involves not illegal gambling on college games—if they want to enforce the law that now prohibits illegal gambling or if they want to pass a new restriction on illegal gambling, I will stand beside them and do that—we are talking about less than 2 percent of the gambling that takes place on college games and it is done legally.

Danny Sheridan, one of the top oddsmakers in America, USA Today, sets the line. He came to Washington. He has talked to a number of Members of Congress. He said: I will talk to whomever you want to talk to. He said: I don't gamble but I set the line. I will continue to do it no matter what they do in Nevada.

We have had people parading on the floor—I shouldn't say ''parading.'' We have had a couple people talk on several occasions about how bad what goes on in Nevada is. We are not going to go without offering a response to that. The time has come to offer that response.

The other thing that flabbergasts me about this is, we have people who have come to Congress who say their No. 1 issue is to make sure they protect States rights. States should be able to do what they want to be able to do. Well, we find a real problem with that sometimes. Take, for example, products liability legislation. I practice law. The State of Nevada had a different set of standards than did Utah, Arizona, California, other States in the country. They are not all the same. But we developed those standards over the years in the State of Nevada. It is not right that Congress comes in and says: We are going to change them. We are going to have one standard system for everybody.

Well, that is what States rights is all about. It is not what States rights is all about in this instance. The State of Nevada made a decision in 1932 that they were going to allow legal gambling. People should leave the State of Nevada alone. There are no scandals involved in college betting in Nevada. We do our best to protect the integrity of what goes on there with strict requirements. Obtaining a gambling license in the State of Nevada is not a right; it is a privilege. They are very hard to get. Very strict scrutiny goes to anybody who can run one of these sports books. I must say there is not much scrutiny given to the illegal bookings and charging of exorbitant fees, making all this money, and having all this underreported income. It seems that people should be happy with what Nevada has done on its own. It is a matter of States rights. Why don't they leave us alone?

NCAA President Cedric Dempsey was quoted last year as estimating that illegal wagers would be closer to $4 billion a year. In Nevada, they wager about $60 million a year. That is a small part of $4 billion. So I hope people of goodwill—Democrats and Republicans—will look at this legislation and try to understand how unfair it is and how it is going to only exacerbate a problem we have with people betting on college games illegally. It won't make it better; it will make it worse.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MEASURE READ THE FIRST TIME—S. 2912

Mr. REID. Mr. President, I understand S. 2912, introduced earlier today by Senator KENNEDY and others, is at the desk, and 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 (S. 2912) to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status.

Mr. REID. Mr. President, I ask for its second reading, and I object to my own request on behalf of the majority.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the following legislative day.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator should be advised all remaining time is under the control of the majority.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed as if in morning business.

Mr. REID. Until a Member on the majority side shows up.

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

EDUCATION

Mr. KENNEDY. Mr. President, earlier in the day, I was pointing out that the pending business is the Elementary and Secondary Education Act of 1965. We are in the process of reauthorization and had more than 22 hearing days on that legislation. We had an extensive markup on that legislation. We began debate in early May. Over the period of 6 days, we had 2 days when we were not permitted to offer any amendments, and we ended up with rollcalls on 7 amendments; 2 of those were virtually unanimous votes. On May 1, we had floor debate only. May 2, we had floor debate only. On May 3, we had a Gorton amendment, changes in Straight A's, 98–0. A Democratic alternative, which was a completely different approach, was the first major amendment. On May 8, a Collins amendment was a voice vote, and on May 9, a Gregg amendment on teachers, 97–0. There were 8 amendments. We had 6 days of debate. Two were debate only. We had only 7 rollcalls; 2 of those rollcalls were unanimously accepted.

I believe this is a matter of significant priority for the American people. On the bankruptcy legislation, we had 16 days of debate and considered 55 amendments. With all respect to the importance of that particular issue, it seems to me the issue of good quality education in K through 12, and the role we have on that issue, is of central importance.

I am mindful that the majority leader himself said he believed this was an important matter. He gave the assurances to the Senate going back to January 6, 1999:

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

January 29th, 1999:

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

Then on June 22, 1999:

> Education is number one on the agenda for Republicans in the Congress this year.

In Remarks to the U.S. Chamber of Commerce, February 1, 2000:

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

February 3, 2000:

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

April 20, 2000: The majority leader said his top priorities in May included agriculture sanctions, Elementary and Secondary Education Act reauthorization, and passage of four appropriations bills.

May 1, 2000:

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

May 2, 2000: Senator LOTT was asked on ESEA: Have you scheduled a cloture vote on that?

> No, I haven't scheduled a cloture vote. . . . But education is number one in the minds of American people all across this country and every State, including my own State. For us to have a good, healthy and even a protracted debate and amendments on education, I think, is the way to go.

That has been the end of it since May 2. Always something else has come up. Always something else came up in May. Always something else came up in June. Always something else came up in July.

It does seem, even with this week, we are now at 4 o'clock in the afternoon of a Tuesday. We could have had some debate on this on Monday or today.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. GORTON). The hour of 4 o'clock having arrived, morning business is closed.

Mr. CRAPO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The Presiding Officer, in his capacity as Senator from Washington, objects.

The legislative clerk continued with the call of the roll.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 4733

Mr. LOTT. Mr. President, I had hoped we could come up with some compromise agreement about how to proceed to the energy-water appropriations bill, with regard to one section that is very important to a lot of different Senators. We have not come to an understanding on that yet, but I have to take steps now to move toward the consideration of the energy and water appropriations substance.

So I ask unanimous consent that the Senate proceed to consideration of Calendar No. 688, H.R. 4733, the energy and water appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. There is objection?

Mr. KENNEDY. Reserving the right to object, Mr. President. Am I recognized, Mr. President? I object. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, let me renew my request for that, and under a reservation of the right to object, I would be glad to respond.

If the Senator would prefer, I would be glad to——

Mr. KENNEDY. I have to get recognition by the Chair in order to be able to proceed. I felt I was denied that recognition.

I had every intention to exchange——

Mr. LOTT. I say to the Senator from Massachusetts, I think there is a misunderstanding. I again ask unanimous consent that the Senate proceed to the consideration of Calendar No. 688, H.R. 4733, the energy and water appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

Mr. KENNEDY. Objection.

The PRESIDING OFFICER. Objection is heard. The majority leader has the floor.

Mr. LOTT. Mr. President, I am disappointed there is an objection. It was my hope we could come to an agreement on how to proceed to this bill in a timely way. I hope we can at least proceed to the bill and begin the amendment process to resolve the differences that may be involved. The Democrats have mentioned section 103 involving the Missouri River is a problem. I understand that. I think once we get to the bill we can resolve that problem.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Mr. President, I move to proceed to the bill, and I 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 motion to proceed to Calendar No. 688, H.R.

4733, the Energy and Water Development Appropriations Act, 2001:

Trent Lott, Pete Domenici, Frank Murkowski, Pat Roberts, Jesse Helms, Larry Craig, Ted Stevens, Kit Bond, George Voinovich, Kay Bailey Hutchison, Chuck Grassley, Sam Brownback, Don Nickles, Mike Crapo, Slade Gorton and Orrin Hatch.

Mr. LOTT. Mr. President, this cloture vote will occur on Thursday unless we are in a postcloture situation on the Treasury-Postal Service appropriations bill, the intelligence authorization bill, or on the energy and water appropriations bill under some other agreement.

I ask unanimous consent that the mandatory quorum be waived.

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

Mr. LOTT. I now withdraw the motion to proceed. I believe I have that right.

The PRESIDING OFFICER. The Senator has that right.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business for 90 minutes, equally divided in the usual form.

Mr. DOMENICI. How much time?

Mr. LOTT. Ninety minutes. I believe Senator KENNEDY reserved the right to object.

Mr. KENNEDY. I will not object. Mr. President, I will not object to that. I want to gain recognition to explain my position.

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

Mr. LOTT. We are now in a period for morning business.

The PRESIDING OFFICER. We are in a period for morning business.

Mr. LOTT. I know Senator KENNEDY seeks recognition at this time to explain his position. I will stay in the Chamber and will be glad to respond to questions he wants to ask.

The PRESIDING OFFICER. The Senator from Massachusetts.

ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. KENNEDY. Mr. President, I thank the majority leader. I made the point earlier that we did have before the Senate the pending business, which is the Elementary and Secondary Education Act. It did seem, since it was the pending business, that under the rules generally, after the time expires under morning business, we would go back to that legislation.

I know the majority leader has attempted to work out a process with the minority leader to move forward the business of the Senate. The education bill has been the pending business since May of this year. That has taken us through May, through June, and through July.

I still think we can complete the ESEA prior to recessing this week. If we are unable to get agreement on these appropriations bills—I know they are important and generally, as the year goes on, they receive a higher priority, but it does seem to me that education has a high priority as well. I had thought we were going to have an opportunity to deal with the education legislation during the evenings of last week. We were unable to do so. We got caught up in the Agriculture appropriations bill.

I am wondering whether the majority leader can give us any indication whether he has an intention of getting back to the Elementary and Secondary Education Act and, if so, when that might be because with the successful motion the Senator has made and with the invoking of cloture, as I understand, the elementary and secondary education bill is returned to the calendar and will not be before the Senate as the pending business. With those actions, we are returning the elementary and secondary education bill uncompleted to the calendar. It does seem to me to be a priority. I am wondering what assurances the leader might be able to give us on the issue.

Mr. LOTT. Mr. President, if I can respond to the Senator's questions and comments, he knows a major effort was made last Thursday evening to come up with an agreement on how to proceed further on the Elementary and Secondary Education Act.

One of the problems we had then, and we continue to have, is Senators on both sides of the aisle have nongermane, noneducation issues they want to get into or, conversely, amendments they do not want to be offered. I know there had been some suggestion that maybe the NCAA gaming issue would be offered, and there was a feeling on the Democratic side that should not be included in the package of what we proceed to consider.

There is at least one Senator on this side who is interested in being able to offer an IDEA amendment which, in fact, relates to education, but there was resistance to that Senator being able to offer his amendment.

Then it got into immigration, and we were close to working out an agreement that connected, in a way, this bill with H–1B. In the end, we could not get the agreement. A lot of time was put in on that by Senators on both sides. Senator DASCHLE and I worked very hard on it. We were up the hill, down the hill.

We will keep trying to find a way to go back to this legislation this year and get it completed. I have another idea I am considering right now that will get us back on it in a way that will actually get it to completion. That is my goal. I am not interested in only going back to it and playing games with it and having nongermane, noneducation issues poured on this bill. I want to stick to education. I think we can have a good debate and a lot of amendments that are strictly related to elementary and secondary education. I realize the ingenuity of Senators can stretch the idea of related amendments to education.

That is the way I would like to proceed. Right now we are having trouble getting agreement to do appropriations bills and the intelligence authorization bill. I am even worried about being able to go forward with the commitment to begin the proceedings on the China PNTR tomorrow, which I still hope to be able to do, but it is going to take some concessions, again, as to how we proceed to get that done.

I will be glad to keep working with Senator KENNEDY, Senator DASCHLE, Senator REID, Senator GREGG, and Senator ASHCROFT. I like the bill. I would like to get it done. I would like to vote on it just as it is myself. I do not think we need to fix it up anymore. It does not need more bells and whistles. Let's just vote. I know others have amendments, and we will try to find agreement.

Mr. KENNEDY. If the Senator will yield for one more observation.

Mr. LOTT. Yes.

Mr. KENNEDY. We do know children start back to school in late August and early September. Time is moving along. There were allocations of resources in appropriations bills where there has been absolutely no authorization or statement of policy. It does seem to me that parents, school boards, and schoolteachers are entitled to a full debate and discussion on these issues and for the Senate to work its will.

I appreciate what the Senator has said. I hope he understands we are going to continue to raise this issue as we move along because I do think it is a top priority. The American families who have 58 million children in schools across this country are entitled to a response. I thank the majority leader.

Mr. LOTT. I thank Senator KENNEDY, and I thank Senator DOMENICI for allowing us to have an exchange. I know he is anxious to get his bill done. It is an important bill, the energy and water appropriations bill. It means a great deal to our country. I know he is trying to find a way to proceed.

At this point, this is the only option I have. I yield the floor so he may comment on that.

The PRESIDING OFFICER. The Senator from New Mexico.

ENERGY AND WATER APPROPRIATIONS

Mr. DOMENICI. Mr. President, I might suggest—and I do this in the presence of my good friend from Massachusetts; I wish the distinguished Senator from Nevada, Mr. HARRY REID, were here. I have an observation. Maybe I am 2 weeks ahead of time, but I believe the plan is that the Democrats are not going to let us do anything of significance, literally nothing, unless and until they get everything they want.

The truth is, for this little period in history—I have been here 28 years, and

it is a small piece of that—the Republicans have controlled the Senate and the House. But the Democrats are bound and determined this year, in an election year, that we are not going to pass the regular appropriations bills, period. They call us ''do nothing,'' but they are obstructionists of the highest order.

I will just talk about one bill, then I will talk about the appropriations bill on education. I am just going to talk on one appropriations bill. We have heard from the beginning platitudes about working together to get all the appropriations bills done. The distinguished occupant of the chair has heard they want to get the Interior bill finished; they want to get the Treasury bill finished. For the American people, these are the bills you have to pass every year in order to keep certain big parts of our Government open. It comes down to October 1st, and if they aren't passed, you get the President of the United States talking about who is closing down the Government.

I am going to refer to just the energy and water bill. I am going to beg the Senator, the minority leader from the other side, in the same way he pleads with us to get something done that is right. This energy and water bill was not drafted by Senator PETE DOMENICI; it was drafted by Senator PETE DOMENICI and Senator HARRY REID of Nevada, who spends a great deal of time on the floor of the Senate and, I might say, for one who worked with him for years before he got to spend all his time on the Senate floor, he has been a very solid performer. I praise him for his leadership on the floor. I believe he has been fair, and I believe he has been nonpartisan. But I believe what he is seeing he can't even speak about because right down deep in that Senator's mind and heart he knows it is wrong to hold up appropriations bills for the reasons being stated by his colleagues and his leader who compel him to do it.

This energy and water bill is being held up. We can't even bring it up because the minority leader wants a provision that is within it taken out. He wants assurance we won't vote on it in the Senate. Who has ever heard of that? Take a provision out of a bill that is in a bill that has been voted in by a committee. And if you want that bill to see the light of day in the Senate, you take out a provision and you don't vote on it in the Senate.

I am not familiar with the contents or substance of the amendment, except it has to do with a dispute between the upper Missouri River and the lower Missouri River. But it is most interesting, that the provision that the minority leader speaks of has been in the appropriations bills at least two times. The President has signed it, and it has gone out of the Senate. Maybe something dramatically changed in the meantime, but it has been in the bill. It has been signed. Some who know more than I say it has been in more than two times. I can tell the Senate, since I have been writing this bill, it has been in 2 years in a row.

All of a sudden, it isn't enough to have an up-or-down vote in the Senate. The only thing that will suffice is that we take it out and agree not to vote on it. That means if you don't want to do that, you don't get an energy and water bill for this fiscal year.

We are getting close because we still have to do this bill. It is different from the House bill. We need to get some new resources assigned to the committee on the House side. We might not be able to make it by the October deadline.

This little innocuous title, ''energy and water,'' is a very misperceived title. Energy doesn't mean energy. Energy means all of the nuclear weapons programs in the nuclear laboratories in America. By a strange coincidence, they are in the energy part of this bill. We have been asked by the Department of Energy to put $100 million in new money in that bill to take care of production facilities in three cities, cities such as Kansas City, Missouri; Amarillo, Texas; Oak Ridge, Tennessee; and Aiken, South Carolina; where we have production facilities that are desperately in need of repair. We have cleanup in the State of the occupant of the chair that is ongoing because of our previous nuclear weapons reactor work. We have hundreds of millions of dollars in for that kind of cleanup.

We have all the water projects and dredging projects and flood protection programs in this country in this bill. We have all of the national laboratories and their special effort and all their employees' pay in this bill. I could go well beyond that.

Now I come to the conclusion: Why can't we take this bill up? Frankly, if ever there was an issue where there was something besides this bill that somebody has in mind, I have not heard of it. This has to be as bad as it is. What is it?

Is there some political issue we don't understand that has nothing to do with the fundamental needs this bill addresses in water, water safety, in dams, in diversions, in the dredging of harbors and, over on the nuclear side, all the safety programs for our nuclear weapons designs, for stockpile stewardship, which is an entire program aimed at making sure our nuclear bombs are safe and sound without us doing any underground testing? We can't turn that on and off and say, wait an extra month, close down the buildings, close down the people for a month or so because we have a little problem about the Missouri River that somebody doesn't even want to let you vote on. It is not a question of whether that provision is right or wrong, it is simply a question of whether you will vote on it.

I wonder, if we would have left it out and we would have brought it to the floor and this bill was rocking right along here on the floor and somebody offered an amendment to do just what the committee did because it had done it 2 years before, what would the response have been? Would it have been, you can't do the amendment and you can't move on with the bill? I assume that would be the case. I think we would have a chance of convincing Senators that is not right.

I understand there are some other appropriations bills that are being held up. I am not aware of the specific reasons why, so I won't make the same kind of argument or evidence the same kind of concern as I have about the energy and water bill.

The Senator from Massachusetts talked about getting our education programs funded. We are talking about two things. We are talking about an elementary and secondary education authorization bill which has gotten tied up in all kinds of problems from both sides of the aisle on amendments. When can we pass it? Can we get agreement?

But over there in those new offices beneath the Senate, that are called ''SC''—those offices out there that are really nice to work in—there is a whole batch of House Members. I was in there. I made up a very large group of Senators working on the Labor-Health and Human Services appropriations bill. I just have a hunch, from the little bit I have participated, that the White House does not intend to sign that bill no matter what we do. We have already put in that bill resources amounting to $106 billion, the largest appropriations for those functions in the history of the Republic.

In fact, there is now in that bill, to be spent on education and other things, $12 billion more than the Budget Committee contemplated. While our numbers aren't binding, the Senator who occupies the Chair knows we reported out a budget resolution, and we assumed all these pieces would fit together. We assumed about $96 billion—$94 billion or $96 billion—for Labor, Health and Human Services. We have now gotten to the point where we have taken from others and we put $106 billion in.

From what I gather in that committee, there is little we can do to convince the Democrats to be for that bill. My guess is if it rocks along as it is, it is going to be a partisan bill, and then no matter what we try to do, the President is going to say, ''I want more,'' and the President is going to say, ''It is not a good enough bill''; and he will find some reasons to say it doesn't fund this enough or that enough. We are moving toward a real shipwreck. The issue is going to be, at some point, why are we where we are when we come to that shipwreck point?

I am going to start today, and I will watch everything I can, and I will come to the floor. But I am starting today taking just one bill and saying it would appear to me that on the energy and water bill, for some political reason, we can't take it up, and as time passes and moves on, whether or not we can get a bill and do all the things I have alluded

to or not will be in the hands of the Democrats and the President, and then we will see who is to blame.

I want to suggest that to the extent we are called ''a Senate that doesn't do anything,'' I believe we have to put another mantra on somebody else and we have to talk about the marvelous obstructionism that is going on by the other side of the aisle. It is being done with such dignity, such ease, with such platitudes about ''we are all working together,'' and ''we are trying to get there,'' and ''we are not trying to delay things.'' It really is that, unless they get their way on everything, there will be nothing moving in the Senate.

Now I never saw it run quite like that, and I have never seen anyone ever win an argument on a claim that the other group wasn't doing anything. We will see how it comes out. In the meantime, we ought to try to work together one more time, and I beg the minority leader on this bill—it is $23 billion, not one of the biggest. I literally beg that he reconsider and let us vote and let us have our 2 days of debate. There are about five very serious problems in this bill that will be debated. But they will be debated and done with, just as the Missouri River issue will be debated and finished if they will let us do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, my mind has been reflecting on the fact that now would be the time Senator Coverdell would come in. When we would have a real problem, he would wander in and help bring everything together. As we know, that will not be the case. We attended Paul's funeral on Saturday, and he is not here to help with the problems we are having here.

Let me just say to my friend, Senator DOMENICI, for whom I have the greatest respect, he is someone in this body who has great power. He is chairman of the Budget Committee, one of the senior members of the Appropriations Committee. He is chairman of the Energy and Water Subcommittee, and he is someone with whom I have had the pleasure of working for my entire time here in the Senate—on a very close basis in recent years on Energy and Water. He has been chairman and I am the ranking member. It has been our bill. He is right. The chairman always has, as we know, a little more latitude, as he should have. But I have had input on the bill, and I feel very comfortable with the bill we have.

I say to my friend from New Mexico, for whom I have the greatest respect, we have a problem with this bill that could be resolved just like that. The fact of the matter is that no one is compelling me. We are all free agents in the Senate, and we have that right. We are elected in our home States, and while Senators are very persuasive in helping us and trying to get us to go along with what they want, no one compels us to do things, and they should not. In spite of the fact that this is a good bill, I think it could be made better. I will not go into detail, but I will explain the problems we have.

We have two leaders in the Senate, Senator LOTT and Senator DASCHLE. They both do tremendously good work under very difficult circumstances. An overused saying is that they both have a job of herding cats, trying to put jello in a bowl that doesn't have sides. They have a lot of problems, and we understand that. Very rarely in legislative matters do we have one of the leaders step forward.

The measure we have before us, the energy and water bill, is very important to this leader. There is a provision in it that is extremely bad for the upper Missouri basin States. One of those States, of course, is South Dakota. My friend from New Mexico stated—and rightfully so—that the provision is causing problems in the upper basin States not only to the minority leader, but it has been in the bill two times, on two different bills. Of course it has. But the fact is that it was meaningless in the bills initially because what this is all about is the Fish and Wildlife Service rewriting a manual, reissuing and having a new manual. It was first issued before World War II ended, in the early 1940s. They did a little revision in the 1970s—minor revisions. So for almost 60 years they have had the same manual. They have decided to rewrite it, and they are ready to publish this new manual. What this legislation does is prevent them from doing so.

Well, the fact of the matter is that is wrong; it is bad. The legislature should allow the administrative body to go forward and do their thing to control the Missouri River. The administrative agency is prevented from doing that. What Senator DASCHLE and others have said is: Take that provision out of the bill, and when that is taken out of the bill, we will move forward on the legislation. This is a bill involving $23 billion, a very important bill. But this provision is something that should not prevent this bill from going forward. It should be removed from the bill, and there are all kinds of different steps. We are going to have conferences on this bill. We are going to revisit it at that time.

Let me also say that the history of the Senate is such that the interest of the minority is always protected. We talk about this great country of ours and we brag about our country, and we should do so. It is an imperfect country, but the best set of rules ever devised to rule the affairs of men and women comes from the U.S. Constitution.

What is the Constitution all about? The Constitution is not about protecting the rights of the majority; it is about protecting the rights of the minority. Where are those rights protected in our constitutional framework more than any other place? It is in the Senate. That is why the small State of Nevada has as much right to do things in this Senate—Senators REID and BRYAN—as do Senators MOYNIHAN and SCHUMER from New York, or BOXER and FEINSTEIN from California, even though they have millions and millions more people than we have in the State of Nevada. That is what the Senate is all about. What Senator DASCHLE and others are trying to do with this bill is nothing that hasn't been done in centuries past, decades past.

So I say to my friend from New Mexico, take that out and we will move forward with this legislation and then deal with a few controversial issues. We don't have many controversial issues. This is a very good bill, and I think we can finish it in a day.

Let me also say this. We believe there should be certain rights protected. Also under this Constitution, we have a situation that was developed by our Founding Fathers in which Senators would give the executive branch—the President—recommendations for people to serve in the judiciary. Once these recommendations were given, the President would send the names back to the Senate and we would confirm or approve those names.

One of the problems we are having here is it is very difficult to get people approved, confirmed. We have one Senator from the State of Michigan, Mr. LEVIN, who for 1,300 days has been waiting to have a hearing for a very qualified, competent woman who wants to be confirmed and whose name has been sent to the White House by Senator LEVIN.

He wants a simple hearing before the Judiciary Committee. Senator HARKIN from Iowa is also waiting for a nominee to be reported out of the committee. We think that should be done. This has nothing to do with the energy and water bill. It does, however, have something to do with the other bills. We could have moved forward on the energy and water bill on Friday until this glitch came up.

There is lots and lots of work to do around here. We believe it would be extremely and vitally important to move the provision that allows the Fish and Wildlife Service to publish its manual, and not have a legislative roadblock for the management of the rivers in an appropriate fashion. The Fish and Wildlife Service is not for the upper basin States or against the lower basin States. They try to be an impartial ruler. That is what they are trying to do.

I say to my friend: Let the Fish and Wildlife Service go ahead and do what they need to do and get the energy and water bill brought before this body.

Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. REID. Mr. President, tomorrow the cloture motion on the motion to proceed to the Treasury-Postal bill will ripen 1 hour after we convene. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, during the 1 hour prior to the cloture vote, a motion to proceed to the China PNTR legislation is in order tomorrow morning. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, we look forward to the majority leader making that motion, and filing cloture, as he indicated he would. We will have to wait and see when that cloture vote occurs—either this week or when we get back after the break.

I apologize for taking so much time. The Senator from Nevada wishes to speak, but the Senator from New Mexico would like to be heard.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to respond. The Senator from Nevada does so well that I was almost going to come over and sit beside him and say he is right. The fact is, he is not right.

At this late stage—when he knows there is hardly a risk of our being able to get appropriations bills finished in a timely manner to keep the Government open—to tie appropriations bills up because a judge has not been appointed is not right. It might be that there is an argument about the judicial appointment, but is it right in the waning days of Congress, when we have about 25 working days left, for somebody to come along and say: Now it is my turn. I will not let any appropriations bills be approved by the Senate unless certain people are appointed to the judicial and judge positions in this country? I think it is not.

Second, this is not a partisan issue. I don't know if it is a minority versus majority party issue, because I think in the final analysis there are some people on that side of the aisle who would like to vote on their issue and who may not agree with the distinguished minority leader as to their interests for their respective States.

My last point is that we protect minority rights. But I wonder in this case, when it is obvious that Missouri River upper and lower groups are going to argue about this, if it is a question of protecting minority rights. It stands in the way of getting a vote on the issue. If it is important enough to the upper Missouri that they think it is very important but it is also similarly important to those on the lower Missouri, it would seem that the way to settle it is to let our colleagues understand the issue—that is what this Senate is all about—and let us vote. I don't quite understand why we can't vote. I wonder what is worrying people. The Senate expresses its views on many things. It resolves disputes such as this regularly.

But, in this case until some future date, who knows when we will not be permitted to express the collective Senate will by voting on this issue—which in 30 minutes could be known by all sides and all parties, and a good decision could be made by the Senate.

I thank the distinguished Senator for yielding.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. BRYAN. I thank the distinguished occupant of the chair. Mr. President, I wish to change the focus of the discussion on the floor from the previous colloquy between the senior Senator from Nevada and the senior Senator from New Mexico.

ILLEGAL WAGERING ON COLLEGE SPORTS

Mr. BRYAN. Mr. President, earlier today, the Senator from Kansas, Mr. BROWNBACK, took to the floor and argued on behalf of a piece of legislation that would affect only my State and affect it in a very profound and negative way. The ostensible purpose of the legislation I think all of us can agree upon. I wish to put the discussion in context as I see it. We are talking about the illegal wagering on college sports, particularly wagering by underage college students, including student athletes. I think there is no disagreement that there is a serious problem and one that we recognize ought to be addressed in a very serious way.

The National Collegiate Athletic Association (NCAA) testified before the Commerce Committee, as they did before the National Gambling Impact Study Commission (NGISC), that there are illegal student bookies on virtually every college campus in the country, including some individuals with links to organized crime. I do not disagree with that assessment. The matter is so serious that some students have actually been threatened with bodily harm to collect gambling debts owed to illegal student bookies. I do not disagree with that assessment.

The NCAA has known at least since the three-part investigative series published by Sports Illustrated in 1995 that the illegal gambling problem on America's college campuses was widespread and growing. A recent University of Michigan survey found that nearly half of all male student-athletes nationwide—45 percent—gambled illegally on college and professional sports. A nationwide survey of NCAA Division I male basketball and football student-athletes conducted for the NCAA by a University of Cincinnati research team found that over one-fourth gambled in college sports. Sadly, a small number in each survey gambled on games in which they played. They were wrong.

Beyond the broader issue of the extent to which student-athletes, and students generally, gamble on sports illegally, there are the troubling cases of improper influence being exerted on student-athletes by those who seek financial gain from placing sports wagers on ''fixed'' games. This reprehensible conduct has reared its ugly head on occasion since at least the 1940s, particularly in the context of college basketball.

While the NCAA's recent rhetoric leaves the impression that such ''point-shaving'' or ''fixing'' of games is rampant, we can be thankful that the record belies the rhetoric. The two recent scandals of this type (those at Northwestern University and Arizona State University) took place over five years ago in the mid-1990s. The integrity of virtually all those who compete in college athletics is verified by the fact that there were a handful of such scandals in the 1990s out of the thousands of games played. While not a single sports bribery scandal should be tolerated, we need to know why they occur and by what means. The record is clear for those student-athletes who have violated the trust of their teammates and school by engaging in illegal sports wagering. As a result of their illegal wagering, they put themselves in debt to the point where they committed heinous acts of betrayal to pay off those debts to illegal bookies.

If merely passing laws prohibiting unregulated sports gambling were enough to stop it, the practice would not be so widespread today. Sports gambling has been illegal for decades in almost every state, and Congress acted in 1992 to prevent states from adding sports-based games to their state lotteries. The same statute, the Professional and Amateur Sports Protection Act, also prohibits persons from engaging in sports-based wagering schemes, contests, and sweepstakes.

Similarly, wagering on sports of any kind, college or professional, is already a violation of NCAA bylaw 10.3. A review of the NCAA's publicly available computer database of rules infractions cases indicates that, as of 1998 (the last year for which cases are posted), enforcement of bylaw 10.3 is infrequent and spotty at best.

The database reveals that the NCAA brought only 23 enforcement actions against student-athletes from 1996 to 1998, even though the University of Michigan and University of Cincinnati studies indicate that thousands of violations occurred. In some of the 23 cases, the violations centered on such routine practices as students wagering team jerseys with each other. In the face of organized student bookmaking operations with links to organized crime handling large sums of cash wagers, such an enforcement ''strategy'' is at best misplaced.

Against this backdrop of a serious national problem with illegal sports gambling, the legislation to which I referred, S. 2340, takes the very peculiar approach of targeting the only place in America where sports wagering is legal, regulated, policed, taxed, and confined to adults over age 21—the State of Nevada. Furthermore, the facts are that legal wagering in Nevada amounts to only about one percent of all sports gambling nationwide, 99 percent of which is already illegal. The

NGISC estimated that illegal sports wagering in the United States ranged from $80 billion to $380 billion annually. In contrast, legal sports wagering in the State of Nevada last year totaled approximately $2.5 billion, with roughly a third of that amount bet on college sporting events.

The central question then, which supporters of the legislation fail to answer adequately, is how does preventing adult tourists and conventioneers from placing sports wagers in Nevada affect what happens on and off college campuses in the other 49 states. Each of the attempted answers to this central question is completely unpersuasive.

First, the central premise underlying this legislation is that eliminating the small amount of legal sports wagering in Nevada will cause newspapers across the country not to publish betting lines or point spreads, thereby curbing illegal gambling activity. This notion is further evidenced by the committee report accompanying S. 2340, the Amateur Sports Integrity Act, which states that ''. . . point spreads are generated for no other reason than to facilitate betting on college sports.'' It is important to note that neither the Commerce Committee nor the NGISC took testimony from newspapers to determine if in fact they would cease publishing betting lines if sports gambling were made illegal in Nevada. Similarly, no testimony was taken to determine whether illegal sports wagering would be reduced even if newspapers ceased publishing this information. I made the point at the time of the hearing on S. 2340 that it's not too much to ask that such due diligence be conducted before a legal industry and its employees are legislated out of existence

Just recently the Newspaper Association of America broke their silence and shared their thoughts on this legislative proposal, and, not surprisingly, they completely refuted the primary argument put forth by the sponsors of this amendment. I'd like to share with my colleagues the content of their letter to the House Judiciary Committee.

This is a letter, dated June 7 of this year, addressed to the chairman and ranking member of the House Judiciary Committee. Let me read the operative provisions:

If Congress prohibits gambling on college sports, NAS believes newspapers will continue to have an interest in publishing point spreads on college games, since point spreads appear to be useful, if not valuable, to newspaper readers who have no intention of betting on games.

That is a pretty clear statement that this association, representing America's newspapers, believes, notwithstanding any legislative prohibition, that newspapers in America will continue to publish these point spreads on games.

The letter goes on to point out:

According to a national Harris Poll survey of 1,024 respondents conducted during April 7–12, 70 percent of respondents who read or look at point spreads on college sports do so to obtain information about a favorite college team and to increase their knowledge about an upcoming sporting event. Only 11 percent of the respondents said that they read or look at point spreads on college sports to place a bet with a bookmaker. NAA believes that publication of point spreads provides useful information to millions of newspaper readers, of whom 96 percent are 21 and over (MRI Spring 2000 Study).

Second, pointing the spotlight on published point spreads in newspapers fails to acknowledge that an individual can obtain point spreads on college games through many different sources. These sources include sports talk shows on radio and television, magazines, toll-free telephone services and the Internet. Illegal bookies on college campuses and in the general population will continue to set the betting lines independent of any published point spread. Anyone who is intent on placing bets on games can and will obtain point spreads, even if they are not published in the newspaper.

Mr. President, I ask unanimous consent this letter be printed in the RECORD.

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

NEWSPAPER ASSOCIATION OF AMERICA,
Vienna, VA, June 7, 2000.

Hon. HENRY HYDE,
Chairman,
Hon. JOHN CONYERS,
Ranking Member,
Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE AND CONGRESSMAN CONYERS: The purpose of this letter is to respond to your request for comment on H.R. 3575, the Student Athlete Protection Act, which prohibits high school and college sports gambling in all States, including Nevada, where gambling on college sports is currently legal.

The Newspaper Association of America (NAA) is a nonprofit organization representing more than 2,000 newspapers in the U.S. and Canada. Most NAA members are daily newspapers, accounting for 87 percent of the U.S. daily circulation.

NAA understands the concern Congress has with respect to illegal sports gambling on college campuses, including the existence of illegal bookmaking operations that involve student-athletes as well as members of the general student population. Our comments on the proposed legislation are limited to an issue that has been raised concerning publication of point spreads on college sporting events, and whether a prohibition on gambling on college games will persuade newspapers not to publish point spreads on these games.

First, like all editorial decisions, the decision on whether to publish point spreads for college sporting events is made by each newspaper and the decision to publish or not publish will vary from newspaper to newspaper. If Congress prohibits gambling on college sports, NAA believes newspapers will continue to have an interest in publishing point spreads on college games, since point spreads appear to be useful, it not valuable, to newspaper readers who have no intention of betting on games.

According to a national Harris Poll survey of 1,024 respondents conducted during April 7–12, 70 percent of respondents who read or look at point spreads on college sports do so to obtain information about a favorite college team and to increase their knowledge about an upcoming sporting event. Only 11 percent of the respondents said that they read or look at point spreads on college sports to place a bet with a bookmaker. NAA believes that publication of point spreads provides useful information to millions of newspaper readers, of whom 96 percent are 21 and over (MRI Spring 2000 Study).

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Finally, NAA applauds the sponsors of the legislation for resisting the temptation to impinge upon constitutionally protected freedoms of speech by proposing a prohibition on the publication or dissemination of point spreads on college games. Over the years, the Supreme Court consistently has recognized that a consumer's interest in the free flow of information ''may be as keen, if not keener by far, than his interest in the day's most urgent political debate.'' *Virginia State Bd Of Pharmacy* v. *Virginia Citizens Consumer Council, Inc.*, 425 U.S. 763 (1976). We commend you and your colleagues for being particularly sensitive to maintaining the free flow of information, which citizens of this country have come to expect and enjoy.

NAA appreciates the opportunity to comment on this legislation before your committee.

Respectfully submitted,

JOHN F. STERN,
President and CEO.

Mr. BRYAN. Mr. President, the NCAA has threatened for years to deny NCAA-sponsored tournament press credentials to newspapers that publish lines, but they have never done so. These hollow threats are further evidence of the futility of this exercise.

Secondly, we have been told that this legislation, while admittedly no panacea, will ''send a message'' to students and others that sports gambling is illegal. Again, there is a complete absence of any empirical evidence or fact-based testimony that America's college students, or adults for that matter, will heed such a so-called ''message.'' By this logic, we should reinstate Prohibition on serving alcohol to adults over the age of 21 to ''send a message'' to minors about drinking and to reduce binge drinking by underage students on college campuses. The absurdity of such an approach is self-evident, and it applies with equal force to this legislation.

The real message that this legislation will send is that shirking responsibility and pointing fingers at others is the appropriate manner in which to handle a serious national problem. Everyone should agree that a problem so pervasive on college campuses should

be addressed comprehensively and with a serious commitment from the NCAA and its member institutions, including federal requirements enshrined in appropriate legislation.

While we heard considerable rhetoric at our Commerce Committee hearing concerning what the NCAA intends to do about illegal gambling on college campuses, there was very little testimony concerning what concrete steps at NCAA has taken to date. For example, the chairman of the NCAA's executive committee testified that during the ten years he has served as president of his university, he could not recall a single case of a student being expelled or otherwise disciplined for illegal gambling, even though he acknowledged there are illegal student bookies on his campus.

We are repeatedly told by the sponsors of this legislation that the NCAA has plans to set up its anti-gambling initiatives. The facts belie the accuracy of those assurances. For example, the NCAA's total operating revenue for 1998–99 was $283 million. Within the overall budget, there was a line item for ''sports agents and gambling'' that equaled $64,000. Similarly, the line item for 1999–2000 is $139,000 out of revenue of $303 million. Only three of nearly 300 NCAA employees are assigned to gambling issues, and those persons have other responsibilities in addition to illegal sports gambling.

The NCAA's own presentations to the NGISC and in other venues indicate that there are many other important steps that should be taken, beyond what this legislation would do, to address the problem of illegal gambling on college campuses. The NCAA and its members have failed to follow through on the very steps they recommended to the commission just one year ago. For example, much was made at our hearing about the NCAA's use of a new public service announcement during the telecast of the men's basketball tournament. There was little evidence that this PSA was shown either frequently or during times of maximum audience exposure. Furthermore, there is no indication that the NCAA followed the recommendation of the NGISC and specifics PSA commitments be written into the NCAA's television contracts. A $6 billion, 11-year deal for the television rights to the men's ''March Madness'' basketball tournament was signed by the NCAA with CBS Sports after the NGISC made this recommendation in its Final Report.

There is a serious need for a combination of enforcement, education, and counseling initiatives to address illegal gambling by high school and college students. Unfortunately, the Commerce Committee took no testimony from those individuals on campus, in our states, and at the Federal level who are charged with enforcing the laws that already make this activity illegal. Similarly, we heard very little from professionals whose job it is to educate students about the dangers of gambling abuse and to counsel those who suffer from such problems.

Finally, while this bill directly impacts Nevada, let me suggest to my colleagues we should be alarmed by the precedent that would be established if this bill becomes law. For over 200 years the Federal Government has deferred to the State to determine the scope and type of gaming that should be permitted within their borders. The Professional and Amateur Sports Protection Act preempted that authority as it relates to sports wagering, but only prospectively. If Congress sees fit to overturn Nevada's sports wagering statutes that have been on the books for many decades, it sets a dangerous precedent that should be cause for concern for the other 47 States with some form of legal gaming operations.

We all agree as to the serious nature of the problem. Unfortunately, the legislative proposal will do nothing to address that issue.

As I have said during my testimony before the Commerce Committee, this legislation is an illegal bookie's dream.

I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Arizona.

Mr. McCAIN. Mr. President, before my friend from Nevada leaves the floor, I intend to make a couple of comments on his statement. One of the most valued members of the committee is Senator BRYAN from Nevada.

Senator REID and I came to the House of Representatives together many years ago. I consider us to have a very warm and excellent relationship over many years.

I will miss Senator BRYAN very much as he leaves—not only the Senate but as a much valued member of our committee. Coincidentally, on the issue of sports, Senator BRYAN and I were able to work together on a couple of boxing issues that a lot of our Members did not care much about. But hopefully we were able to assist some people who come from the lowest economic rung of our society and prevent, at least to some degree, the exploitation to which many of them are subjected.

I preface my comments with a brief response to both Senators from Nevada. Again, I say that with respect and affection.

I did not invent this legislation, nor did it come from any Member of this body. It came as a result of the National Gaming Impact Study Commission, a commission that met for a long time and came up with this strong recommendation. Then the issue was picked up by the NCAA coaches. Some of the most respected men and women in America, obviously, are our college coaches, people of the level of Dean Smith, Joe Paterno, Jim Calhoun, and so many others who have made this a high visibility and important issue, at least to them, including the presidents of the colleges and universities across the country.

I will not rebut their comments or try to respond to all the comments made by Senator BRYAN, except to say I respect his view. But I do believe there is a compelling case that has been made, not by this Member but by the college coaches and the university presidents who say this is placing these young—as Coach Calhoun called them—kids in the path of temptation that is something that could be very unhealthy for them.

So I respect the views of my friends from Nevada. I hope we will have a vigorous debate on this issue, and hopefully we will be able to address it one way or another. But I do believe it is an issue of some importance, at least if you believe those who are closest to these young men and women, our college athletes.

Mr. BRYAN. Will the Senator yield for a moment?

Mr. McCAIN. I am happy to yield.

Mr. BRYAN. I will just acknowledge his very generous comments. I appreciate that.

Let me respond in turn. I have been privileged and honored to serve in that committee with him as chairman. We have worked on many, many issues, not only the athletic issues which we have addressed, but both of our respective jurisdictions are going to enjoy expanded air service as a result of his leadership, providing nonstop service to the Nation's Capital from our respective States. So I assure him my comments are in no way intended to be personal to him. It is a difference of opinion. The Senator from Arizona, who is a tenacious advocate and fearless defender of his own State, can understand the Senator from Nevada obviously has serious concerns. They are honest differences of opinion with the Senator from Arizona. I wanted to state that for the RECORD.

Again, I thank him for his very generous comments.

Mr. McCAIN. I thank Senator BRYAN. I will come to the floor sometime in September to chronicle his many accomplishments and the admiration and heartfelt affection I have for Senator BRYAN. But at the moment I say we will respectfully disagree. I think we will have both an interesting and, I hope, illuminating discussion of what has become, in the eyes of many, an important issue. I thank Senator BRYAN for his kind remarks. I will miss him, although I want to make it clear that he is not departing this Earth. In fact, he may be going to a much more rewarding and comfortable lifestyle.

THE SITUATION IN FIJI

Mr. McCAIN. Mr. President, let us imagine for a moment that a ragtag group of armed rebels in Australia was able to infiltrate the parliament in Canberra and put a gun to the head of the Australian Prime Minister. Let us imagine that these rebels, led by a failed indigenous businessman who claimed to speak for the native people and against those of European descent who had ''colonized'' the island, held

the Prime Minister and members of his government hostage for several months in the Parliament building. Let us also imagine that, during this period, central government authority across Australia withered as armed gangs set up roadblocks, occupied police stations and military barracks, torched homes and businesses owned by those with different ancestry, seized tourist resorts, and generally terrorized innocents across the country.

What would America's response be to such a violent takeover of a democratic government and the abduction of its prime minister by race-baiters who proclaimed that under their ''new order,'' there would be no place in government or, indeed, in society for those with different ethnic roots, and who reveled in the armed chaos they had inspired? At a minimum, I would expect the United States to impose tough sanctions on the illegitimate regime; mobilize our allies in Asia and at the U.N. Security Council to speak forcefully and with one voice against the coup; and join like-minded nations in resolutely affirming that the country in question would suffer lasting isolation and international condemnation until constitutional governance and the rule of law were restored.

Unfortunately, this scenario is playing out as we speak in Australia's neighbor Fiji, an island nation in the South Pacific that is home to some of the warmest, most gentle people I have had the pleasure of meeting. George Speight, an ethnic Fijian and failed businessman, led a coup on May 19 that toppled Fiji's democratically elected government and its first Indo-Fijian prime minister, Mahendra Chaudhry. Speight, whom the Economist calls a ''classic demagogue,'' is utterly disdainful of democracy, law, and Fijians of Indian descent, who constitute 44 percent of their nation's population.

If Speight has his way, democratic rule, racial harmony, and basic justice in Fiji have no future, and nearly half of Fiji's people, disenfranchised by the coup, will have been relegated to the status of second-class citizens and unwitting hostages of a government that abhors them for the color of their skin. As Speight bluntly puts it:

> There will never be a government led by an Indian, ever, in Fiji. Constitutional democracy, the common-law version—that will never return.

The hostages, including the deposed Prime Minister, have been released, and Speight's forces have apparently cut a deal with Fiji's military and traditional leaders for the composition of a new government—a government led by an ailing figurehead controlled by the coup leader. The new cabinet will be comprised exclusively of ethnic Fijians, with the sole official of Indian descent relegated to a non-cabinet post as one of two assistant ministers for multi-ethnic affairs. The country's multi-racial constitution has been officially scrapped in favor of a document being prepared by the new government that ''is almost certain to reduce Indo-Fijians to political footnotes,'' in the words of one observer. The economy, and the tourist industry that sustains it, are in shambles.

Democracy is dead in Fiji. Rule by law has succumbed to the law of the jungle and one man, in league with armed criminals, has personally destroyed a successful experiment in representative, multi-ethnic rule. The United States must stand firm in our absolute refusal to ratify the results of a coup that ended democratic governance in Fiji. We cannot and shall not condone the violent establishment of a government and a constitution predicated on racial exclusion. We should be prepared to suspend what little amount of assistance we provide to Fiji if the government remains intransigent. More importantly, we and our allies in Asia and Europe should make clear that Fiji will remain isolated until the interim government in Suva establishes a clear blueprint for a return to democratic rule by an administration that does not include George Speight and his criminal allies. We cannot compromise on the principle that the Indo-Fijians who constitute nearly half of their nation's population must once again have a voice in its affairs.

The haunting words of an ethnic Fijian social worker vividly capture the agony of a nation that many people believe to be as close to paradise as can be found on this Earth. He laments: ''Fiji was such a nice place. We promoted it as 'the way the world should be.' Now it is the devil's country.''

Let us use the resources at our disposal as a great and moral nation to oust this devil and return Fiji's government to all of its people.

I ask unanimous consent that the text of an editorial from the July 19th edition of the Wall Street Journal entitled ''Goodbye to Fiji'' be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. MCCAIN. Mr. President, I have two additional comments.

There is a lot of unrest in Asia today. Indonesia is ridden with ethnic strife, a very important country that is the largest Moslem country in the world and one whose fortunes, economically and ethnically, have declined severely.

The Solomon Islands, an area where American blood was shed many years ago, has been mistreated by ethnic strife and armed gangs taking over and lawlessness and banditry being the order of the day there.

In Fiji, we see, again, ethnic unrest that is harmful not only to the country, but the people who are most affected first will be the poorest people in Fiji, many of them the ethnic Fijians whose livelihood is gained from the now disappearing tourist industry.

Finally, the United States has a special obligation as the world's leader. I think we as Americans are most proud that, following World War II, we began to redress some of the wrongs we had inflicted on some of our own fellow citizens. After a titanic civil rights struggle, we are at least on the path to assuring equality for all in this great Nation of ours. For us to sit by and watch an ethnic group be subjected to a constitution and rulers that place them in a permanent inferior status, flies in the face of everything the United States has stood for and, clearly, in our assertion that all men and women are created equal and endowed by our Creator with certain inalienable rights.

I hope the administration, the American people, and those of our allies, in Asia and all over the world, including at the United Nations, will do whatever they can to restore equality and equal opportunity in this very lovely island.

It is important for me to note that I visited this beautiful country on several occasions, which is one reason why I have a very special feeling for it and a special sense of sadness because it is a beautiful country filled with very gentle people.

I yield the floor.

EXHIBIT 1

GOODBYE TO FIJI

Say goodbye to Fiji, and say it soon. The country is going rapidly down the tubes.

Two months ago, Fiji wasn't such a bad place. It ambled along at a South Pacific pace. The locals were laid back and well fed, and prone to a languor induced by regular cups of kava, the narcotic beverage of preference in those parts. Tourists flocked in from Australia and New Zealand, attracted to resorts with names like Buca Bay, Rukuruku and Turtle Island, where ''The Blue Lagoon''—an execrable film that launched the cinema career of Brooke Shields—was shot 20 years ago. In a nutshell, Fiji was so serene that even honeymooners from the American Midwest were not ruffled by the grueling journey it took to get there.

All that changed on May 19, when a man called George Speight barged into parliament with a throng of thugs and took Mahendra Chaudhry. the Prime Minister, hostage—along with most of the country's cabinet. They were released only last week, and have all been stripped of office.

Mr. Speight is an ethnic Fijian, of Melanesian stock, and Mr. Chaudhry is of Indian descent, as is 44 percent of the country's population. The former maintains that he was acting in the interests of the Melanesian majority, who constitute just over half of all Fijians. The Indians, he declares, are ''the exploiters'' and ''the enemy.'' Unabashedly racial in his vision of Fiji, he insists on the permanent exclusion of Indians from government office. He calls also for curbs on the commercial mobility of Indians, who control a lion's share of the Fijian economy.

The Indians, cast as ''outsiders'' by Mr. Speight, are descended from indentured plantation workers who were brought to the archipelago by the colonial British administration a century ago. Most Indians are fourth-generation Fijians. From where we stand, that makes them no less entitled to all the rights of citizenship—whether political or commercial—than an ethnic Fijian might be.

Mr. Speight doesn't see things that way. Neither, alas, does Fiji's Great Council of Chiefs, a body of tribal elders that enjoys ill-defined, but very real, powers under the country's racially skewed customary law. To their discredit, the chiefs have given their

imprimatur to Mr. Speight's objectives, as have sections of the armed forces.

The country's interim prime minister, appointed by the army chief while Mr. Chaudhry was hostage, last week unveiled a ''Blueprint'' for the ''protection'' of indigenous Fijians. The document comprises an ill-judged plan for commercial affirmative action, designed to ''advance the interests of'' the country's ethnic majority. Indians are to be excluded in areas where they are ''over-represented,'' and ethnic Fijians are to get preferential royalties, subsidies, tax breaks, rents and licenses.

The problem with this ethnic gravy train, of course, is that Fiji will soon run out of gravy. The sugar industry, manned by Indians, is in disarray. Tourism, which contributes $235 million per annum to the economy—and which is second only to sugar in Fiji's economic schema—has ground to a jarring halt. After the recent invasions of luxury resorts by knife wielding ''traditional landowners,'' it's hard to see those Aussies, Kiwis and Midwestern honeymooners coming back. A flight of disenfranchised Indo-Fijians to Australia and New Zealand is under way. This will drain Fiji of its best technical and entrepreneurial stock.

Mr. Speight and his cohorts will learn swiftly that running an economy is a lot harder than storming a parliament. Theirs is no more than a blueprint for economic suicide.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank my colleague, the Senator from Arizona, for his remarks in regard to this challenge, especially as it relates to the South Pacific.

Today, we have received very troublesome information about parts of Indonesia where there is this kind of tension which is threatening the peace, well-being, and the capacity of individuals to exercise their own religious beliefs in ways they see fit. This troublesome disorder is to be noted and understood, and we should speak out on it. I thank the Senator from Arizona for his remarks.

THE MISSOURI RIVER SYSTEM

Mr. ASHCROFT. Mr. President, I rise today to talk about something closer to home for me. Perhaps one of the most important things that has ever been known or understood in the economy of Missouri is the Missouri River. It is part of the lifeblood of our State. It transports commerce from one part of the State to another and from our State down through the Mississippi to the Gulf of Mexico and around the world.

There are some troublesome issues regarding the flows in the Missouri River. They relate to the energy and water appropriations bill which includes specific measures relating to language in this year's bill that is identical to language found in previous bills.

Under normal Senate procedure once a committee acts and reports out a bill, the bill comes to the floor, and if a Senator does not like a certain provision in the bill, then that Senator has the right to move to strike that position. That is a guaranteed right.

However, it appears that one of the provisions, which is totally consistent with language that has been in previous bills regarding flows in the Missouri River system, is not to the liking of some individual Senators. In particular, the minority leader has indicated his opposition to Section 103. Senator DASCHLE has done what he could to prevent debate on this section, and has worked to make sure the bill does not come to the floor at all.

That is a harsh and inappropriate way for us to act. If any Senator does not like a provision, then that Senator can move to strike the provision, and the Senate can vote on such a motion. Unfortunately, this election to stall; to interrupt the progress and business of the Senate; to say we do not want to allow a bill to come to the floor as it was reported by the committee and as it has come year after year is a way to interrupt the business of the Senate, is inappropriate.

I was pleased that earlier this afternoon the majority leader filed a cloture motion on the energy and water appropriations measure, but it is unfortunate that he had to do so. I regret the majority leader had to take such action, but because the Democrats insisted on stalling the normal legislative process, such action was necessary.

The Missouri River and the Mississippi River are the two most valued treasures of Missouri citizens. They are essential for not only transportation in our State but about 40 percent of all the people in our State get their drinking water out of those rivers. They are important for irrigation and for cost-efficient transportation.

I have had the privilege through the decades of fighting to protect that resource, not only for human consumption but for transportation as well. As attorney general, I was involved in litigation that went all the way to the Supreme Court. I was pleased to be part of that, to be a moving factor in that litigation which protected our waterflows at that time in the river.

I watched as the Missouri River, when it had inadequate flows, paralyzed a community. I remember years ago when I was Governor, an ice bridge developed. This was a natural impairment of the flow north of Missouri in the river and north of the city of St. Joseph. Instead of the water flowing down, the ice jam backed up the water.

The river levels fell and a great city such as St. Joseph, MO, was without water. When I went to look at the water intake facility for St. Joseph, I noticed the water was a foot or two below the intake. We worked night and day to get a new pump and a new system of drawing water out of the river. Proper river flows are essential to the well-being of our State.

In the committee report of the energy and water appropriations bill, Section 103 prohibits the expenditure of resources to diminish the flow or to otherwise tamper with the flow of the river because the river flows are so essential to the well-being of our State. The Corps' plan for rewriting the way the river will be managed is known as the Missouri River Master Manual. It would send additional surges of water down in the spring, which would cause flooding, and withhold additional water in the fall, which would cause low levels in the river.

If you make the level of the river low in the fall, the crop which has been grown can't be shipped as efficiently when there is inadequate river flow for transportation. Of course, you may not have a crop to ship if in the spring you release so much water that you cause widespread flooding. This flooding potential concerns many of our communities. I have worked closely with the rest of the Missouri delegation in the Congress, the Missouri Farm Bureau, and the Mid-America Regional Council 2000. We uniformly oppose management of the river in a way that would cause flooding in the Spring, and then a restriction of the flow of the river in the fall which would make impossible the kind of transportation upon which our farm, agricultural, and other industries must rely.

The U.S. Fish and Wildlife Service has recently recommended to the Army Corps of Engineers a spring pulse or spring rise on the Missouri River. This recommendation is irresponsible and dangerous. The U.S. Fish and Wildlife Service wants to do this because it is interested in improving environmental conditions for certain species of fish and birds. We all are concerned about fish and birds, the shorebirds, the piping plover, and the shark-like pallid sturgeon fish. But this protection should not come at the expense of the lives of thousands of people living downstream.

Section 103 to H.R. 4733, forbids any funding in the bill from being used to revise the Missouri River Master Water Control Manual to allow for an increase in the springtime water release program during the spring heavy rainfall and snowmelt period in the States. This spring release, or spring rise, or spring pulse would be dangerous for all citizens living and working downstream from Gavins Point, located on the border of Nebraska and South Dakota.

It normally takes about 12 days for water to travel from Gavins Point to St. Louis. During the spring, weather in the Midwest is especially unpredictable. It is usually said if you don't like the weather, just wait a bit. If it is that unpredictable, especially in the spring, it is very difficult to correctly predict the weather for a 12-day period. And if you are going to send a big pulse of water down the river and then, as you are in the process of doing so, there is a substantial rainstorm or series of storms that develop, the very purpose of restricting flooding and providing a basis for reasonable flow in the river is defeated. If you are already sending a charge of water down the

river that is closer to the capacity of the river, any additional rain from nature would create widespread flooding in the downstream communities.

The combination of a spring rise and a heavy rain during the 12-day period would increase greatly the chances for downstream flooding. The spring rise would come at a time of the year when downstream citizens are the most vulnerable to flooding. The Corps' plan provides less flood control and less navigability than the current plan, thus it should not be imposed.

I oppose the Corps' plan for rewriting the Missouri River Master Manual, and I call on the Corps to adopt a plan that better suits a balance among water uses. If the President decides, after we have passed the bill with this same provision in it that we have had in it for the last several years, to veto it, it is his prerogative. But what that tells the citizens of the lower Missouri basin is that the Clinton-Gore administration is willing to flood downstream midwestern communities. It is that simple. Section 103 provides the necessary protection for all citizens downstream from the Gavins Point Dam who live and work along the banks of the Missouri River.

In closing, each Senator is entitled to his or her opinion on any piece of legislation, but the Senator should understand that that opinion should be reflected in the legislative process with opportunities to strike. That opinion should not be expressed by keeping legislation reported by committees from coming to the floor. We simply want to debate section 103 and any motion with regard to this commonsense provision. We are willing to live by the will of the Senate in determining what should be the outcome. We believe the availability of this legislation should not be curtailed, especially since it includes identical language found in the last several years of this same energy and water appropriations. As a matter of fact, it is the will of the committee which has sent it to the floor.

With that in mind, I look forward to working to protect the interests of Missouri citizens, to protect them against flooding in the spring and to protect the output and available water resources for a flow which will support navigation in the fall.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

JUDICIAL NOMINEES

Mr. LEAHY. Mr. President, I am sorry I was not on the Senate floor to hear Chairman HATCH earlier this afternoon. I was attending an important confirmation hearing and chairing a meeting of the bipartisan Internet Caucus. I spoke to the issue of judicial nominations last Friday and say, again, with 60 current and longstanding vacancies within the federal judiciary, and seven more on the horizon, we cannot afford to stop or slow down the little progress we are making.

Our hearing today included three nominees moved forward to fill positions on the District Court of Arizona that have all been declared judicial emergencies. Each of the nominees was nominated last Friday. They are now having their hearing, they look forward to being voted out of committee on Thursday and approved by the Senate before the week is out—within one week of nomination. This demonstrates what we can do when we want to take action. All the talk about needing six months or more to process and review nominees is just that—talk. If all goes according to schedule, these nominees will be in and out of the Senate in less than one week.

We could do that with a number of nominees. Instead, this is a Senate that has kept highly-qualified nominees, such as Richard Paez and Marsha Berzon, waiting for years before they get a vote. There is just no reason to have a qualified nominee like Judge Helene White of Michigan held hostage for over 42 months without a hearing.

I am disappointed to have seen another hearing come and go without even one nominee to fill one of the many vacancies to the Courts of Appeals around the country. I was encouraged to hear Senator LOTT recently say that he continues to urge the Judiciary Committee to make progress on judicial nominations. The Majority Leader said: ''There are a number of nominations that have had hearings, nominations that are ready for a vote and other nominations that have been pending for quite some time and that should be considered.'' He went on to note that the groups of judges he expects us to report to the Senate will include ''not only district judges but circuit judges.'' Unfortunately, the Committee has not honored the Majority Leader's representations and was only willing to consider a few District Court nominees at today's hearing. Pending before the Committee are a dozen nominees to the Federal Courts of Appeals who are awaiting a hearing—12 nominees, not one of which the Republican Majority saw fit to include in this hearing. Left off the agenda are Judge Helene White of Michigan, who is now the longest pending judicial nomination at over 42 months without even a hearing; Barry Goode, whose nomination to the Ninth Circuit was the subject of Senator FEINSTEIN's statements at our Committee meeting last Thursday and who has been pending for over two years; as well as a number of qualified minority nominees whom I have been speaking about throughout the year, including Kathleen McCree Lewis of Michigan, Enrique Moreno of Texas and Roger Gregory of Virginia.

I noted for the Senate last Friday that there continue to be multiple vacancies on the Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 20 vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I know how fond our Chairman is of percentages, so I note that the vacancy rate for our Courts of Appeals is more than 11 percent nationwide. Of course that vacancy rate does not begin to take into account the additional judgeships requested by the Judicial Conference to handle their increased workloads. If we added the 11 additional appellate judges being requested, the vacancy rate would be 16 percent. By comparison, the vacancy rate at the end of the Bush Administration, even after a Democratic Majority had acted in 1990 to add 11 new judgeships for the Courts of Appeals, was only 11 percent. Even though the Congress has not approved a single new Circuit Court position within the federal judiciary since 1990, the Republican Senate has by design lost ground in filling vacancies on our appellate courts.

At our first Judiciary Committee meeting of the year, I noted the opportunity we had to make bipartisan strides toward easing the vacancy crisis in our nation's federal courts. I believed that a confirmation total of 65 by the end of the year was achievable if we made the effort, exhibited the commitment, and did the work that was needed to be done. I urged that we proceed promptly with confirmations of a number of outstanding nominations to the Court of Appeals, including qualified minority and women candidates.

Yet only five nominees to the appellate courts around the country have had nomination hearings this year and only three of those five have been reported by the Committee to the Senate and confirmed—only three all year. The Committee included no Court of Appeals nominees at the hearings on April 27 and July 12, and there are no Court of Appeals nominee at the hearing today. The Committee has yet to report the nomination of Allen Snyder to the District of Columbia Circuit, although his hearing was 11 weeks ago, or the nomination of Bonnie Campbell to the Eighth Circuit, although her hearing was eight weeks ago. The Republican candidate for President talks about final Senate action on nominations within 60 days and we cannot get the Committee to report some nominations within 60 days of their hearing.

There is no good reason to have a qualified nominee such as Judge Helene White of Michigan held hostage for over 42 months without a hearing—42 months, and she has not even gotten a hearing. We had two men who were nominated last Friday, and they had a hearing today. They will probably be confirmed this week. Helene White has been held hostage for over 42 months without a hearing. She is the record holder for judicial nominees who have had to wait for a hearing—and her wait continues. It is insulting to the people of Michigan, insulting to the court, and insulting to her. The people of Michigan deserve a vote up or down on this outstanding lawyer and Judge from Michigan.

Now why do I keep mentioning this? I keep mentioning it because, frankly, we are doing a poor job in confirming judges. I compare this to the last year of President Bush's term. We had a Democratic majority in the Senate. We confirmed twice as many judges then as this Senate is confirming now with a Republican majority and a Democratic President. Something was said the other day that, well, the Democrats are in the minority, and that is probably why they complain so. Well, heavens, I would be happy to have the complaints of the Republicans when they were in the minority. The Democrats moved twice as many judges for a Republican President as Republicans are moving for a Democratic President. It is a simple fact.

The soon-to-be presidential nominee of the Republican Party has said—and I agree with him—that this is wrong, the Senate ought to vote these people up or down in 60 days. Of course, we could do that. There is a concern that has been expressed—and rightly so—that so many nominees are held without any vote. Nobody votes against them, but nobody gets an opportunity to vote for them; they just sit there. And even though the criticism stings, the fact is that, on average, women and minorities take longer to go through this Senate than white males do. Some women, some minorities have gone through very quickly, but most have taken longer.

I said earlier that I do not see any sense of bias or sexism in our chairman. I have known him for over 20 years, and I have never heard him make a biased remark or a sexist remark during that whole time. But something is happening, somewhere they are being held up. It is wrong. One of the things that most Republicans and Democrats ought to be able to agree on is what Governor Bush said: Do it and vote them up or down in 60 days. Let's make a decision.

Some of these people got held up for 2 or 3 or 4 years. When they finally got a vote, they passed overwhelmingly. But for 2 or 3 or 4 years they were humiliated, caused to dangle, have their law practices fall apart, have people question what was going on. Why? Because one or two Senators thought they should be held up. Well, let those one or two Senators vote against them. We are paid to vote yes or no, not maybe. I do not know whether it is because they are women, because they are Hispanic, because they are too liberal, or too conservative, too active, not active enough, that people don't want them to be confirmed. Let them vote against them.

I argued, when we had a very distinguished African American justice of a State supreme court, that we ought to let him at least have a vote. We had a vote after 2 years and, on a party line vote, he was voted down. Every single Republican voted against him, and every single Democrat voted for him, even though he had the highest rating of the American Bar Association, even though he was a justice of his state's highest court, and even though he was one of the most outstanding nominees either of a Democratic or Republican President to come before the Senate. At least he had a vote. I think the vote was wrong; he should have been confirmed. But at least he had a vote.

I also worry about are all these people who are not even given a vote.

Senator HATCH compared this year's confirmation total against totals from other Presidential election years. The only year to which this can be favorably compared is 1996 when the Republican majority in the Senate refused to confirm even a single appellate court judge to the Federal bench. The total that year was zero. That is hardly a comparison in which to take pride. I say let us compare 1992, in which there was a Democratic majority in the Senate and a Republican President. We confirmed 11 court of appeals nominees during that Republican President's last year in office—11 court of appeals nominees, and 66 judges in all. In fact, we went out in October of that year. We were having hearings in September. We were having people confirmed in October.

So do not come here and say the Democrats are not well grounded in complaining about what is happening. We established the way nonpartisanship can work in confirming judges. We did it for Republican Presidents. Obviously, it is not being done for a Democratic President. What we did in 1992, between July 24 and October 8, was the Senate confirmed 32 judicial nominees. We ought to try to do the same here, basically, from now until about the time we go out. Again, the last time that happened at the end of a President's term, the Democrats helped get 32 judges through during that period of 10 weeks at the end of the Congress. Well, we ought to do the same here. The Republicans ought to be willing to do the same thing.

In fact, in 1992 the Committee held 15 hearings—twice as many as this Committee has found time to hold this year. Late that year, we met on July 29, August 4, August 11, and September 24, and all of the nominees who had hearings then were eventually confirmed before adjournment. We have a long way to go before we can think about resting on any laurels.

Having begun so slowly in the first half of this year, we have much more to do before the Senate takes its final action on judicial nominees this year. We cannot afford to follow the ''Thurmond Rule'' and stop acting on these nominees now in anticipation of the presidential election in November. We must use all the time until adjournment to remedy the vacancies that have been perpetuated on the courts to the detriment of the American people and the administration of justice. That should be a top priority for the Senate for the rest of this year. In the last 10 weeks of the 1992 session, between July 24 and October 8, 1992, the Senate confirmed 32 judicial nominations. I will work with the Republican Majority to try to match that record.

One of our most important constitutional responsibilities as United States Senators is to advise and consent on the scores of judicial nominations sent to us to fill the vacancies on the federal courts around the country. I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. That these highly qualified nominees are being needlessly delayed is most regrettable. The President spoke to this situation earlier this month in his appearance before the NAACP. The Senate should join with the President to confirm these well-qualified, diverse and fair-minded nominees to fulfill the needs of the federal courts around the country.

The Arizona vacancies are each judicial emergency vacancies. Two were authorized in appropriations legislation last year when the Republicans Majority continued its refusal to consider a bill to meet the judicial Conference's recommendation for 72 additional judges around the country. All we were able to authorize were a few judgeships in Arizona, Florida and Nevada. That points out one of the reasons that the comparisons that Chairman HATCH is seeking to draw to the vacancy rates at the end of the Bush Administration are incorrect. During President Reagan's Administration and again during the Bush Administration, Congress added a significant number of new judgeships. The so-called vacancy rate that Senator HATCH is so fond of citing at the end of the Bush Administration is highly inflated by the addition of 85 new judgeships in 1990 and by the addition of 87 new judgeships in 1984, of which many where yet to be filled. By contrast the vacancies currently plaguing the federal courts are longstanding and in spite of Republican intransigence against authorizing additional judgeships requested by the Judicial Conference since 1996. If those additional judgeships were taken into account, the vacancy rate today would be over 13 percent with over 120 vacancies—hardly a comparison that the Republican majority would want to make, but that would be comparing comparable figures.

In addition, even running the gauntlet and getting a confirmation hearing does not automatically guarantee someone a vote before the current Judiciary Committee. Bonnie Campbell, nominated by the President on March 2, 2000, has completed the nomination and hearing process and is strongly supported by Senator GRASSLEY and Senator HARKIN from her home state. But her name continues to be left off the agenda at our executive meetings for the last several weeks. She is a former Iowa Attorney General and former high ranking Justice Department official who has worked extensively on domestic violence and crime

victims matters. Allen Snyder is another well-respected and highly-qualified nominee who got a hearing but no Committee vote. He was nominated on September 22, 1999, received the highest rating from the ABA, enjoys the full support of his home state Senators, and had his hearing on May 10, 2000. There are and have been many others.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. That highly-qualified nominees are being needlessly delayed is most regrettable. The Senate should join with the President to confirm well-qualified, diverse and fair-minded nominees to fulfill the needs of the federal courts around the country.

More than two years ago Chief Justice William Rehnquist warned that ''vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary.'' The New York Times reported last year how the crushing workload in the federal appellate courts has led to what it calls a ''two-tier system'' for appeals, skipping oral arguments in more and more cases. Law clerks and attorney staff are being used more and more extensively in the determination of cases as backlogs grow. Bureaucratic imperatives seem to be replacing the judicial deliberation needed for the fair administration of justice. These are not the ways to continue the high quality of decision-making for which our federal courts are admired or to engender confidence in our justice system.

When the President and the Chief Justice spoke out, the Senate briefly got about its business of considering judicial nominations last year. Unfortunately, last year the Republican majority returned to the stalling tactics of 1996 and 1997 and judicial vacancies are again growing in both number and duration. Chief Justice Rehnquist wrote at the end of 1997: ''The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or vote him down.'' The Senate is not defeating judicial nominations in up or down votes on their qualifications but refusing to consider them and killing them through inaction.

During Republican control it has taken two-year periods for the Senate to match the one-year total of 101 judges confirmed in 1994, when we were on course to end the vacancies gap. Nominees like Judge Helene White, Barry Goode, Judge Legrome Davis, and J. Rich Leonard, deserve to be treated with dignity and dispatch—not delayed for two and three years. We are still seeing outstanding nominees nitpicked and delayed to the point that good women and men are being deterred from seeking to serve as federal judges. Nominees practicing law see their work put on hold while they await the outcome of their nominations. Their families cannot plan. They are left to twist in the wind. All of this despite the fact that, by all objective accounts and studies, the judges that President Clinton has appointed have been a moderate group, rendering moderate decisions, and certainly including far fewer ideologues than were nominated during the Reagan Administration.

Federal law enforcement relies on judges to hear criminal cases, and individuals and businesses pay taxes to exercise their right to resolve civil disputes in the federal courts. As workloads continue to grow and vacancies are perpetuated, the remaining judges are being overwhelmed and the work of the federal judiciary is suffering.

Our independent federal judiciary sets us apart from virtually all others in the world. Every nation that in this century has moved toward democracy has sent observers to the United States in their efforts to emulate our judiciary. Those fostering this slowdown of the confirmation process and other attacks on the judiciary are risking harm to institutions that protect our personal freedoms and independence.

What progress we started making two years ago has been lost and the Senate is again failing even to keep up with normal attrition. Far from closing the vacancies gap, the number of current vacancies has grown from 57, when Congress recessed last year, to 60. Since some like to speak in terms of percentage, I should note that the judicial vacancy rate now stands at over seven percent of the federal judiciary (60/852). If one considers the 63 additional judges recommended by the judicial conference, the vacancies rate would be over 13 percent (123/915).

What is most significant about the recent trend of judicial vacancies and vacancy rates is that the vacancies that existed in 1993 (after the creation of 85 new judgeships in 1990) had been cut almost in half in 1994, when the rate was reduced to 7.4% with 63 vacancies at the end of the 103rd Congress. We continued to make progress even into 1995. In fact, the vacancy rate was lowered to 5.8% after the 1995 session, and before the partisan attack on federal judges began in earnest in 1996 and 1997.

Progress in the reduction of judicial vacancies was reversed in 1996, when Congress adjourned leaving 64 vacancies, and in 1997, when Congress adjourned leaving 80 vacancies and a 9.5% rate. No one was happier than I that the Senate was able to make progress in 1998 toward reducing the vacancy rate. I praised Senator HATCH for his effort. Unfortunately, the vacancies are now growing again.

Let me also set the record straight, yet again, on the erroneous but oft-repeated argument that ''the Clinton Administration is on record as having stated that a vacancy rate just over 7% is virtual full-employment of the judiciary.'' That is not true.

The statement can only be alluded to an October 1994 press release. That press release cannot be construed or even fairly misconstrued in this manner. That press release was pointing out at the end of the 103rd Congress that if the Senate proceeded to confirm the 14 nominees then on the Senate calendar, it would have reduced the judicial vacancy rate to 4.7%, which the press release then proceeded to compare to a favorable unemployment rate of under 5%.

This was not a statement of administration position or even a policy statement but a poorly designed press release that included an ill-conceived comment. Job vacancy rates and unemployment rates are not comparable. Unemployment rates are measures of people who do not have jobs not of federal offices vacant without an appointed office holder.

When I learned that some Republicans had for partisan purposes seized upon this press release, taken it out of context, ignored what the press release actually said and were manipulating it into a misstatement of Clinton administration policy, I asked the Attorney General, in 1997, whether there was any level or percentage of judicial vacancies that the administration considered acceptable or equal to ''full employment.''

The Department responded:

> There is no level or percentage of vacancies that justifies a slow down in the Senate on the confirmation of nominees for judicial positions. While the Department did once, in the fall of 1994, characterize a 4.7 percent vacancy rate in the federal judiciary as the equivalent of the Department of Labor 'full employment' standard, that characterization was intended simply to emphasize the hard work and productivity of the Administration and the Senate in reducing the extraordinary number of vacancies in the federal Article III judiciary in 1993 and 1994. Of course, there is a certain small vacancy rate, due to retirements and deaths and the time required by the appointment process, that will always exist. The current vacancy rate is 11.3 percent. It did reach 12 percent this past summer. The President and the Senate should continually be working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the federal bench.

At no time has the Clinton administration stated that it believes that 7 percent vacancies on the federal bench is acceptable or a virtually full federal bench. Only Republicans have expressed that opinion. As the Justice Department noted two years ago in response to an inquiry on this very questions, the Senate should be ''working diligently to fill vacancies as they arise, and should always strive to reach 100 percent capacity for the federal bench.''

Indeed, I informed the Senate of these facts in a statement in the CONGRESSIONAL RECORD on July 7, 1998, so that there would be no future misunderstanding or misstatement of the record. Nonetheless, in spite of the facts and in spite of my July 1998 statement, these misleading statements continue to be repeated.

The Senate should get about the business of voting on the confirmation

of the scores of judicial nominations that have been delayed with justification for too long. We must redouble our efforts to work with the President to end the longstanding vacancies that plague the federal courts and disadvantage all Americans. That is our constitutional responsibility. It should not be shirked.

I am sorry that Senator HATCH feels that he is being attacked from all sides. I regret that some on his side of the aisle and other critics have sought to prevent him from doing his duty. I have gone out of my way to compliment the Chairman when praise was warranted and to keep my criticism from becoming personal.

With respect to the Senate's treatment of nominees who are women or minorities, I remain vigilant. I have said that I do not regard Senator HATCH as a biased person. I have also been outspoken in my concern about the manner in which we are failing to consider qualified minority and women nominees over the last four years. From Margaret Morrow and Margaret McKeown and Sonia Sotomayor, through Richard Paez and Marsha Berzon, and including Judge James Beatty, Judge James Wynn, Roger Gregory, Enrique Moreno and all the other qualified women and minority nominees who have been delayed and opposed over the last four years, I have spoken out. The Senate may never remove the blot that occurred last October when the Republican Senators emerged from a Republican Caucus to vote lockstep against Justice Ronnie White to be a Federal District Court Judge in Missouri.

The United States Senate is the scene where some 50 years ago, in October 1949, the Senate confirmed President Truman's nomination of William Henry Hastie to the Court of Appeals for the Third Circuit, the first Senate confirmation of an African American to our federal district courts and courts of appeal. This Senate is also where some 30 years ago the Senate confirmed President Johnson's nomination of Thurgood Marshall to the United States Supreme Court.

And this is where last October, the Senate wrongfully rejected President Clinton's nomination of Justice Ronnie White. That vote made me doubt seriously whether this Senate, serving at the end of a half century of progress, would have voted to confirm Judge Hastie or Justice Marshall.

On October 5, 1999, the Senate Republicans voted in lockstep to reject the nomination of Justice Ronnie White to the federal court in Missouri—a nomination that had been waiting 27 months for a vote. For the first time in almost 50 years a nominee to a federal district court was defeated by the United States Senate. There was no Senate debate that day on the nomination. There was no open discussion—just that which took place behind the closed doors of the Republican caucus lunch that led to the party-line vote.

It is unfortunate that the Republican Senate has on a number of occasions delayed consideration of too many women and minority nominees. The treatment of Judge Richard Paez and Marsha Berzon are examples from earlier this year. Both of these nominees were eventually confirmed this past March by wide margins.

I have been calling for the Senate to work to ensure that all nominees are given fair treatment, including a fair vote for the many minority and women candidates who remain pending. According to the report released last September by the Task Force on Judicial Selection of Citizens for Independent Courts, the time it has been taking for the Senate to consider nominees has grown significantly and during the 105th Congress, minorities and women nominees took significantly longer to gain Senate consideration than white male nominees: 60 days longer for nonwhites, and 65 days longer for women than men. The study verified that the time to confirm female nominees was now significantly longer than that to confirm male nominees—a difference that has defied logical explanation. They recommend that ''the responsible officials address this matter to assure that candidates for judgeships are not treated differently based on their gender.''

On July 13, 2000, President Clinton spoke before the NAACP Convention in Baltimore and lamented the fact that the Senate has been slow to act on his judicial nominees who are women and minorities. He said: ''The quality of justice suffers when highly-qualified women and minority candidates, fully vested, fully supported by the American Bar Association, are denied the opportunity to serve for partisan political reasons.'' He went on to say: ''The face of injustice is not compassion; it is indifference, or worse. For the integrity of the courts and the strength of our Constitution, I ask the Republicans to give these people a vote. Vote them down if you don't want them on.'' I agree with the President.

The Senate should be moving forward to consider the nominations of Judge James Wynn, Jr. and Roger Gregory to the Fourth Circuit. When confirmed, Judge Wynn and Mr. Gregory will be the first African-Americans to serve on the Fourth Circuit and will each fill a judicial emergency vacancy. Fifty years has passed since the confirmation of Judge Hastie to the Third Circuit and still there has never been an African-American on the Fourth Circuit. The nomination of Judge James A. Beatty, Jr., was previously sent to us by President Clinton in 1995. That nomination was never considered by the Senate Judiciary Committee or the Senate and was returned to President Clinton without action at the end of 1998. It is time for the Senate to act on a qualified African-American nominee to the Fourth Circuit. President Clinton spoke powerfully about these matters last week. We should respond not by misunderstanding or mischaracterizing what he said, but by taking action on this well-qualified nominees.

In addition, the Senate should act favorably on the nominations of Judge Helene White and Kathleen McCree Lewis to the Sixth Circuit, Bonnie Campbell to the Eighth Circuit, and Enrique Moreno to the Fifth Circuit. Mr. Moreno succeeded to the nomination of Jorge Rangel on which the Senate refused to act last Congress. These are well-qualified nominees who will add to the capabilities and diversity of those courts. In fact, the Chief Judge of the Fifth Circuit declared that a judicial emergency exists on that court, caused by the number of judicial vacancies, the lack of Senate action on pending nominations, and the overwhelming workload.

I am disappointed that the Committee has not reported the nomination of Bonnie Campbell to the Eighth Circuit. She completed the nomination and hearing process two months ago and is strongly supported by Senator GRASSLEY and Senator HARKIN from her home state. She will make an outstanding judge.

Filling these vacancies with qualified nominees is the concern of all Americans. The Senate should treat minority and women and all nominees fairly and proceed to consider them without delay.

I think it was unfortunate that the chairman tried to assign blame for the Senate's lack of progress on a number of legislative items. I disagree with that assessment. He knows, as I do, that the Democratic leader made a proposal that would have moved the H–1B legislation and allowed votes on the humanitarian immigration issues. The Republicans refused Senator DASCHLE's offer. We all know the Democrats have not opposed the religious liberty bill Senator KENNEDY helped develop. We all know we have been pressing for reauthorization of the Violence Against Women's Act for many months. It is not fair to suggest Democrats are holding that up.

I will give you one other example. I am getting calls from police organizations, and I see the distinguished assistant minority leader, the Senator from Nevada, who served as a police officer. He will understand this. I am getting calls from police organizations all over the country.

They ask me: Why hasn't the Campbell-Leahy bill to provide more bulletproof vests passed? Why hasn't it gone through the Senate? I tell my friend from Nevada what I told them. I said: My friend from Nevada, who is the Democratic whip, has checked, as I have, with every single Democrat, and every single Democrat is willing to pass it this minute by unanimous consent. We said that to the Republican leader.

We were told there was an objection on the Republican side. My goodness. Have we gotten so partisan that a bill

sponsored by the distinguished Senator from Colorado, Mr. CAMPBELL, by myself and the distinguished chairman of the Senate Judiciary Committee, Mr. HATCH, a bill to provide bulletproof vests—cosponsored by the distinguished Senator from Nevada, Mr. REID, as well—that a bill to provide bulletproof vests for law enforcement officers is being stalled by Republican objections? That is wrong.

If that bill were allowed to come to the floor for a vote, I am willing to bet—in fact, I know because we have already checked—that every Democratic Senator would vote for it. But I am also willing to bet that virtually every Republican Senator would vote for it. This is not a Democrat or Republican bill. In fact, Senator CAMPBELL and I have specifically worked to make sure it is not a partisan bill.

So I tell my friends from law enforcement: Please call the other side of the aisle. I am convinced that a majority of Republicans support it, but somebody on the Republican side is holding it up. The Democrats are willing to pass it immediately.

The chairman of the Judiciary Committee knows we were working toward a bankruptcy bill until the Republicans decided to end bipartisan discussion and negotiate among themselves and not negotiate with the Democrats.

He knows we should have passed the Madrid Protocol Implementation Act weeks, if not months, ago. I tell the business community that continuously asks me that every single Democrat is willing to move forward with it. It has been stalled on the Republican side.

In fact, let me take a bill involving the two of us. The Hatch-Leahy juvenile crime bill passed the Senate in May of 1999. Again, I ask my friend from Nevada: As I recall, that passed with 73 votes, Democrats and Republicans, the majority of both parties. It passed the Senate with 73 votes.

My friend from Utah is the chair of the House-Senate conference. But we haven't convened in almost a year. It is a bill that should have been enacted last year. But we will not even have a conference. Seventy-three Senators voted for that bill—73. We can't get the conference to meet on it and the Senate controls the conference.

These are a lot of items, such as the H–1B legislation, the religious liberty bill, the Violence Against Women Act reauthorization, the bulletproof vest bill, the Madrid Protocol Implementation Act, the Hatch-Leahy juvenile crime bill, the bankruptcy bill. These are things that can move forward. But there seems to be no movement from the other side.

I will continue to try to find ways to work with the distinguished chairman, my friend from the Judiciary Committee, to make progress. I point out that we worked together on civil asset forfeiture reform, and it passed. We worked together on intellectual property and antitrust matters. Those measures pass with a majority of Republicans and Democrats joining us. But now we find legislation on the bulletproof vest bill, which most of us agree on, that we cannot get passed. We find nominations on which we cannot get a vote—even when the soon to be Republican nominee for the Presidency, Governor Bush, said we ought to vote them up or down within 60 days. We can't get votes on them. Some stay stalled for months and years by humiliating delay.

I have spoken about how humiliating it must be to somebody who is nominated for a judgeship—the pinnacle of their legal career. They get nominated. The American Bar and others looked at them, and said: This is an outstanding person, an outstanding lawyer, and they would be a terrific jurist. Usually we get inundated with letters from lawyers—Republicans and Democrats alike—who say they know this man or woman and he or she would make a superb judge. The FBI and others do the background check —as thorough as you can imagine, such that most people in private life would never be able to put up with it. Their privacy is just shredded. They come back and say: This is an outstanding person.

If they are in private practice, they are congratulated by their partners in their firm. They say how wonderful it is. They realize, of course, that the nominee can't take on any more new cases because no one wants conflicts of interest. They kind of suggest as soon as they have this party that the nominee can sort of move out so the rest of the law firm can go forward.

The nominees wait and wait and wait and wait. Nobody is against them, but they can't get a hearing. They can't get a vote. Then, if the public pressure grows enough, if they are in a high profile, they may get a hearing. Then if the pressure continues, they may get a Committee vote. And then, if the pressure really builds and the Democratic leader and the Democratic caucus insist, they may get a Senate vote on confirmation. When they get voted, they get confirmed—with the exception of Justice White—by 90 to 10, or 95 to 5, and many times unanimously. But their lives has been put on hold for 2 or 3 years. Their authority as a judge has been diminished because of that. It is humiliating to them.

Frankly, it is humiliating to the Senate. It is beneath this great body. I have served here for over 25 years. I can't think of any greater honor that could come to me than to have the people of Vermont allow me to serve here. I should put on my tombstone, other than husband and father, that I was a United States Senator.

I have always thought of this Senate as the conscience of the Nation. We are not handling the conscience of this Nation very well.

We have a responsibility to uphold the judiciary. If we allow it to be tattered, if we allow it to be shredded, if we allow it to be humiliated, how can a democracy of a quarter of a billion people uphold our laws? How can the country have respect both for the laws and the courts that administer them, if we in the Senate, the most powerful legislative body in this country, don't show that same respect? If we diminish that, it will be an example to be followed by the rest of the people in this country.

There are only 100 of us who have the privilege of serving here at any given time to represent a quarter of a billion Americans. Sometimes we should think more of that responsibility than partisan politics.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, before my friend from Vermont leaves, let me say a few things. In this body, we tend not to give the accolades to our fellow Senators that we should. I want the Senator from Vermont to know how the entire Democratic caucus supports and follows the lead of this man on matters related to the judiciary. He has done an outstanding job leading the Democratic conference through this wide-ranging jurisdictional authority of the Judiciary Committee.

We are very proud of the work that PAT LEAHY does. The people of Vermont should know that, first of all, he is always looking after the people of Vermont. I am from a State 3,000 miles away from Vermont, the State of Nevada. People in Nevada should, every day, be thankful for the work the Senator does, not only for the State of Vermont but for the country.

I want the RECORD to be spread with the fact that we in the minority are so grateful for the work the Senator from Vermont does for our country. The statement made today certainly outlines many of the problems we are having in the Senate, none of which are caused by the Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my friend from Nevada. I must admit, in my 25 years, nobody has handled the job as whip the way the Senator has. In having the Senator as an ally on the floor, I come well armed, indeed.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MARRIAGE PENALTY RELIEF

Mr. NICKLES. Mr. President, in all likelihood tomorrow we will be sending the President a bill to eliminate the marriage penalty for most Americans. I urge the President to sign this bill.

This bill will provide tax relief for millions of married couples. For individuals or for couples who have incomes of $52,000, they will see their take-home pay increase by a total of about $1,400. Some of my colleagues on the Democratic side have said that is a tax cut for the wealthy. It is not. I don't consider a married couple who have an income of $52,000 particularly wealthy. We want to eliminate the marriage penalty and allow them to keep more of their own money. They should not be taxed at a 28-percent rate.

That is what our bill does. Our bill says we should double the 15-percent rate on individuals for couples. Right now, people who have taxable incomes of $26,000 as individuals pay taxes at 15 percent. We are saying married couples should pay taxes at 15 percent at twice that amount, up to $52,000. That only makes sense. If you tax individuals at 15 percent up to $26,000, for couples it should be double that amount, $52,000, except that present law taxes couples at 28 percent beginning at $43,000.

So if couples have taxable income above $43,000, they start paying 28-percent income tax. If they happen to be self-employed on top of that, it is 28 percent plus 15.3 percent Social Security and Medicare tax. That is 43.3 percent. In most States, they have income tax rates of another 6 or 7 percent, State income tax. That is over 50 percent for a couple with taxable income of $44-$45-$50,000. That is too high.

Congress has passed a bill—both the House and the Senate, identical bills—that says let's double that 15-percent rate for couples, the individual rate for couples, so the taxable income will be 15 percent up to $52,000, 28 percent above that.

Again, I urge the President to sign it. It is not tax cuts for the wealthy; it is tax cuts for all married couples who have incomes of $43,000, $52,000, or $60,000. The amount of benefit, maximum benefit, is about $1,400.

I urge the President to sign that bill.

MORNING BUSINESS

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

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

Mr. REID. Mr. President, will the Senator restate the unanimous consent request?

Mr. NICKLES. I asked unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

Mr. REID. No objection.

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

ACKNOWLEDGMENT OF SENATOR JIM BUNNING'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that another freshman has achieved the 100 hour mark as presiding officer. Senator JIM BUNNING is the latest recipient of the Senate's coveted Golden Gavel Award.

Since the 1960's, the Senate has recognized those dedicated members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator BUNNING and his diligent staff for their efforts and commitment to presiding duties during the 106th Congress.

ACKNOWLEDGMENT OF SENATOR GORDON SMITH'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today, I have the pleasure to announce that Senator GORDON SMITH is the latest recipient of the Senate's Golden Gavel Award, marking his 100th hour of presiding over the U.S. Senate.

The Golden Gavel Award has long-served as a symbol of appreciation for the time that Senators contribute to presiding over the U.S. Senate—a privileged and important duty. Since the 1960's, senators who preside for 100 hours have been recognized with this coveted award.

On behalf of the Senate, I extend our sincere appreciation to Senator SMITH for presiding during the 106th Congress.

REMEMBERING SENATOR PAUL COVERDELL

Mr. JOHNSON. Mr. President, I rise today to add my condolences to that of my colleagues on the passing of our friend and colleague, Senator Paul Coverdell of Georgia.

Senator Coverdell was a model of proper conduct and decorum becoming of a Senator. He conducted himself in the quiet, deliberative manner that reflected his commitment to a thorough performance of his duties. He was a true leader, willing to do his best for all Americans.

Most recently, he and I worked together to keep our nation's promise to provide health care coverage to military retirees, when we introduced legislation together earlier this year. As my colleagues know, Senator Coverdell had extreme pride in this country. It was an honor to work with him on making good to those people who have served their nation and are now in the years of declining health. It was also an honor to work with Senator Coverdell every day, for he was truly interested in ensuring our democracy remained strong and pushed forward confidently into the Twenty-first Century.

Mr. President, I wish to extend my condolences to the Coverdell family, including his many friends and his staff. The entire Senate family has lost a friend and the nation has lost a leader. However, we are all enriched by having known such an honorable man. His service and commitment will have a definite and lasting legacy.

DEPARTMENT OF INTERIOR APPROPRIATIONS

INDIAN TRIBAL SELF-GOVERNANCE REGULATIONS

Mr. MCCAIN. Mr. President, I rise to engage several of my colleagues in a colloquy about some regulations which the Department of the Interior is preparing to issue in final form. These regulations would govern the federal and tribal administration of the Tribal Self-Governance program. I understand there is strong opposition from American Indian and Alaska Native groups to a handful of the proposed provisions.

Mr. CAMPBELL. Mr. President, the Senator from Arizona is correct. The Committee on Indian Affairs has received a series of communications from Native American tribes and tribal organizations indicating their opposition to eight of the hundreds of proposed provisions. These eight ''impasse'' issues appear to involve particularly sensitive matters which the Indian tribes believe would seriously set back the advances these tribes have made in the field of tribal self-governance during the past decade.

Mr. MCCAIN. I share the concerns raised by the Indian tribes, and would note that in 1994 when we enacted the Tribal Self-Governance Act, the Congress expressly authorized the tribal self-governance effort to go forward without regulations. At the same time, we required the Department to engage in a negotiated rulemaking with tribal government representatives to develop mutually acceptable rules. Now it appears that this effort has been largely successful. There are hundreds of provisions that have been developed and mutually accepted by the tribal and federal representatives. These should be permitted to go forward. But as to the eight or so provisions upon which there is a negotiation impasse, I believe it would be contrary to the intent of the 1994 Act and to the negotiated rulemaking process to impose objectionable provisions upon the Indian tribes.

Mr. INOUYE. I concur in the views of my colleagues, and add that the 1994 Act has been implemented without the benefit of any regulations for the past six years. Accordingly, I can imagine no undue hardship would come to the Department if the final regulations are silent as to eight of the hundreds of issues addressed in the draft regulations. As to these eight so-called ''impasse'' issues, I would encourage the

Department to simply not issue any regulatory provisions that touch upon these objectionable issues. As I understand it, the ninety-five percent of the remaining regulations that deal with other issues are acceptable to the Indian tribes. The Department should publish those as final and withhold from publication of the eight provisions that are objectionable. I would inquire of the Chairman of the Committee on Indian Affairs as to the nature of the eight objectionable provisions.

Mr. CAMPBELL. The tribal representatives have provided the Committee with a list of eight issues. They have asked the Department to agree to not publish any regulatory provision which: limits the reallocation authority of a Self-Governance Tribe/consortium by requiring that reallocation of funds may only be between programs in annual funding agreements; limits the local decision-making of a Self-Governance Tribe/consortium by requiring that funds in an annual funding agreement shall only be spent on specific programs listed in such funding agreement; prohibits Tribal Base funding from including other recurring funding within Tribal Priority Allocations; requires renegotiation or rejection of a previously executed Self-Governance Compact or Funding Agreement or a provision therein; prohibits a Self-Governance Tribe/consortium from investing funds received under Self-Governance Compacts in a manner consistent with the ''prudent investor'' standard; requires any Self-Governance Tribe/consortium to adopt ''conflict of interest'' standards which differ from those previously adopted by its governing body; applies project-specific construction requirements to a tribal assumption of project design and other construction management services or of road construction activities involving more than one project; or fails to provide that ''Inherent Federal functions'' for purposes of the published regulations shall mean those Federal functions that cannot be legally transferred to a Self-Governance Tribe/consortium.

Mr. McCAIN. I want to inquire of the chairman on one of these eight impasse issues. Is it your understanding that the Department would have the regulatory authority, in one of the objectionable regulatory provisions, to delete unilaterally certain provisions in the various Compacts of Self-Governance that the Department has signed with various tribal governments and that have existed as long as nine years? I thought we expressly indicated in 1994 when we gave permanent authority to the Tribal Self-Governance Demonstration program that these Compacts and Annual Funding Agreements are to be bilateral agreements reached on a government-to-government basis that cannot be unilaterally amended by the Department?

Mr. CAMPBELL. The Senator is correct. In 1994, the Congress received a series of complaints from Indian tribes that the Department was attempting to unilaterally amend agreements it had previously reached with Indian tribes who were assuming functions previously carried out by Federal officials. The Congress had to remind the Department in 1994 that it must treat the agreements it reached with Indian tribes as bilateral accords that cannot be amended except by mutual consent. Now, the Department is insisting on a regulation that would permit it to unilaterally revise agreements it had previously reached on a bilateral basis with individual Indian tribes. The American Indian and Alaska Native organizations find these and the remaining seven regulatory provisions objectionable, and I agree with them.

Mr. McCAIN. I hope the Department will withdraw its proposals to regulate in each of these eight areas. The negotiated rulemaking process works best when it is based upon consensus, and in these eight instances the Department has failed to make its case for regulations.

Mr. INOUYE. I thank my colleagues. I share their concerns. I am hopeful that in bringing affected parties together we can resolve these differences.

Mr. CAMPBELL. I thank the Senator and will work with him on this issue in the days and weeks ahead.

FLEXIBLE TRADE POLICY TOWARD CUBA

Mr. AKAKA. Mr. President, I rise to discuss American relations with Cuba. Recently, I had the opportunity to travel to Havana with Senators BAUCUS and ROBERTS. We spent ten hours with Fidel Castro, in what has been characterized by the press as a marathon meeting. But more importantly, we had meetings with dissidents and Catholic Church representatives.

It was my first time in Cuba, and I went there with no pre-conceived notions although I did have the opportunity to be thoroughly briefed prior to our departure.

I returned from Cuba convinced that lifting the trade embargo and restrictions on travel, especially for educational exchanges, are extremely important steps in an effort to foster economic and political liberalization in Cuba. They are important steps but not for the reasons which are generally assumed.

As one Cuban told us, ending the American economic embargo on Cuba will not produce economic change. The Castro government has no interest in economic reform—even along the lines of that now seen in China or Vietnam. As the Minister of Economics and Planning explained, there is no program for privatization in the economy, insisting that capitalism does not work but ''pure socialism'' does. The government allows some private investments, mainly in farming, but the intent of the State is still to control the economy. Indeed, President Castro told us that he believed Cuba could not survive if it was a member of the International Monetary Fund and called the IMF the ''world's most subversive organization.''

While this was denied by the Foreign Minister, I came away convinced that the government does not want the American embargo on Cuba lifted because the lack of economic ties allows the government to blame the United States for its own economic failures. If the embargo was lifted, Cuba's leaders might find another excuse for their failed policies but it might make it harder for them to find widely acceptable excuses.

The Cuban people have voted already for change. Many have fled to the United States. One Cuban told us that social and economic differences are increasing. The population has declined over the last decade in part because people sadly see no future for their children. The average Cuban salary is said to be $11 per month. The Castro regime was described to us by those we spoke to in Havana as a dying dictatorship: aging, inefficient and corrupt.

In this environment we should not exaggerate America's influence. Castro will do everything to limit it. But we can start to build a basis for a future relationship with the Cuban people after Castro. The Congress can demonstrate our good will by a partial lifting of the trade embargo. We can demonstrate our good faith by allowing freer movement of Americans to Cuba and to do what we can to encourage Cubans, especially school children, to visit the United States on exchanges. The Congress should promote cultural ties and try to direct assistance to the Cuban people.

None of this will be easy. Nothing Castro said indicated to me that he was willing to permit, for example, Cuban school children to attend American elementary and secondary schools or colleges in significant numbers. Nothing Castro said indicated to me that he was willing to allow American aid, including medical supplies, to be given directly to the Cuban people.

But even if the hand of friendship is rejected, I believe we should still offer it. The future of Cuba is not Castro. President Castro said one clear truth: Cuba still suffers from an inherited history of four centuries of colonialism. Unfortunately, he does not understand that his form of paternal dictatorship perpetuates the same horrors he claims to abhor.

VICTIMS OF GUN VIOLENCE

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

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

In the name of those who died, we will continue this fight. Following are the names of some of the people who

were killed by gunfire one year ago today.

Clyde E. Frazier, 40, Chicago, IL; Ernest Jones, 57, Knoxville, TN; Jose Lopez, 29, Houston, TX; Elva V. Manjarrez, 35, Chicago, IL; Kimberly Meeks-Penniman, 39, Detroit, MI; Anthony L. Moore, 28, Memphis, TN; Donald Pinkney, 23, Baltimore, MD; James Riley, 26, New Orleans, LA; Void Sampson, 24, Philadelphia, PA; Michael A. Williams, 35, New Orleans, LA; and Unidentified male, 22, Newark, NJ.

One of the gun violence victims I mentioned, thirty-five-year-old Elva Manjarrez of Chicago, was shot and killed in a drive-by shooting while she was sitting in a parked car. No motive was ever established for her death.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 24, 2000, the Federal debt stood at $5,668,098,197,951.86 (Five trillion, six hundred sixty-eight billion, ninety-eight million, one hundred ninety-seven thousand, nine hundred fifty-one dollars and eighty-six cents).

Five years ago, July 24, 1995, the Federal debt stood at $4,938,385,000,000 (Four trillion, nine hundred thirty-eight billion, three hundred eighty-five million).

Ten years ago, July 24, 1990, the Federal debt stood at $3,161,847,000,000 (Three trillion, one hundred sixty-one billion, eight hundred forty-seven million).

Fifteen years ago, July 24, 1985, the Federal debt stood at $1,796,347,000,000 (One trillion, seven hundred ninety-six billion, three hundred forty-seven million).

Twenty-five years ago, July 24, 1975, the Federal debt stood at $535,417,000,000 (Five hundred thirty-five billion, four hundred seventeen million) which reflects a debt increase of more than $5 trillion—$5,132,681,197,951.86 (Five trillion, one hundred thirty-two billion, six hundred eighty-one million, one hundred ninety-seven thousand, nine hundred fifty-one dollars and eighty-six cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO INTERNS

• Mr. HARKIN. Mr. President, today I extend my appreciation to my summer 2000 class of interns: Anna Gullickson, Kayla John, Sara Low, Charles Wishman, Tom Mann, Alyssa Rotschafer, MayRose Wegmann, Eric Bridges, Monica Parekh, Michelle Levar, Joe Plambeck, Ben Rogers, Robert Barron, Morgan Whitlatch, Veronica Hernandez, Cary Cascino, Daniel Myers, Linda Rosenbury, Ryan Howell, Jay Smith, SreyRam Kuy, and Jim Dunn. Each of them has been of tremendous assistance to me and to the people of Iowa over the past several months, and their efforts have not gone unnoticed.

Since I was first elected into the Senate in 1984, my office has offered internships to young Iowans and other interested students. Through their work in the Senate, our interns have not only seen the legislative process, but also personally contributed to our nation's democracy.

It is with much appreciation that I recognize Anna, Kayla, Sara, Charles, Tom, Alyssa, MayRose, Eric, Monica, Michelle, Joe, Ben, Robert, Morgan, Veronica, Cary, Daniel, Linda, Ryan, Jay, SreyRam, and Jim for their hard work this summer. It has been a delight to watch them take on their assignments with enthusiasm and hard work. I am very proud to have worked with each of them. I hope they take from their summer a sense of pride in what they've been able to accomplish and an increased interest in public service and our democratic system and process.•

IN RECOGNITION OF MR. DANIEL C. WALL

• Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. Daniel C. Wall, who will leave his elected position as Commander of The Sons of The American Legion, Detachment of Michigan, in August. For the last year, Mr. Wall has led the Michigan Detachment of the S.A.L. with wisdom and with grace, and has used his time in this position to aid the Veterans of the United States Armed Forces in an exemplary fashion.

Mr. Wall has served in the Sons of The American Legion for many years, and holds a Life Membership card from Robert A. Demars Sons of The American Legion Squadron 67 of Lincoln Park, Michigan. During his time as a member, he has held many offices within the S.A.L., including all offices at the Squadron level; District Commander, Adjutant, and others; State Commander, Adjutant, and Zone 1 Commander.

Mr. Wall was elected to serve as the State of Michigan Commander in 1999. During his time in the position, Mr. Wall focused much of his attention upon the education of his fellow members, so that they might know more about the purpose, programs, awards, officer duties and the benefits of their organization. He believed that this would not only help to recruit new members, but would also give current members a better appreciation for the many beneficial things that the S.A.L. does on a daily basis.

As Commander, Mr. Wall has also presided over the many efforts of the S.A.L. in the State of Michigan, including assisting local posts in their activities, initiating programs for Veterans, volunteering at V.A. homes and hospitals, and fundraising. In 1999, the S.A.L. raised over $514,000 for V.A. homes and hospitals, and over $181,000 for the American Legion Child Welfare Foundation. In addition, Mr. Wall has served as a member of national S.A.L. committees.

I applaud Mr. Daniel C. Wall on the job he has done as State of Michigan Commander of the Sons of the American Legion. He has dedicated much of his life to improving the lives of the Veterans of our great Nation, and for this he is to be commended. On behalf of the entire United States Senate, I thank Mr. Wall for his dedication, and wish him continued success in the future.•

A TRIBUTE TO ''TALK OF VERMONT'S'' JEFF KAUFMAN

• Mr. LEAHY. Mr. President, today I would like to mark the end of an era in Vermont. Jeff Kaufman, host of Vermont's award-winning program, ''The Talk of Vermont,'' will hang up his headphones at the end of this week. After 5 years on the air in Middlebury, Jeff and his family are leaving the Green Mountain State for the arguably less green pastures of Southern California.

A fixture on Vermont morning radio and a catalyst for thoughtful and provocative discussion of the key issues facing our state and nation, Jeff has not only brought wit and wisdom to the airwaves, but he has consistently managed to recruit big-name guests—Lily Tomlin, Ted Williams, Supreme Court Chief Justice William Rehnquist—to our small-market corner of the world, while never neglecting lesser-known local voices. Above all else, Jeff does his homework—he is equally adept at understanding the intricacies of missile defense as he is the physics of baseball.

While living in Middlebury, Jeff did not just entertain his listeners on the radio, but he became a valued member of the community, whether it was raising money for flood victims or serving as a member of the Citizens of Middlebury.

I am certain that I speak for my colleagues in the Vermont Congressional delegation—each of us has had the pleasure of Jeff's unique brand of inquisition—when I say that he will be a tough act to follow. He has provided an extraordinary service to Vermonters who have benefitted from his professionalism, his insights and his curiosity. I would like to take this opportunity to congratulate Jeff for a job well done and to wish him and his family well in every future endeavor.

Mr. President, I ask to have printed in the RECORD a profile of Jeff from The Burlington Free Press, dated July 23, 2000.

The material follows:

[From the Burlington Free Press, July 23, 2000]

RADIO'S INVENTIVE ''TALK OF VERMONT'' IS ABOUT TO GROW SILENT

(By Chris Bohjalian)

It is an overcast weekday morning smack in the center of summer. It is hot and sticky, and there's absolutely nothing in the air that might be mistaken for a breeze.

I am leaning against the side of a gazebo in Middlebury during the town's annual celebration on the green, waiting for Jeff Kaufman, host of the WFAD radio show ''The Talk of Vermont,'' to arrive. The show is about to broadcast live from the commons.

Abruptly, a slim guy with hair the color of sand just after the surf has receded coasts across the grass on a bicycle with a copy of one of my books under his arm. He says something I can't hear to the engineer, who is battling with miles of wires and the sort of microphone that I thought existed only in radio and television museums, and the engineer laughs. Then he turns to me and introduces himself.

This is Kaufman, and no more than 90 seconds later—still without breaking a sweat, despite the heat and his last-minute arrival—he has me seated in a folding metal chair, and we are on the air. It is clear within minutes that he not only has read my most recent novel, be has read the ones that preceded it. All of them. He has read the column I write for this newspaper. He has read a surprising number of the articles I have written for different magazines.

You have no idea how rare this is.

I have done easily a hundred-plus radio and television interviews in my life, and the vast majority of the time the very first question I am asked is this: ''So, tell us about your new book.'' The reason? There is a not a soul in the studio other than me, including the person with whom I am speaking, who has the slightest idea what the book is about.

In truth, why should they? How could they? Think of the number of guests who pass through a radio or television talk show every week. It's huge, and it takes time to read a novel.

Almost every weekday morning for the better part of a decade, Kaufman has done his homework on his guests and then offered the state some of the very best radio in Vermont. Sometimes his show has been broadcast on five stations, and sometimes it has been on only one, but it has never affected the first-rate quality of the program.

It was three years ago that I met Kaufman on the commons in Middlebury, and I have come to discover that day in, day out he corralled terrific guests. Lily Tomlin one day, Ted Williams the next. One morning he might be moderating a live debate between U.S. Senate hopefuls Jan Backus and Ed Flanagan, and the next he might be chatting with Middlebury biographer, poet and novelist Jay Parini about—basketball.

On any given day, he was as likely to have an acrobat from the Big Apple Circus performing—literally—on the stool in his studio as he was to have an expert from Washington, D.C., on the proposed ''Star Wars'' missile defense system.

Now, alas, we are about to begin Kaufman's last week. He and his family are leaving for California in early August, and Kaufman will no longer be a fixture on Vermont radio. There is no question in my mind that this is a real loss—and not simply because Kaufman is a first-rate interviewer and radio personality. He was also a part of the community. He used his show to find food and clothes for those families that had to leave their homes after the summer flood of 1998, and to raise money to help build a new Lincoln Library.

Sometimes I wonder if Kaufman had the ratings he deserved, but regardless of whether he had 12 or 1,200 people tuned in, he never gave his audience a small-market effort.

Happy trails, my friend. We'll miss you.●

MS. LORIE FOOCE NAMED ACHIEVER OF THE MONTH

● Mr. ABRAHAM. Mr. President, in October of 1993, the State of Michigan Family Independence Agency commemorated the first anniversary of its landmark welfare reform initiative, ''To Strengthen Michigan Families,'' by naming its first Achiever of the Month. In each month since, the award has been given to an individual who participates in the initiative and has shown outstanding progress toward self-sufficiency. I rise today to recognize Ms. Lorie Fooce, the recipient of the award for the month of July, 2000.

Ms. Fooce, a single mother, applied for assistance in August, 1994, in order to provide for her family. She was approved for ACD/FIP, food stamps, and Medicaid. At the time, Ms. Fooce lacked the necessary job skills and experience to maintain a steady, sufficient income. However, within that same month, she took the initiative to enroll in Certified Nurses Aid (C.N.A.) training through Work First.

Ms. Fooce was able to complete the training and was subsequently hired by Gogebic Medical Care. With the help of Work First, which paid for the C.N.A. training, testing fees, transportation, and uniforms, she has become a valued employee at Gogebic.

Ms. Fooce's FIP case closed in May, 1999. In order to best care for her family, she currently receives food stamps, Medicaid, and day care assistance to supplement her earnings.

I applaud Ms. Lorie Fooce for being named Achiever of the Month for July of 2000. She has shown a sincere dedication to her job and to the goals of self-improvement and self-sufficiency, and the progress she has made shows both great effort and great determination. On behalf of the entire United States Senate, I congratulate Ms. Fooce, and wish her continued success in the future.●

RECOGNITION OF STATE SENATOR JACKIE VAUGHN III

● Mr. LEVIN. Mr. President, I want to pay tribute today to a remarkable person from my home state of Michigan, Senator Jackie Vaughn III. On July 30, Senator Vaughn, the Associate President Pro Tempore for the Michigan State Senate, will be honored for his tireless public service to Detroit and the entire state of Michigan.

Senator Vaughn's history of public service is truly deserving of recognition. For the past twenty-two years this ''Man of Peace'' has represented the Fourth Senatorial District of Michigan with a sense of justice and concern for all members of society. He has drafted wide-ranging legislation that has, among other things, sought to expand voting rights, promote peace and provide educational opportunities for all citizens.

Such a diverse array of interests and concerns should come as no surprise to those who know Jackie. Senator Vaughn is a renaissance man who has been educated at many of the world's finest institutions of higher learning. The recipient of a Fullbright Scholarship, Senator Vaughn has received the Oxon B. Litt from England's Oxford University, a Master's Degree from Oberlin College and a B.A. from Hillsdale College. In addition, has been awarded honorary doctorates from Highland Park College, Marygrove College, Shaw College and the Urban Bible Institute.

Senator Vaughn has sought to pass his love of learning on to subsequent generations through his teaching at the University of Detroit, Wayne State University and Hartford Memorial Church where he has led the Contemporary Issues Sunday School Class for twenty years.

Senator Vaughn can take pride in his long and honorable service in the Michigan State Senate. I hope my colleagues will join me in saluting Senator Jackie Vaughn for his commitment to Detroit, the State of Michigan and the entire Nation.●

IN RECOGNITION OF RABBI STEVEN WEIL

● Mr. ABRAHAM. Mr. President, I rise today to recognize Rabbi Steven Weil, who on August 20, 2000, will be honored for over six years of faithful service at Young Israel of Oak Park, the largest Orthodox synagogue in Michigan. Rabbi Weil will soon move to the Los Angeles area to pursue a large pulpit position in another Orthodox synagogue, and this occasion provides the Orthodox Jewish Community of Detroit with an opportunity not only to say good-bye to Rabbi Weil, but also to thank him for the wonderful work he has done during the past six years.

Under the guidance of Rabbi Weil, the congregation of Young Israel doubled in size, an accomplishment which can be directly attributed to his devotion to spreading the tenets of his faith. In addition to developing a lecture and discussion series within his own congregation, he and his wife, Yael, were frequent lecturers at the Agency for Jewish Education and at the Jewish Community Center. He also had an on-going cable television series on the topic of Jewish history.

Rabbi Weil had a vision of creating cohesiveness within the Jewish community and developing future Jewish leadership. He was able to achieve this goal by enacting several different programs, including a trip to Israel and Prague for young Jewish Orthodox, Conservative and Reform couples, as well as a March of the Living Youth Unity Mission. He also headed the Metropolitan Detroit Federation Young

Leadership Cabinet, an organization which tutors the future leaders of the Detroit Jewish community.

Rabbi Weil served on the boards of Yad Ezra, the Detroit kosher food bank, the Jewish Apartments and Services and the Neighborhood project. He was one of eight rabbis in North America selected to be a L.E.A.D fellow, with the responsibility of leading Orthodox rabbis into the 21st century. He was also on the executive committee of the Council of Orthodox rabbis in Detroit and of the National Rabbinical Council of America.

I applaud Rabbi Steven Weil for his many contributions to the Jewish community of the State of Michigan. He is a man dedicated to his faith, his family and his community, and he will be dearly missed. On behalf of the entire United States Senate, I congratulate Rabbi Weil on the great success he had at Young Israel, and wish him continued success as he moves on to Los Angeles, California.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1167) to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes, with amendments; in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following concurrent resolution:

S. Con. Res. 81. A concurrent resolution expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

The message further announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1800. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2773. An act to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4002. An act to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

H.R. 4110. An act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

H.R. 4700. An act to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

H.J. Res. 72. A joint resolution granting the consent of the Congress to the Red River Boundary Compact.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 232. A concurrent resolution expressing the sense of Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico.

H. Con. Res. 371. A concurrent resolution supporting the goals and ideas of National Alcohol and Drug Recovery Month.

At 6:27, a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which its requests the concurrence of the Senate:

H.R. 1982. An act to name the Department of Veterans Affairs outpatient clinic located at 125 Brookley Drive, Rome, New York, as the ''Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic.''

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 3817. An act to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the ''Jaryd Atadero Legacy Trail.''

H.R. 4275. An act to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

H.R. 4846. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 4850. An act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans, and for other purposes.

H.R. 4864. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 4888. An act to protect innocent children.

H.R. 4924. 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.

The message also announced that the House has passed the following bills:

S. 1629. An act to provide for the exchange of certain land in the State of Oregon.

S. 1910. An act to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York.

S. 2237. An act to amend the Internal Revenue Code of 1986 to provide for the deductibility of premiums for any medigap insurance policy or Medicare+Choice plan which contains an outpatient prescription drug benefit, and to amend title XVIII of the Social Security Act to provide authority to expand existing medigap insurance policies.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 351. Concurrent resolution recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor.

MEASURES REFERRED

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

H.R. 1800. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General; to the Committee on the Judiciary.

H.R. 1982. An act to name the Department of Veterans Affairs outpatient clinic located at 125 Brookley Drive, Rome, New York, as the ''Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; to the Committee on Energy and Natural Resources.

H.R. 3817. An act to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the ''Jaryd Atadero Legacy Trail''; to the Committee on Energy and Natural Resources.

H.R. 4002. An act to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger; to the Committee on Foreign Relations.

H.R. 4110. An act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005; to the Committee on Governmental Affairs.

H.R. 4275. An act to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4850. An act to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs compensation and life insurance benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4864. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Export

Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 4924. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress an economically significant rules of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 232. A concurrent resolution expressing the sense of Congress concerning the safety and well-being of United States citizens injured while traveling in Mexico; to the Committee on Foreign Relations.

H. Con. Res. 351. A concurrent resolution recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor; to the Committee on Armed Services.

H. Con. Res. 371. A concurrent resolution supporting the goals and ideas of National Alcohol and Drug Recovery Month; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2773. An act to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–607. A resolution adopted by the Legislature of the Commonwealth of Guam relative to the Visa Waiver Pilot Program; to the Committee on the Judiciary.

RESOLUTION NO. 357

Whereas, the Visa Waiver Pilot Program was initially enacted into law by the United States Congress in 1986; and

Whereas, as the Visa Waiver Pilot Program is considered only a ''Pilot Program,'' Congress regularly extends the expiration date and has done so throughout the Pilot Programs existence; and

Whereas, the current Visa Waiver Pilot Program expired on the 30th day of April, 2000; and

Whereas, the Immigration and Naturalization Service of the United States Department of Justice on the 25th day of May, 2000, issued a circular notifying all carriers, who are participating in the Visa Waiver Pilot Program, of an interim plan to provide entry privileges to travelers who would have applied for admission under the Visa Waiver Pilot Program; and

Whereas, under the interim plan, the Immigration and Naturalization Service will parole for a period of ninety (90) days all eligible Visa Waiver Pilot Program country nationals who arrive for legitimate business or travel purposes, and who would have been admitted under the Visa Waiver Pilot Program prior to its expiration; and

Whereas, the circular further provides, that Nationals of the Visa Waiver Pilot Program countries will still be required to complete ''Form I–94W''; however, neither an additional application nor an additional fee will be required when arriving at an airport; and

Whereas, the Immigration and Naturalization Service also noted that this interim plan would change if Congress either extends the Visa Waiver Pilot Program, or makes it permanent before the 30th day of June, 2000; and

Whereas, on the 1st day of March, 2000, Representative Lamar Smith introduced H.R. 3767 in the United States House of Representatives, that would amend the Immigration and Nationality Act to make improvements to and permanently authorize, the Visa Waiver Pilot Program under §217 of the Act; and

Whereas, H.R. 3767 was referred to the House Committee on the Judiciary wherein, H.R. 3767 was placed before the Committee for consideration and Mark-Up and was subsequently reported out by the Committee and placed on the Union Calendar, as Calendar Number 308; and

Whereas, on the 11th day of April, 2000, H.R. 3767 was presented to the House for adoption, wherein H.R. 3767 passed as amended and agreed by a voice vote of the House; and

Whereas, H.R. 3767 was transmitted by the House and received by the Senate on the 12th day of April, 2000; and

Whereas, H.R. 3767 was read twice in the Senate and placed on the Senate Legislative Calendar under General Orders, designated, Calendar Number 524; and

Whereas, as a result of the expiration of the Visa Waiver Pilot Program, tourists arriving on Guam now endure long lines and added transit time in order for the INS Office to process their travel documents; and

Whereas, this delay has caused an economic impact on tour companies that have had to absorb additional costs because of the delay in Immigration processing; and

Whereas, tourism is our number one industry and has only recently reflected positive signs of growth; however, with the inordinate amount of time it now takes to go through the immigration procedures, this could discourage potential visitors to our Island; and

Whereas, H.R. 3767 has received bipartisan support in the House; unanimously passed by the Subcommittee on Immigration and Claims and the Committee on the Judiciary; and has received strong support from the tourism and travel industry; and

Whereas, the implementation of the Visa Waiver Pilot Program has enabled Guam to promote its number one industry—Tourism; now therefore, be it

Resolved, That I MináBente Singko Na Liheslaturan Guåhan does hereby, on behalf of the people of Guam, respectfully request that the United States Senate expeditiously act upon H.R. 3767; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Albert Gore, Jr., President of the United States Senate; to the Honorable Trent Lott, Majority Leader of the United States Senate; to the Honorable Thomas Daschle, Minority Leader of the United States Senate; to the Honorable Lamar Smith, Member of Congress, U.S. House of Representatives; to the Honorable Robert A. Underwood, Member of Congress, U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, I Magálahen Guåhan.

POM–608. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to a single statewide reimbursement rate; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 60

Whereas, the Health Care Financing Administration provides health insurance for over 74 million senior Americans through Medicare; and

Whereas, providers of the Medicare managed care plans are decreasing in Louisiana and other states; and

Whereas, some providers of managed care plans have withdrawn from certain parishes and withdrawn from the state of Louisiana because of low reimbursement rates; and

Whereas, Medicare reimbursement rates drastically vary between urban and rural parishes; and

Whereas, the reimbursement rates for rural parishes are drastically lower than those rates for urban parishes; and

Whereas, the cost to treat these enrollees does not significantly differ from parish to parish. Therefore, be it

Resolved, That the Legislature of Louisiana hereby memorializes the Congress of the United States to mandate that the Health Care Financing Administration revise the Medicare managed care plan rates so that the reimbursement rates do not vary significantly. Be it further

Resolved, That the Health Care Financing Administration institute a single statewide rate throughout the state to promote equal access for all citizens of the state of Louisiana. Be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–609. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to providing funds under the River and Harbor Act; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 40

Whereas, for well over twenty years the Congress of the United States has funded monies for the U.S. Army Corps of Engineers' Aquatic Plant Control Program; and

Whereas, the monies for this program have been used to assist the various states in the control and eradication of such evasive plant species as water hyacinth, hydrilla and salvinia; and

Whereas, beginning in 1997 the Clinton administration terminated funding for the spraying aspect of the Aquatic Plant Control Program, providing money only for research purposes; and

Whereas, the cessation of this funding has resulted in the elimination of the spraying program so necessary to control the spread of evasive plants such as water hyacinth, hydrilla and salvinia, and

Whereas, it has been estimated that salvinia alone will infest over forty-five thousand acres in Louisiana in the year 2000; and

Whereas, it has been further estimated that two and one-half million dollars will be necessary to control the further spread of salvinia alone; and

Whereas, control and the eventual removal of these evasive plants is absolutely necessary if Louisiana is to control and maintain its waterways; and

Whereas, without the assistance of federal funding it will become extremely difficult, if not impossible, to continue the spraying program so necessary for the control of these plants. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States to provide the necessary funding under the River and Harbor Act for the

U.S. Army Corps of Engineers; Aquatic Plant Control Program. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress,

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POM–610. A petition from a citizen of the State of Texas relative to border communities; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 2107: A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes (Rept. No. 106–360).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SCHUMER:

S. 2911. A bill to strengthen the system for notifying parents of violent sexual offenders in their communities; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. REID, Mr. DURBIN, and Mr. GRAHAM):

S. 2912. A bill to amend the Immigration and Nationality Act to remove certain limitations on the eligibility of aliens residing in the United States to obtain lawful permanent residency status; read the first time.

By Mr. CONRAD:

S. 2913. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to use the export enhancement program to encourage the commercial sale of United States wheat in world markets at competitive prices whenever the importation of Canadian wheat into the United States reaches certain triggers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ALLARD (for himself and Mr. GRAMM):

S. 2914. A bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. TORRICELLI):

S. 2915. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. DODD:

S. 2916. A bill to amend the Harmonized Tariff Schedule of the United States to provide separate subheadings for hair clippers used for animals; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. INOUYE):

S. 2917. A bill to settle the land claims of the Pueblo of Santo Domingo; to the Committee on Indian Affairs.

By Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. HARKIN, Mr. SARBANES, and Mr. LAUTENBERG):

S. 2918. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provisions, to amend the Internal Revenue Code of 1986 to allow a credit against income tax for payment of such premiums and of premiums for certain COBRA continuation coverage, and for other purposes; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2919. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 2920. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. McCAIN (for himself and Mr. INOUYE):

S. 2921. A bill to provide for management and leadership training, the provision of assistance and resources for policy analysis, and other appropriate activities in the training of Native American and Alaska Native professionals in health care and public policy; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. THURMOND:

S. Res. 342. A resolution designating the week beginning September 17, 2000, as ''National Historically Black Colleges and Universities Week''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 2913. A bill to amend the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to use the export enhancement program to encourage the commercial sale of United States wheat in world markets at competitive prices whenever the importation of Canadian wheat into the United States reaches certain triggers; to the Committee on Agriculture, Nutrition, and Forestry.

THE EXPORT ENHANCEMENT PROGRAM TRIGGER ACT OF 2000

Mr. CONRAD. Mr. President, today I am introducing legislation to help our farmers fight back against the unfair trade practices of state trading enterprises. As many of my colleagues know, state trading enterprises are government sanctioned monopolies that control commodity exports. Their unfair practices allow them to undercut prices of U.S. commodities, both in our market and in overseas markets where we compete for exports. My legislation, the Export Enhancement Program Trigger Act of 2000, would direct our government to fight back against these unfair practices.

I am introducing this legislation in response to the experience of farmers in North Dakota, who have been forced to compete not just with foreign farmers, but with foreign state trading enterprises. Ever since the U.S.-Canada Free Trade Agreement (CFTA) took effect, North Dakota farmers have been flooded with a rising tide of imports of Canadian grains.

These imports are coming into our country not because Canadian farmers are more competitive, but because of flaws in the CFTA and the unfair actions of the Canadian Wheat Board (CWB). As negotiated by then-USTR Clayton Yeutter, the CFTA allows the Canadian Wheat Board to sell into our market at less than the total cost of acquiring and selling its grain.

The fact is that the Canadian Wheat Board is a government created and government supported monopoly. Because Canadian farmers are required to sell their grain to the Wheat Board, the Wheat Board gets its wheat at below market prices and can then tell its customers in this country or overseas that it will undercut U.S. prices. These practices amount to de facto subsidies, but because the Wheat Board operates in secret, these unfair practices are not subjected to the normal rules of international trade.

This unfair competition caused imports of wheat from Canada to increase steadily until, in 1993–94, they reached a record 2.4 million tons of total wheat and 575,000 tons of durum. These levels of imports caused unacceptable damage to North Dakota farmers, so I convinced the Clinton Administration to impose limits on Canadian imports. Under the Memorandum of Understanding (MOU) negotiated with Canada, durum imports were limited to 300,000 tons and total wheat imports were limited to 1.5 million tons in 1994–95.

These limits worked. Imports of Canadian grain fell dramatically for several years. Unfortunately, however, the authority to impose these limits disappeared as a result of the Uruguay Round Agreements. As a result, our friends to the north are once again on the move, attacking our markets, using the monopoly power of the Canadian Wheat Board to undercut prices for our farmers.

Last year, imports from Canada again approached their 1993–94 peaks (2.2 million tons of total wheat and 560,000 tons of durum), and this year they are on track to stay far above the MOU level (2 million tons of total wheat and 480,000 tons of durum). This is unacceptable. It is far past time to send a clear and unmistakable message to our friends in Canada that the U.S. will not tolerate these practices any longer—that we will fight back.

The legislation I am introducing today will do exactly that. My legislation would require USDA to use the Export Enhancement Program—EEP—in either of two circumstances.

First, if imports of durum or wheat into the U.S. from Canada exceed the

limits set in the MOU—300,000 tons for durum and 1,500,000 tons for total wheat imports—USDA would be required to use EEP to export wheat or durum into markets where we compete with Canada in a quantity equal to at least twice the total amount of Canadian imports into the U.S. for that year.

This will clearly tell Canada that it will lose far more in its overseas markets than it gains in our markets if it persists in exporting more than the MOU levels. As a result, I expect that Canada will again voluntarily comply with the MOU limits as it did in 1995–96 and 1996–97. Even if Canada does not comply, though, this legislation will ensure that U.S. farmers do not bear the costs of Canadian imports. By requiring the U.S. to export twice as much wheat as we are importing from Canada, this legislation will ensure that total supply will be reduced and prices will strengthen.

Second, if the Secretary of Agriculture determines that a state trading enterprise (STE) like the Canadian Wheat Board is using unfair trade practices to reduce our exports of any agricultural commodity to overseas markets, the Secretary is required to respond by using EEP in an amount sufficient to ensure that prices received by U.S. farmers are not reduced as a result of the STE's actions. Too often, we have heard from our industry and our USDA officials that Canada is arbitrarily undercutting U.S. prices in overseas markets. My proposal would require USDA to respond, to ensure that we do not give up our export markets without a fight.

Taken together, these two provisions will support the efforts of our trade negotiators to discipline STES as part of the World Trade Organization (WTO) negotiations on agriculture. Disciplining STEs is a top priority for our negotiators, and this legislation, by defining the marketing practices of STEs as unfair trade practices, will increase our negotiators' leverage to develop meaningful rules on STEs.

Moreover, I believe these provisions will support the efforts of North Dakota farmers, acting through the Wheat Commission, in bringing a trade case against Canada. I have always believed that, ultimately, Canadian agricultural trade issues will have to be resolved through negotiation. It is my hope that, in combination, this legislation and the trade case will provide short term relief for our farmers and help build sufficient pressure on Canada to negotiate a permanent resolution of Canadian grain issues.

I have no doubt that our friends to the north will not like this legislation. They do not like having a spotlight focused on their system, so they will complain about our use of EEP. I have a simple answer for them: If they do not want us to use EEP against them, they should stop dumping their grain into our market and stop using unfair trade practices in overseas markets.

I am pleased that this legislation has the support of every major farm group in North Dakota with an interest in these issues, including North Dakota Farmers Union, North Dakota Farm Bureau, North Dakota Wheat Commission, North Dakota Grain Growers, and the North Dakota Barley Council.

I hope that my colleagues will join me in supporting this important legislation.

By Mr. ALLARD (for himself and Mr. GRAMM):

S. 2914. A bill to amend the National Housing Act to require partial rebates of FHA mortgage insurance premiums to certain mortgagors upon payment of their FHA-insured mortgages; to the Committee on Banking, Housing, and Urban Affairs.

HOMEOWNERS REBATE ACT OF 2000

Mr. ALLARD. Mr. President, today I am introducing legislation to reduce the Federal Housing Administration (FHA) homeownership tax. I am joined in this effort by Senator GRAMM of Texas, the chairman of the Banking Committee. This legislation was introduced earlier in the month by Congressman RICK LAZIO of New York. Congressman LAZIO chairs the House Subcommittee on Housing and Community Opportunity.

This homeownership tax comes in the form of excess premiums paid by those who have FHA insured mortgages on their properties. The FHA Mutual Mortgage Insurance Fund (MMI fund) collects mortgage insurance premiums in order to cover any losses to the government that result from FHA-insured mortgage defaults and to fund the administrative costs of the FHA program.

FHA is an important program for first-time, low and moderate income, and minority homeowners. These families should not be overcharged in FHA premiums. Premiums in excess of an amount necessary to maintain an actuarially sound reserve ratio in the FHA Mutual Mortgage Insurance Fund can only be characterized as a tax on homeownership. The Congress has determined that a capital reserve ratio of 2 percent of the MMI fund's amortized insurance-in-force is necessary to ensure the safety and soundness of the MMI fund. According to the Department of Housing and Urban Development the FY 1999 capital reserve ratio is 3.66 percent and is estimated to rise to over 3.8 percent in FY 2000, nearly twice the reserve ratio mandated by Congress.

The FHA single family mortgage program was designed to operate as a mutual insurance program where homeowners were granted rebates of excess premiums. This rebate program was suspended at the direction of Congress in 1990 when the MMI fund was in the red—with the intent that the payment of distributive shares or rebates would resume when the Fund was again financially sound. Since 1990 a number of steps have been taken to strengthen the FHA program. The premiums were increased (Congress mandated the addition of a risk-based annual premium to the one-time, up front premium), downpayment requirements were improved, oversight by HUD and the Congress was strengthened, and Congress mandated the minimum 2 percent capital reserve ratio. With a capital reserve ratio nearly twice that mandated by the Congress it is time to resume rebates and return the MMI program to its prior status as a mutual insurance fund. This legislation restores the rebates for mortgages insured for 7 years or more and paid off subsequent to the 1990 rebate suspension.

The legislatively mandated improvements in the FHA program have certainly been partially responsible for the strength of the MMI fund. But another major reason for this strength is the fact that we have experienced a near perfect economy in recent years. I recognize that this will not always be the case. We should therefore proceed carefully when we propose to lower or rebate premiums. This legislation takes the cautious approach of providing for rebates only when the reserve ratio is in excess of 3 percent, or 150 percent of the reserve level mandated by Congress. If the capital reserve ratio drops below 3 percent, the rebates will be suspended. The legislation also requires that the General Accounting Office evaluate the adequacy of the 2 percent capital reserve ratio for ensuring the safety and soundness of the MMI fund and make a recommendation to Congress regarding the most appropriate reserve ratio at which to trigger future premium rebates.

I invite my colleagues to review this important legislation and join with me in reducing this tax on homeownership. By enacting this homeownership rebate we will continue to help make homeownership affordable for more and more Americans.

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

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

S. 2914

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 ''Homeowners Rebate Act of 2000''.

SEC. 2. PAYMENT OF DISTRIBUTIVE SHARES FROM MUTUAL MORTGAGE INSURANCE FUND RESERVES.

(a) IN GENERAL.—Section 205(c) of the National Housing Act (12 U.S.C. 1711(c)) is amended to read as follows:

''(c) DISTRIBUTION OF RESERVES.—Upon termination of an insurance obligation of the Mutual Mortgage Insurance Fund by payment of the mortgage insured thereunder, if the Secretary determines (in accordance with subsection (e)) that there is a surplus for distribution under this section to mortgagors, the Participating Reserve Account shall be subject to distribution as follows:

''(1) REQUIRED DISTRIBUTION.—In the case of a mortgage paid after November 5, 1990, and

insured for 7 years or more before such termination, the Secretary shall distribute to the mortgagor a share of such Account in such manner and amount as the Secretary shall determine to be equitable and in accordance with sound actuarial and accounting practice, subject to paragraphs (3) and (4).

''(2) DISCRETIONARY DISTRIBUTION.—In the case of a mortgage not described in paragraph (1), the Secretary is authorized to distribute to the mortgagor a share of such Account in such manner and amount as the Secretary shall determine to be equitable and in accordance with sound actuarial and accounting practice, subject to paragraphs (3) and (4).

''(3) LIMITATION ON AMOUNT.—In no event shall the amount any such distributable share exceed the aggregate scheduled annual premiums of the mortgagor to the year of termination of the insurance.

''(4) APPLICATION REQUIREMENT.—The Secretary shall not distribute any share to an eligible mortgagor under this subsection beginning on the date which is 6 years after the date that the Secretary first transmitted written notification of eligibility to the last known address of the mortgagor, unless the mortgagor has applied in accordance with procedures prescribed by the Secretary for payment of the share within the 6-year period. The Secretary shall transfer from the Participating Reserve Account to the General Surplus Account any amounts that, pursuant to the preceding sentence, are no longer eligible for distribution.''.

(b) DETERMINATION OF SURPLUS.—

(1) IN GENERAL.—Section 205(e) of the National Housing Act (12 U.S.C. 1711(e)) is amended by adding at the end the following: ''Notwithstanding any other provision of this section, if, at the time of such a determination, the capital ratio (as defined in subsection (f)) for the Fund is 3.0 percent or greater, the Secretary shall determine that there is a surplus for distribution under this section to mortgagors.''.

(2) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Congress that evaluates the adequacy of the capital ratio requirement under section 205(f)(2) of the National Housing Act (12 U.S.C. 1711(f)(2)) for ensuring the safety and soundness of the Mutual Mortgage Insurance Fund. Such report shall also evaluate the adequacy of the capital ratio level established under section 205(e)(1) of the National Housing Act, as amended by paragraph (1) of this section and shall include a recommendation of a capital ratio level that, if made effective under such section upon the expiration of the 2-year period beginning on the date of enactment of this Act, would provide for distributions of shares under section 205(c) of such Act in a manner adequate to ensure the safety and soundness of such Fund.

(c) RETROACTIVE PAYMENTS.—

(1) TIMING.—Not later than 3 months after the date of enactment of this Act, the Secretary of Housing and Urban Development shall determine the amount of each distributable share for each mortgage described in paragraph (2) to be paid and shall make payment of such share.

(2) MORTGAGES COVERED.—A mortgage described in this paragraph is a mortgage for which—

(A) the insurance obligation of the Mutual Mortgage Insurance Fund was terminated by payment of the mortgage before the date of enactment of this Act;

(B) a distributable share is required to be paid to the mortgagor under section 205(c)(1) of the National Housing Act (12 U.S.C. 1711(c)(1)), as amended by subsection (a) of this section; and

(C) no distributable share was paid pursuant to section 205(c) of the National Housing Act upon termination of the insurance obligation of such Fund.

By Mr. GRASSLEY:

S. 2915. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. GRASSLEY. Mr. President, I am introducing a bill today entitled the ''Federal Courts Improvement Act of 2000.'' Every few years, the Judicial Conference, the governing body of the federal courts, contacts Congress regarding changes to the law the Judicial Conference believes are necessary to improve the functions of the courts. As chairman of the Judiciary Subcommittee with jurisdiction over the courts, I have the responsibility to review the operation of the federal court process and procedures. In the past, I have also been in the forefront of advocating that the federal judicial system be administered in the most efficient and cost-effective manner possible while maintaining a high level of quality in the administration of justice. The bill I am introducing, along with Senator TORRICELLI, the Ranking Member of my subcommittee, is a consensus bill that includes many of the recommendations made by the Judicial Conference.

The Judicial Conference has noted a problem that continues to plague the Federal judicial system is the lack of up-to-date technologies that would reduce costs while at the same time improve the efficiency of its administration along with a wide range of judicial branch programs. The ''Federal Courts Improvement Act of 2000'' attempts to addresses this problem. In accordance with federal policy to defray the cost of providing services by assessing a fee for their use, sections of this bill provide the judiciary with the authority to set, collect, and retain fees to be used to acquire information technologies, such as electronic filing, video conferencing, and electronic evidence presentation devices. This section requires that the fees collected are to be deposited into the Judiciary Information Technology Fund and used for reinvestment in information technology. I feel that granting the judiciary the authority to collect and retain these fees will go a long way toward improving the efficiency of the judicial system while providing substantial savings for litigants and attorneys.

This bill addresses two areas in which I have taken a personal interest, over the years: reducing unnecessary expenses and improving the efficiency of the judicial system. This bill would help achieve both. Traditionally, the safeguards applicable to criminal defendants charged with more serious crimes have not been applicable to petty offense cases because the burdens were deemed undesirable and impractical in dealing with such minor offenses. Currently, U.S. Magistrate Judges may preside over petty offense cases charging a motor vehicle offense and infractions, without the consent of the defendant. This bill removes the consent requirement in all other petty cases—a position repeatedly supported by the Judicial Conference of the United States. Additionally, this bill authorizes magistrate judges to try misdemeanor cases involving juveniles currently tried in district court. Removing the consent requirement from these petty offense cases and authorizing magistrate judges to preside over all juvenile misdemeanors would free-up valuable district court resources that could be used to deal with more serious crimes and offenders while reducing the time and expense necessary in dealing with these offenses.

Another section of the bill also contains provisions that would free up district court resources and allow federal judges more time to deal with their civil and criminal dockets. These provisions raise the maximum compensation level paid to federal or community defenders representing defendants appearing before United States magistrates or the district courts before they must seek a waiver for payment in excess of the prescribed maximum. Payment in excess of the maximum currently requires the approval of both the judge who presided over the case and the chief judge of the circuit. This procedure in turn increases the amount of time judges must devote to non-judicial matters. The last increase was instituted fourteen years ago. During this time, the effects of inflation have significantly eroded the compensation paid to federal and community defenders.

The Judicial Conference has expressed to me their concern over a growing trend of ''Criminal Justice Act'' (CJA) panel attorneys being subject to unfounded suits by the defendants they previously represented and the financial damage these attorneys have to deal with when they must pay to defend themselves in these actions. These unfair costs have the potential of having a chilling effect on the willingness of attorneys to participate as panel attorneys and will only make it more difficult to obtain adequate representation for defendants. Currently, the CJA authorizes the Director of the Administrative Office of the United States Courts to provide representation and indemnify federal and community defender organizations for malpractice claims that arise as a result of furnishing representational services. Panel attorneys are the only component of the appointed counsel program who are not permitted to receive CJA-funded coverage for any costs associated with defending against a malpractice claim by a CJA client. Our bill rectifies this oversight in the CJA, and provides CJA panel attorneys the same protection as other federal defenders.

Provisions in our bill authorize the judge who presides over a case, at his discretion, to reimburse panel attorneys for out-of-pocket expenses for civil claims arising for their CJA services. The judge would exercise his discretion limiting the amount of reimbursement available for a panel attorney as he views appropriate under the circumstances, as has been the practice with respect to malpractice claims against other federal defenders.

In addition, the ''Federal Courts Improvement Act of 2000'' also contains provisions designed to assist handicapped employees working for the federal judiciary. These provisions bring the federal judicial system in-line with the Executive Branch and other governmental bodies.

The bill also contains a number of other provisions that we believe are necessary to improve the Federal Courts' administration, judicial process and matters relating to public defenders, as well as other items that enhance the operation of the Federal judiciary. I urge my colleagues to join us and support these improvements to our Federal Court system.

By Mr. DODD:

S. 2916. A bill to amend the Harmonized Tariff Schedule of the United States to provide separate subheadings for hair clippers used for animals; to the Committee on Finance.

TARIFF CLASSIFICATION CORRECTION FOR HAIR CLIPPERS

Mr. DODD. Mr. President, today I am introducing a bill that would amend the Harmonized Tariff Schedule to allow for a separate subheading for hair clippers used for animals.

As a result of the ongoing beef hormone dispute with the European Union (EU), the United States Trade Representative has released a list of products upon which retaliatory duties of 100 percent will be placed. The proposed list was issued pursuant to Section 407 of the Trade and Development Act of 2000. Furthermore, Section 407 explicitly states that the products on this list must be goods of industries that are affected by the EU's non-compliance in the beef hormone dispute.

Since beard trimmers used by humans and hair clippers for animals for use on the farm are both currently included under the same subheading within the Harmonized Tariff Schedule, human beard trimmers could potentially be subject to the retaliatory duties. However, the personal care industry, and specifically human beard trimmers, has no relationship with the beef hormone industry as is required by Section 407.

To address this problem, and to ensure that products are not inadvertently subjected to these retaliatory tariffs, I am introducing legislation that would provide a separate subheading to clippers used for animals. This legislation would prevent imposing duties on products that have no significant bearing or connection to the EU beef hormone case and would assist in the fair and equitable application of our trade laws. I urge my colleagues to support enactment of this simple clarification of our tariff schedule.

By Mr. DOMENICI (for himself and Mr. INOUYE):

S. 2917. A bill to settle the land claims of the Pueblo of Santo Domingo; to the Committee on Indian Affairs.

SANTO DOMINGO PUEBLO CLAIMS SETTLEMENT ACT OF 2000

Mr. DOMENICI. Mr. President, Santo Domingo Pueblo is one of the largest Indian pueblos in New Mexico. It is located north of Albuquerque and South of Santa Fe, about midway between the two. For about 150 years, some 80,000 acres have been in dispute with neighboring Indian pueblos, Spanish land grants, and private land holders. Many of these disputes have been in court, but remain unsettled.

I am pleased to inform my colleagues that three years of negotiations have produced a settlement agreement. Our legislation would ratify that agreement, thus resolving a complex land ownership situation in New Mexico.

The initial Spanish land grant establishing the Santo Domingo Pueblo Grant was issued in 1689. When this Spanish grant was surveyed in the mid-19th century, approximately 24,000 acres of land to the east of the current reservation boundary were erroneously excluded. The excluded lands are now held in private deeds and public lands, but not by Santo Domingo Pueblo.

The Pueblo of Santo Domingo purchased the Diego Gallegos Spanish Land Grant to expand its reservation on the west end. That purchase excluded some privately held lands and overlapped with both the San Felipe and Cochiti Pueblos.

Forest Service and Bureau of Land Management (BLM) lands have also been claimed by Santo Domingo Pueblo.

The global settlement we are endorsing, resolves the complex set of title disputes between Santo Domingo, the Pueblos of San Felipe and Cochiti, the federal government, and private land holders.

In return for both money and land, the Santo Domingo Pueblo will waive their land claims and remove the clouded title for private land holders. This settlement envisions a monetary settlement of $23 million. Of that amount, $8 million would be payable from the Judgment Fund. The remaining $15 million would be from appropriated accounts over a three year period at $5 million per year, beginning in FY 2002.

Approximately 4500 acres of BLM land would be conveyed to Santo Domingo Pueblo, and the Pueblo would have an option to purchase 7000 acres of Forest Service land for the agreed upon price of $3.7 million.

Three lawsuits will be settled by this legislation. The first is Pueblo of Santo Domingo v. United States. This case is over 50 years old and was filed under the Indian Claims Commission Act (ICCA). In this action, the Pueblo asserts monetary claims against the United States for trespass, lost use, and breach of the ICCA's ''fair and honorable dealings'' provision by the United States. The Pueblo's claims, based on its Spanish land grants, involve more than 80,000 acres of land. Our legislation affirms the compromise award of $8 million for these claims and also includes the Pueblo's stipulated settlement of the ICCA case.

The second lawsuit is Pueblo of Santo Domingo v. Rael. This issue stems from the Pueblo's purchase of the Diego Gallegos Grant. The Pueblo sought possession of land from a private landowner in the same grant. The Federal District court for the District of New Mexico entered judgment for the Pueblo. On appeal, the Tenth Circuit ordered the Rael action held in abeyance until the Government intervened in Rael or judgment was entered in the overlapping ICCA case. To date, neither has occurred. The settlement legislation will resolve the issues in the Rael case.

The third lawsuit to be settled by this legislation is United States v. Thompson. In this case, the United States sought to enforce the Pueblo's title against third-party owners who trace their titles to overlapping land grants. In 1991, the Tenth Circuit held that the United States' claim for the Pueblo was time-barred. The Court of Appeals, however, found that the Pueblo Lands Board had ignored an express Congressional directive in its determination that the overlap lands were not the Pueblo's lands.

The Court of Appeals did not resolve the ownership question, again due to the time bar. These overlap lands are currently in the possession of non-Indians and in the Army Corps of Engineers. This global settlement will resolve the ownership questions in favor of the private landowners and the Army Corps of Engineers in the overlap area.

The global nature of this settlement will put all these issues to rest. Assuming the Congress agrees with our legislation, the next step would be entry of the stipulated settlement of the ICCA case and dismissal with prejudice of the Pueblo's existing quiet title action in Rael. The Pueblo of Santo Domingo would then receive both the money and the lands agreed to in this settlement agreement. In addition to waiving its ICCA claims and the Rael case, the Pueblo agrees to waive other existing land claims.

In this settlement agreement, the Congress would ratify and resolve the Pueblo's land claims with finality and do so in a principled way which serves the interests of all parties. The Pueblo of Santo Domingo boundaries have been in dispute since the mid-19th century. This settlement resolves the Pueblo of Santo Domingo claims once

and for all, and clearly delineates the Pueblo's boundaries. I urge my colleagues to support this legislation.

By Mr. ROCKEFELLER:

S. 2918. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provisions, to amend the Internal Revenue Code of 1986 to allow a credit against income tax for payment of such premiums and of premiums for certain COBRA continuation coverage, and for other purposes; to the Committee on Finance.

MEDICARE EARLY ACCESS AND TAX CREDIT ACT OF 2000

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the text of the bill, the Medicare Early Access and Tax Credit Act of 2000, be printed in the RECORD.

S. 2918

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 Early Access and Tax Credit Act of 2000''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE

Sec. 101. Access to Medicare benefits for individuals 62-to-65 years of age.

''PART D—PURCHASE OF MEDICARE BENEFITS BY CERTAIN INDIVIDUALS AGE 62-TO-65 YEARS OF AGE

''Sec. 1859. Program benefits; eligibility.
''Sec. 1859A. Enrollment process; coverage.
''Sec. 1859B. Premiums.
''Sec. 1859C. Payment of premiums.
''Sec. 1859D. Medicare Early Access Trust Fund.
''Sec. 1859E. Oversight and accountability.
''Sec. 1859F. Administration and miscellaneous.

TITLE II—ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE

Sec. 201. Access to Medicare benefits for displaced workers 55-to-62 years of age.

TITLE III—COBRA PROTECTION FOR EARLY RETIREES

Subtitle A—Amendments to the Employee Retirement Income Security Act of 1974

Sec. 301. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

Subtitle B—Amendments to the Public Health Service Act

Sec. 311. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

Subtitle C—Amendments to the Internal Revenue Code of 1986

Sec. 321. COBRA continuation benefits for certain retired workers who lose retiree health coverage.

TITLE IV—FINANCING

Sec. 401. Reference to financing provisions.

TITLE V—CREDIT AGAINST INCOME TAX FOR MEDICARE BUY-IN PREMIUMS AND FOR CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS

Sec. 501. Credit for medicare buy-in premiums and for certain COBRA continuation coverage premiums.

TITLE I—ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE

SEC. 101. ACCESS TO MEDICARE BENEFITS FOR INDIVIDUALS 62-TO-65 YEARS OF AGE.

(a) IN GENERAL.—Title XVIII of the Social Security Act is amended—

(1) by redesignating section 1859 and part D as section 1858 and part E, respectively; and

(2) by inserting after such section the following new part:

''PART D—PURCHASE OF MEDICARE BENEFITS BY CERTAIN INDIVIDUALS AGE 62-TO-65 YEARS OF AGE

''SEC. 1859. PROGRAM BENEFITS; ELIGIBILITY.

''(a) ENTITLEMENT TO MEDICARE BENEFITS FOR ENROLLED INDIVIDUALS.—

''(1) IN GENERAL.—An individual enrolled under this part is entitled to the same benefits under this title as an individual entitled to benefits under part A and enrolled under part B.

''(2) DEFINITIONS.—For purposes of this part:

''(A) FEDERAL OR STATE COBRA CONTINUATION PROVISION.—The term 'Federal or State COBRA continuation provision' has the meaning given the term 'COBRA continuation provision' in section 2791(d)(4) of the Public Health Service Act and includes a comparable State program, as determined by the Secretary.

''(B) FEDERAL HEALTH INSURANCE PROGRAM DEFINED.—The term 'Federal health insurance program' means any of the following:

''(i) MEDICARE.—Part A or part B of this title (other than by reason of this part).

''(ii) MEDICAID.—A State plan under title XIX.

''(iii) FEHBP.—The Federal employees health benefit program under chapter 89 of title 5, United States Code.

''(iv) TRICARE.—The TRICARE program (as defined in section 1072(7) of title 10, United States Code).

''(v) ACTIVE DUTY MILITARY.—Health benefits under title 10, United States Code, to an individual as a member of the uniformed services of the United States.

''(C) GROUP HEALTH PLAN.—The term 'group health plan' has the meaning given such term in section 2791(a)(1) of the Public Health Service Act.

''(b) ELIGIBILITY OF INDIVIDUALS AGE 62-TO-65 YEARS OF AGE.—

''(1) IN GENERAL.—Subject to paragraph (2), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

''(A) AGE.—As of the last day of the month, the individual has attained 62 years of age, but has not attained 65 years of age.

''(B) MEDICARE ELIGIBILITY (BUT FOR AGE).—The individual would be eligible for benefits under part A or part B for the month if the individual were 65 years of age.

''(C) NOT ELIGIBLE FOR COVERAGE UNDER GROUP HEALTH PLANS OR FEDERAL HEALTH INSURANCE PROGRAMS.—The individual is not eligible for benefits or coverage under a Federal health insurance program (as defined in subsection (a)(2)(B)) or under a group health plan (other than such eligibility merely through a Federal or State COBRA continuation provision) as of the last day of the month involved.

''(2) LIMITATION ON ELIGIBILITY IF TERMINATED ENROLLMENT.—If an individual described in paragraph (1) enrolls under this part and coverage of the individual is terminated under section 1859A(d) (other than because of age), the individual is not again eligible to enroll under this subsection unless the following requirements are met:

''(A) NEW COVERAGE UNDER GROUP HEALTH PLAN OR FEDERAL HEALTH INSURANCE PROGRAM.—After the date of termination of coverage under such section, the individual obtains coverage under a group health plan or under a Federal health insurance program.

''(B) SUBSEQUENT LOSS OF NEW COVERAGE.—The individual subsequently loses eligibility for the coverage described in subparagraph (A) and exhausts any eligibility the individual may subsequently have for coverage under a Federal or State COBRA continuation provision.

''(3) CHANGE IN HEALTH PLAN ELIGIBILITY DOES NOT AFFECT COVERAGE.—In the case of an individual who is eligible for and enrolls under this part under this subsection, the individual's continued entitlement to benefits under this part shall not be affected by the individual's subsequent eligibility for benefits or coverage described in paragraph (1)(C), or entitlement to such benefits or coverage.

''SEC. 1859A. ENROLLMENT PROCESS; COVERAGE.

''(a) IN GENERAL.—An individual may enroll in the program established under this part only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

''(1) individuals eligible to enroll as of a month are permitted to pre-enroll during a prior month within an enrollment period described in subsection (b); and

''(2) each individual seeking to enroll under section 1859(b) is notified, before enrolling, of the deferred monthly premium amount the individual will be liable for under section 1859C(b) upon attaining 65 years of age as determined under section 1859B(c)(3).

''(b) ENROLLMENT PERIODS.—

''(1) INDIVIDUALS 62-TO-65 YEARS OF AGE.—In the case of individuals eligible to enroll under this part under section 1859(b)—

''(A) INITIAL ENROLLMENT PERIOD.—If the individual is eligible to enroll under such section for January 2001, the enrollment period shall begin on November 1, 2000, and shall end on February 28, 2001. Any such enrollment before January 1, 2001, is conditioned upon compliance with the conditions of eligibility for January 2001.

''(B) SUBSEQUENT PERIODS.—If the individual is eligible to enroll under such section for a month after January 2001, the enrollment period shall begin on the first day of the second month before the month in which the individual first is eligible to so enroll and shall end four months later. Any such enrollment before the first day of the third month of such enrollment period is conditioned upon compliance with the conditions of eligibility for such third month.

''(2) AUTHORITY TO CORRECT FOR GOVERNMENT ERRORS.—The provisions of section 1837(h) apply with respect to enrollment under this part in the same manner as they apply to enrollment under part B.

''(c) DATE COVERAGE BEGINS.—

''(1) IN GENERAL.—The period during which an individual is entitled to benefits under this part shall begin as follows, but in no case earlier than January 1, 2001:

''(A) In the case of an individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under section 1859, the first day of such month of eligibility.

''(B) In the case of an individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such section, the first day of the following month.

''(2) AUTHORITY TO PROVIDE FOR PARTIAL MONTHS OF COVERAGE.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

''(3) LIMITATION ON PAYMENTS.—No payments may be made under this title with respect to the expenses of an individual enrolled under this part unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

''(d) TERMINATION OF COVERAGE.—

''(1) IN GENERAL.—An individual's coverage period under this part shall continue until the individual's enrollment has been terminated at the earliest of the following:

''(A) GENERAL PROVISIONS.—

''(i) NOTICE.—The individual files notice (in a form and manner prescribed by the Secretary) that the individual no longer wishes to participate in the insurance program under this part.

''(ii) NONPAYMENT OF PREMIUMS.—The individual fails to make payment of premiums required for enrollment under this part.

''(iii) MEDICARE ELIGIBILITY.—The individual becomes entitled to benefits under part A or enrolled under part B (other than by reason of this part).

''(B) TERMINATION BASED ON AGE.—The individual attains 65 years of age.

''(2) EFFECTIVE DATE OF TERMINATION.—

''(A) NOTICE.—The termination of a coverage period under paragraph (1)(A)(i) shall take effect at the close of the month following for which the notice is filed.

''(B) NONPAYMENT OF PREMIUM.—The termination of a coverage period under paragraph (1)(A)(ii) shall take effect on a date determined under regulations, which may be determined so as to provide a grace period in which overdue premiums may be paid and coverage continued. The grace period determined under the preceding sentence shall not exceed 60 days; except that it may be extended for an additional 30 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 60-day period.

''(C) AGE OR MEDICARE ELIGIBILITY.—The termination of a coverage period under paragraph (1)(A)(iii) or (1)(B) shall take effect as of the first day of the month in which the individual attains 65 years of age or becomes entitled to benefits under part A or enrolled for benefits under part B (other than by reason of this part).

''SEC. 1859B. PREMIUMS.

''(a) AMOUNT OF MONTHLY PREMIUMS.—

''(1) BASE MONTHLY PREMIUMS.—The Secretary shall, during September of each year (beginning with 1998), determine the following premium rates which shall apply with respect to coverage provided under this title for any month in the succeeding year:

''(A) BASE MONTHLY PREMIUM FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—A base monthly premium for individuals 62 years of age or older, equal to 1/12 of the base annual premium rate computed under subsection (b) for each premium area.

''(2) DEFERRED MONTHLY PREMIUMS FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—The Secretary shall, during September of each year (beginning with 1998), determine under subsection (c) the amount of deferred monthly premiums that shall apply with respect to individuals who first obtain coverage under this part under section 1859(b) in the succeeding year.

''(3) ESTABLISHMENT OF PREMIUM AREAS.—For purposes of this part, the term 'premium area' means such an area as the Secretary shall specify to carry out this part. The Secretary from time to time may change the boundaries of such premium areas. The Secretary shall seek to minimize the number of such areas specified under this paragraph.

''(b) BASE ANNUAL PREMIUM FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—

''(1) NATIONAL, PER CAPITA AVERAGE.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 1859(b)(1)(A) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

''(2) GEOGRAPHIC ADJUSTMENT.—The Secretary shall adjust the amount determined under paragraph (1) for each premium area (specified under subsection (a)(3)) in order to take into account such factors as the Secretary deems appropriate and shall limit the maximum premium under this paragraph in a premium area to assure participation in all areas throughout the United States.

''(3) BASE ANNUAL PREMIUM.—The base annual premium under this subsection for months in a year for individuals 62 years of age or older residing in a premium area is equal to the average, annual per capita amount estimated under paragraph (1) for the year, adjusted for such area under paragraph (2).

''(c) DEFERRED PREMIUM RATE FOR INDIVIDUALS 62 YEARS OF AGE OR OLDER.—The deferred premium rate for individuals with a group of individuals who obtain coverage under section 1859(b) in a year shall be computed by the Secretary as follows:

''(1) ESTIMATION OF NATIONAL, PER CAPITA ANNUAL AVERAGE EXPENDITURES FOR ENROLLMENT GROUP.—The Secretary shall estimate the average, per capita annual amount that will be paid under this part for individuals in such group during the period of enrollment under section 1859(b). In making such estimate for coverage beginning in a year before 2004, the Secretary may base such estimate on the average, per capita amount that would be payable if the program had been in operation over a previous period of at least 4 years.

''(2) DIFFERENCE BETWEEN ESTIMATED EXPENDITURES AND ESTIMATED PREMIUMS.—Based on the characteristics of individuals in such group, the Secretary shall estimate during the period of coverage of the group under this part under section 1859(b) the amount by which—

''(A) the amount estimated under paragraph (1); exceeds

''(B) the average, annual per capita amount of premiums that will be payable for months during the year under section 1859C(a) for individuals in such group (including premiums that would be payable if there were no terminations in enrollment under clause (i) or (ii) of section 1859A(d)(1)(A)).

''(3) ACTUARIAL COMPUTATION OF DEFERRED MONTHLY PREMIUM RATES.—The Secretary shall determine deferred monthly premium rates for individuals in such group in a manner so that—

''(A) the estimated actuarial value of such premiums payable under section 1859C(b), is equal to

''(B) the estimated actuarial present value of the differences described in paragraph (2). Such rate shall be computed for each individual in the group in a manner so that the rate is based on the number of months between the first month of coverage based on enrollment under section 1859(b) and the month in which the individual attains 65 years of age.

''(4) DETERMINANTS OF ACTUARIAL PRESENT VALUES.—The actuarial present values described in paragraph (3) shall reflect—

''(A) the estimated probabilities of survival at ages 62 through 84 for individuals enrolled during the year; and

''(B) the estimated effective average interest rates that would be earned on investments held in the trust funds under this title during the period in question.

''SEC. 1859C. PAYMENT OF PREMIUMS.

''(a) PAYMENT OF BASE MONTHLY PREMIUM.—

''(1) IN GENERAL.—The Secretary shall provide for payment and collection of the base monthly premium, determined under section 1859B(a)(1) for the age (and age cohort, if applicable) of the individual involved and the premium area in which the individual principally resides, in the same manner as for payment of monthly premiums under section 1840, except that, for purposes of applying this section, any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Trust Fund established under section 1859D.

''(2) PERIOD OF PAYMENT.—In the case of an individual who participates in the program established by this title, the base monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

''(b) PAYMENT OF DEFERRED PREMIUM FOR INDIVIDUALS COVERED AFTER ATTAINING AGE 62.—

''(1) RATE OF PAYMENT.—

''(A) IN GENERAL.—In the case of an individual who is covered under this part for a month pursuant to an enrollment under section 1859(b), subject to subparagraph (B), the individual is liable for payment of a deferred premium in each month during the period described in paragraph (2) in an amount equal to the full deferred monthly premium rate determined for the individual under section 1859B(c).

''(B) SPECIAL RULES FOR THOSE WHO DISENROLL EARLY.—

''(i) IN GENERAL.—If such an individual's enrollment under such section is terminated under clause (i) or (ii) of section 1859A(d)(1)(A), subject to clause (ii), the amount of the deferred premium otherwise established under this paragraph shall be pro-rated to reflect the number of months of coverage under this part under such enrollment compared to the maximum number of months of coverage that the individual would have had if the enrollment were not so terminated.

''(ii) ROUNDING TO 12-MONTH MINIMUM COVERAGE PERIODS.—In applying clause (i), the number of months of coverage (if not a multiple of 12) shall be rounded to the next highest multiple of 12 months, except that in no case shall this clause result in a number of months of coverage exceeding the maximum number of months of coverage that the individual would have had if the enrollment were not so terminated.

''(2) PERIOD OF PAYMENT.—The period described in this paragraph for an individual is the period beginning with the first month in which the individual has attained 65 years of age and ending with the month before the month in which the individual attains 85 years of age.

''(3) COLLECTION.—In the case of an individual who is liable for a premium under this subsection, the amount of the premium shall be collected in the same manner as the premium for enrollment under such part is collected under section 1840, except that any

reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed to be a reference to the Medicare Early Access Trust Fund established under section 1859D.

''(c) APPLICATION OF CERTAIN PROVISIONS.—The provisions of section 1840 (other than subsection (h)) shall apply to premiums collected under this section in the same manner as they apply to premiums collected under part B, except that any reference in such section to the Federal Supplementary Medical Insurance Trust Fund is deemed a reference to the Trust Fund established under section 1859D.

''SEC. 1859D. MEDICARE EARLY ACCESS TRUST FUND.

''(a) ESTABLISHMENT OF TRUST FUND.—

''(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'Medicare Early Access Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

''(2) PREMIUMS.—Premiums collected under section 1859B shall be transferred to the Trust Fund.

''(3) TRANSFER OF SAVINGS FROM NEW FRAUD AND ABUSE INITIATIVES.—

''(A) IN GENERAL.—There is hereby transferred to the Trust Fund from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund amounts equivalent to the amounts (specified under subparagraph (B)) of the reductions in expenditures under such respective trust fund as may be attributable to the enactment of the Medicare Fraud and Reimbursement Reform Act of 1999 (H.R. 2229).

''(B) USE OF CBO ESTIMATES.—For each fiscal year during the 10-fiscal-year period beginning with fiscal year 2001, the amounts under subparagraph (A) shall be the amounts described in such subparagraph as determined by the Congressional Budget Office at the time of, and in connection with, the enactment of the Medicare Early Access and Tax Credit Act of 2000. For subsequent fiscal years, the amounts under subparagraph (A) shall be the amount determined under this subparagraph for the previous fiscal year increased by the same percentage as the percentage increase in aggregate expenditures under this title from the second previous fiscal year to the previous fiscal year.

''(b) INCORPORATION OF PROVISIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), subsections (b) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

''(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

''(A) any reference in such section to 'this part' is construed to refer to this part D;

''(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this part; and

''(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this part.

''SEC. 1859E. OVERSIGHT AND ACCOUNTABILITY.

''(a) THROUGH ANNUAL REPORTS OF TRUSTEES.—The Board of Trustees of the Medicare Early Access Trust Fund under section 1859D(b)(1) shall report on an annual basis to Congress concerning the status of the Trust Fund and the need for adjustments in the program under this part to maintain financial solvency of the program under this part.

''(b) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the adequacy of the financing of coverage provided under this part. The Comptroller General shall include in such report such recommendations for adjustments in such financing and coverage as the Comptroller General deems appropriate in order to maintain financial solvency of the program under this part.

''SEC. 1859F. ADMINISTRATION AND MISCELLANEOUS.

''(a) TREATMENT FOR PURPOSES OF TITLE.—Except as otherwise provided in this part—

''(1) individuals enrolled under this part shall be treated for purposes of this title as though the individual were entitled to benefits under part A and enrolled under part B; and

''(2) benefits described in section 1859 shall be payable under this title to such individuals in the same manner as if such individuals were so entitled and enrolled.

''(b) NOT TREATED AS MEDICARE PROGRAM FOR PURPOSES OF MEDICAID PROGRAM.—For purposes of applying title XIX (including the provision of medicare cost-sharing assistance under such title), an individual who is enrolled under this part shall not be treated as being entitled to benefits under this title.

''(c) NOT TREATED AS MEDICARE PROGRAM FOR PURPOSES OF COBRA CONTINUATION PROVISIONS.—In applying a COBRA continuation provision (as defined in section 2791(d)(4) of the Public Health Service Act), any reference to an entitlement to benefits under this title shall not be construed to include entitlement to benefits under this title pursuant to the operation of this part.''.

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking ''or the Federal Supplementary Medical Insurance Trust Fund'' and inserting ''the Federal Supplementary Medical Insurance Trust Fund, and the Medicare Early Access Trust Fund''.

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking ''and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII'' and inserting '', the Federal Supplementary Medical Insurance Trust Fund, and the Medicare Early Access Trust Fund established by title XVIII''.

(3) Section 1820(i) of such Act (42 U.S.C. 1395i–4(i)) is amended by striking ''part D'' and inserting ''part E''.

(4) Part C of title XVIII of such Act is amended—

(A) in section 1851(a)(2)(B) (42 U.S.C. 1395w–21(a)(2)(B)), by striking ''1859(b)(3)'' and inserting ''1858(b)(3)'';

(B) in section 1851(a)(2)(C) (42 U.S.C. 1395w–21(a)(2)(C)), by striking ''1859(b)(2)'' and inserting ''1858(b)(2)'';

(C) in section 1852(a)(1) (42 U.S.C. 1395w–22(a)(1)), by striking ''1859(b)(3)'' and inserting ''1858(b)(3)'';

(D) in section 1852(a)(3)(B)(ii) (42 U.S.C. 1395w–22(a)(3)(B)(ii)), by striking ''1859(b)(2)(B)'' and inserting ''1858(b)(2)(B)'';

(E) in section 1853(a)(1)(A) (42 U.S.C. 1395w–23(a)(1)(A)), by striking ''1859(e)(4)'' and inserting ''1858(e)(4)''; and

(F) in section 1853(a)(3)(D) (42 U.S.C. 1395w–23(a)(3)(D)), by striking ''1859(e)(4)'' and inserting ''1858(e)(4)''.

(5) Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(A) in paragraph (1), by striking ''or (7)'' and inserting '', (7), or (8)'', and

(B) by adding at the end the following:

''(8) ADJUSTMENT FOR EARLY ACCESS.—In applying this subsection with respect to individuals entitled to benefits under part D, the Secretary shall provide for an appropriate adjustment in the Medicare+Choice capitation rate as may be appropriate to reflect differences between the population served under such part and the population under parts A and B.''.

(c) OTHER CONFORMING AMENDMENTS.—

(1) Section 138(b)(4) of the Internal Revenue Code of 1986 is amended by striking ''1859(b)(3)'' and inserting ''1858(b)(3)''.

(2)(A) Section 602(2)(D)(ii) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)) is amended by inserting ''(not including an individual who is so entitled pursuant to enrollment under section 1859A)'' after ''Social Security Act''.

(B) Section 2202(2)(D)(ii) of the Public Health Service Act (42 U.S.C. 300bb–2(2)(D)(ii)) is amended by inserting ''(not including an individual who is so entitled pursuant to enrollment under section 1859A)'' after ''Social Security Act''.

(C) Section 4980B(f)(2)(B)(i)(V) of the Internal Revenue Code of 1986 is amended by inserting ''(not including an individual who is so entitled pursuant to enrollment under section 1859A)'' after ''Social Security Act''.

TITLE II—ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE

SEC. 201. ACCESS TO MEDICARE BENEFITS FOR DISPLACED WORKERS 55-TO-62 YEARS OF AGE.

(a) ELIGIBILITY.—Section 1859 of the Social Security Act, as inserted by section 101(a)(2), is amended by adding at the end the following new subsection:

''(c) DISPLACED WORKERS AND SPOUSES.—

''(1) DISPLACED WORKERS.—Subject to paragraph (3), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

''(A) AGE.—As of the last day of the month, the individual has attained 55 years of age, but has not attained 62 years of age.

''(B) MEDICARE ELIGIBILITY (BUT FOR AGE).—The individual would be eligible for benefits under part A or part B for the month if the individual were 65 years of age.

''(C) LOSS OF EMPLOYMENT-BASED COVERAGE.—

''(i) ELIGIBLE FOR UNEMPLOYMENT COMPENSATION.—The individual meets the requirements relating to period of covered employment and conditions of separation from employment to be eligible for unemployment compensation (as defined in section 85(b) of the Internal Revenue Code of 1986), based on a separation from employment occurring on or after July 1, 2000. The previous sentence shall not be construed as requiring the individual to be receiving such unemployment compensation.

''(ii) LOSS OF EMPLOYMENT-BASED COVERAGE.—Immediately before the time of such separation of employment, the individual was covered under a group health plan on the basis of such employment, and, because of such loss, is no longer eligible for coverage under such plan (including such eligibility based on the application of a Federal or State COBRA continuation provision) as of the last day of the month involved.

''(iii) PREVIOUS CREDITABLE COVERAGE FOR AT LEAST 1 YEAR.—As of the date on which the individual loses coverage described in clause (ii), the aggregate of the periods of creditable coverage (as determined under section 2701(c) of the Public Health Service Act) is 12 months or longer.

''(D) EXHAUSTION OF AVAILABLE COBRA CONTINUATION BENEFITS.—

''(i) IN GENERAL.—In the case of an individual described in clause (ii) for a month described in clause (iii)—

''(I) the individual (or spouse) elected coverage described in clause (ii); and

''(II) the individual (or spouse) has continued such coverage for all months described in clause (iii) in which the individual (or spouse) is eligible for such coverage.

''(ii) INDIVIDUALS TO WHOM COBRA CONTINUATION COVERAGE MADE AVAILABLE.—An individual described in this clause is an individual—

''(I) who was offered coverage under a Federal or State COBRA continuation provision at the time of loss of coverage eligibility described in subparagraph (C)(ii); or

''(II) whose spouse was offered such coverage in a manner that permitted coverage of the individual at such time.

''(iii) MONTHS OF POSSIBLE COBRA CONTINUATION COVERAGE.—A month described in this clause is a month for which an individual described in clause (ii) could have had coverage described in such clause as of the last day of the month if the individual (or the spouse of the individual, as the case may be) had elected such coverage on a timely basis.

''(E) NOT ELIGIBLE FOR COVERAGE UNDER FEDERAL HEALTH INSURANCE PROGRAM OR GROUP HEALTH PLANS.—The individual is not eligible for benefits or coverage under a Federal health insurance program or under a group health plan (whether on the basis of the individual's employment or employment of the individual's spouse) as of the last day of the month involved.

''(2) SPOUSE OF DISPLACED WORKER.—Subject to paragraph (3), an individual who meets the following requirements with respect to a month is eligible to enroll under this part with respect to such month:

''(A) AGE.—As of the last day of the month, the individual has not attained 62 years of age.

''(B) MARRIED TO DISPLACED WORKER.—The individual is the spouse of an individual at the time the individual enrolls under this part under paragraph (1) and loses coverage described in paragraph (1)(C)(ii) because the individual's spouse lost such coverage.

''(C) MEDICARE ELIGIBILITY (BUT FOR AGE); EXHAUSTION OF ANY COBRA CONTINUATION COVERAGE; AND NOT ELIGIBLE FOR COVERAGE UNDER FEDERAL HEALTH INSURANCE PROGRAM OR GROUP HEALTH PLAN.—The individual meets the requirements of subparagraphs (B), (D), and (E) of paragraph (1).

''(3) CHANGE IN HEALTH PLAN ELIGIBILITY AFFECTS CONTINUED ELIGIBILITY.—For provision that terminates enrollment under this section in the case of an individual who becomes eligible for coverage under a group health plan or under a Federal health insurance program, see section 1859A(d)(1)(C).

''(4) REENROLLMENT PERMITTED.—Nothing in this subsection shall be construed as preventing an individual who, after enrolling under this subsection, terminates such enrollment from subsequently reenrolling under this subsection if the individual is eligible to enroll under this subsection at that time.''.

(b) ENROLLMENT.—Section 1859A of such Act, as so inserted, is amended—

(1) in subsection (a), by striking ''and'' at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ''; and'', and by adding at the end the following new paragraph:

''(3) individuals whose coverage under this part would terminate because of subsection (d)(1)(B)(ii) are provided notice and an opportunity to continue enrollment in accordance with section 1859E(c)(1).'';

(2) in subsection (b), by inserting after Notwithstanding any other provision of law, (1) the following:

''(2) DISPLACED WORKERS AND SPOUSES.—In the case of individuals eligible to enroll under this part under section 1859(c), the following rules apply:

''(A) INITIAL ENROLLMENT PERIOD.—If the individual is first eligible to enroll under such section for January 2001, the enrollment period shall begin on November 1, 2000, and shall end on February 28, 2001. Any such enrollment before January 1, 2001, is conditioned upon compliance with the conditions of eligibility for January 2001.

''(B) SUBSEQUENT PERIODS.—If the individual is eligible to enroll under such section for a month after January 2001, the enrollment period based on such eligibility shall begin on the first day of the second month before the month in which the individual first is eligible to so enroll (or reenroll) and shall end four months later.'';

(3) in subsection (d)(1), by amending subparagraph (B) to read as follows:

''(B) TERMINATION BASED ON AGE.—

''(i) AT AGE 65.—Subject to clause (ii), the individual attains 65 years of age.

''(ii) AT AGE 62 FOR DISPLACED WORKERS AND SPOUSES.—In the case of an individual enrolled under this part pursuant to section 1859(c), subject to subsection (a)(1), the individual attains 62 years of age.'';

(4) in subsection (d)(1), by adding at the end the following new subparagraph:

''(C) OBTAINING ACCESS TO EMPLOYMENT-BASED COVERAGE OR FEDERAL HEALTH INSURANCE PROGRAM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—In the case of an individual who has not attained 62 years of age, the individual is covered (or eligible for coverage) as a participant or beneficiary under a group health plan or under a Federal health insurance program.'';

(5) in subsection (d)(2), by amending subparagraph (C) to read as follows:

''(C) AGE OR MEDICARE ELIGIBILITY.—

''(i) IN GENERAL.—The termination of a coverage period under paragraph (1)(A)(iii) or (1)(B)(i) shall take effect as of the first day of the month in which the individual attains 65 years of age or becomes entitled to benefits under part A or enrolled for benefits under part B.

''(ii) DISPLACED WORKERS.—The termination of a coverage period under paragraph (1)(B)(ii) shall take effect as of the first day of the month in which the individual attains 62 years of age, unless the individual has enrolled under this part pursuant to section 1859(b) and section 1859E(c)(1).''; and

(6) in subsection (d)(2), by adding at the end the following new subparagraph:

''(D) ACCESS TO COVERAGE.—The termination of a coverage period under paragraph (1)(C) shall take effect on the date on which the individual is eligible to begin a period of creditable coverage (as defined in section 2701(c) of the Public Health Service Act) under a group health plan or under a Federal health insurance program.''.

(c) PREMIUMS.—Section 1859B of such Act, as so inserted, is amended—

(1) in subsection (a)(1), by adding at the end the following:

''(B) BASE MONTHLY PREMIUM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—A base monthly premium for individuals under 62 years of age, equal to 1/12 of the base annual premium rate computed under subsection (d)(3) for each premium area and age cohort.''; and

(2) by adding at the end the following new subsection:

''(d) BASE MONTHLY PREMIUM FOR INDIVIDUALS UNDER 62 YEARS OF AGE.—

''(1) NATIONAL, PER CAPITA AVERAGE FOR AGE GROUPS.—

''(A) ESTIMATE OF AMOUNT.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 1859(c)(1)(A) within each of the age cohorts established under subparagraph (B) as if all such individuals within such cohort were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

''(B) AGE COHORTS.—For purposes of subparagraph (A), the Secretary shall establish separate age cohorts in 5 year age increments for individuals who have not attained 60 years of ages and a separate cohort for individuals who have attained 60 years of age.

''(2) GEOGRAPHIC ADJUSTMENT.—The Secretary shall adjust the amount determined under paragraph (1)(A) for each premium area (specified under subsection (a)(3)) in the same manner and to the same extent as the Secretary provides for adjustments under subsection (b)(2).

''(3) BASE ANNUAL PREMIUM.—The base annual premium under this subsection for months in a year for individuals in an age cohort under paragraph (1)(B) in a premium area is equal to 165 percent of the average, annual per capita amount estimated under paragraph (1) for the age cohort and year, adjusted for such area under paragraph (2).

''(4) PRO-RATION OF PREMIUMS TO REFLECT COVERAGE DURING A PART OF A MONTH.—If the Secretary provides for coverage of portions of a month under section 1859A(c)(2), the Secretary shall pro-rate the premiums attributable to such coverage under this section to reflect the portion of the month so covered.''.

(d) ADMINISTRATIVE PROVISIONS.—Section 1859F of such Act, as so inserted, is amended by adding at the end the following:

''(d) ADDITIONAL ADMINISTRATIVE PROVISIONS.—

''(1) PROCESS FOR CONTINUED ENROLLMENT OF DISPLACED WORKERS WHO ATTAIN 62 YEARS OF AGE.—The Secretary shall provide a process for the continuation of enrollment of individuals whose enrollment under section 1859(c) would be terminated upon attaining 62 years of age. Under such process such individuals shall be provided appropriate and timely notice before the date of such termination and of the requirement to enroll under this part pursuant to section 1859(b) in order to continue entitlement to benefits under this title after attaining 62 years of age.

''(2) ARRANGEMENTS WITH STATES FOR DETERMINATIONS RELATING TO UNEMPLOYMENT COMPENSATION ELIGIBILITY.—The Secretary may provide for appropriate arrangements with States for the determination of whether individuals in the State meet or would meet the requirements of section 1859(c)(1)(C)(i).''.

(e) CONFORMING AMENDMENT TO HEADING TO PART.—The heading of part D of title XVIII of the Social Security Act, as so inserted, is amended by striking ''62'' and inserting ''55''.

TITLE III—COBRA PROTECTION FOR EARLY RETIREES

Subtitle A—Amendments to the Employee Retirement Income Security Act of 1974

SEC. 301. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 603 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1163) is amended by inserting after paragraph (6) the following new paragraph:

''(7) The termination or substantial reduction in benefits (as defined in section 607(7)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.''.

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 607 of such Act (29 U.S.C. 1167) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by inserting ''except as otherwise provided in this paragraph,'' after ''means,''; and

(ii) by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in section 603(7), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree.''; and

(B) by adding at the end the following new paragraphs:

''(6) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in section 603(7), a covered employee who, at the time of the event—

''(A) has attained 55 years of age; and

''(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

''(7) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

''(A) means, as determined under regulations of the Secretary and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 2000), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

''(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of section 602(3).''.

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 602(2)(A) of such Act (29 U.S.C. 1162(2)(A)) is amended—

(1) in clause (ii), by inserting ''or 603(7)'' after ''603(6)'';

(2) in clause (iv), by striking ''or 603(6)'' and inserting '', 603(6), or 603(7)'';

(3) by redesignating clause (iv) as clause (vi);

(4) by redesignating clause (v) as clause (iv) and by moving such clause to immediately follow clause (iii); and

(5) by inserting after such clause (iv) the following new clause:

''(v) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in section 603(7), in the case of a qualified beneficiary described in section 607(3)(D) who is not the qualified retiree or spouse of such retiree, the later of—

''(I) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

''(II) the date that is 36 months after the date of the qualifying event.''.

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 602(1) of such Act (29 U.S.C. 1162(1)) is amended—

(1) by striking ''The coverage'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the coverage''; and

(2) by adding at the end the following:

''(B) CERTAIN RETIREES.—In the case of a qualifying event described in section 603(7), in applying the first sentence of subparagraph (A) and the fourth sentence of paragraph (3), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.''.

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 602(3) of such Act (29 U.S.C. 1162(3)) is amended by adding at the end the following new sentence: ''In the case of an individual provided continuation coverage by reason of a qualifying event described in section 603(7), any reference in subparagraph (A) of this paragraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in paragraph (1)(B)'.''.

(e) NOTICE.—Section 606(a) of such Act (29 U.S.C. 1166) is amended—

(1) in paragraph (4)(A), by striking ''or (6)'' and inserting ''(6), or (7)''; and

(2) by adding at the end the following:

''The notice under paragraph (4) in the case of a qualifying event described in section 603(7) shall be provided at least 90 days before the date of the qualifying event.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 2000. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

Subtitle B—Amendments to the Public Health Service Act

SEC. 311. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 2203 of the Public Health Service Act (42 U.S.C. 300bb–3) is amended by inserting after paragraph (5) the following new paragraph:

''(6) The termination or substantial reduction in benefits (as defined in section 2208(6)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.''.

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 2208 of such Act (42 U.S.C. 300bb–8) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A), by inserting ''except as otherwise provided in this paragraph,'' after ''means,''; and

(ii) by adding at the end the following new subparagraph:

''(C) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in section 2203(6), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree.''; and

(B) by adding at the end the following new paragraphs:

''(5) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in section 2203(6), a covered employee who, at the time of the event—

''(A) has attained 55 years of age; and

''(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

''(6) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

''(A) means, as determined under regulations of the Secretary of Labor and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 2000), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

''(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of section 2202(3).''.

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 2202(2)(A) of such Act (42 U.S.C. 300bb–2(2)(A)) is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause:

''(iii) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in section 2203(6), in the case of a qualified beneficiary described in section 2208(3)(C) who is not the qualified retiree or spouse of such retiree, the later of—

''(I) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

''(II) the date that is 36 months after the date of the qualifying event.''.

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 2202(1) of such Act (42 U.S.C. 300bb–2(1)) is amended—

(1) by striking ''The coverage'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the coverage''; and

(2) by adding at the end the following:

''(B) CERTAIN RETIREES.—In the case of a qualifying event described in section 2203(6), in applying the first sentence of subparagraph (A) and the fourth sentence of paragraph (3), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary of Labor) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.''.

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 2202(3) of such Act (42

U.S.C. 300bb–2(3)) is amended by adding at the end the following new sentence: ''In the case of an individual provided continuation coverage by reason of a qualifying event described in section 2203(6), any reference in subparagraph (A) of this paragraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in paragraph (1)(B)'.''.

(e) NOTICE.—Section 2206(a) of such Act (42 U.S.C. 300bb–6(a)) is amended—

(1) in paragraph (4)(A), by striking ''or (4)'' and inserting ''(4), or (6)''; and

(2) by adding at the end the following:

''The notice under paragraph (4) in the case of a qualifying event described in section 2203(6) shall be provided at least 90 days before the date of the qualifying event.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 2000. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

Subtitle C—Amendments to the Internal Revenue Code of 1986

SEC. 321. COBRA CONTINUATION BENEFITS FOR CERTAIN RETIRED WORKERS WHO LOSE RETIREE HEALTH COVERAGE.

(a) ESTABLISHMENT OF NEW QUALIFYING EVENT.—

(1) IN GENERAL.—Section 4980B(f)(3) of the Internal Revenue Code of 1986 is amended by inserting after subparagraph (F) the following new subparagraph:

''(G) The termination or substantial reduction in benefits (as defined in subsection (g)(6)) of group health plan coverage as a result of plan changes or termination in the case of a covered employee who is a qualified retiree.''.

(2) QUALIFIED RETIREE; QUALIFIED BENEFICIARY; AND SUBSTANTIAL REDUCTION DEFINED.—Section 4980B(g) of such Code is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''except as otherwise provided in this paragraph,'' after ''means,''; and

(ii) by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR QUALIFYING RETIREES AND DEPENDENTS.—In the case of a qualifying event described in subsection (f)(3)(G), the term 'qualified beneficiary' means a qualified retiree and any other individual who, on the day before such qualifying event, is a beneficiary under the plan on the basis of the individual's relationship to such qualified retiree.''; and

(B) by adding at the end the following new paragraphs:

''(5) QUALIFIED RETIREE.—The term 'qualified retiree' means, with respect to a qualifying event described in subsection (f)(3)(G), a covered employee who, at the time of the event—

''(A) has attained 55 years of age; and

''(B) was receiving group health coverage under the plan by reason of the retirement of the covered employee.

''(6) SUBSTANTIAL REDUCTION.—The term 'substantial reduction'—

''(A) means, as determined under regulations of the Secretary of Labor and with respect to a qualified beneficiary, a reduction in the average actuarial value of benefits under the plan (through reduction or elimination of benefits, an increase in premiums, deductibles, copayments, and coinsurance, or any combination thereof), since the date of commencement of coverage of the beneficiary by reason of the retirement of the covered employee (or, if later, January 6, 2000), in an amount equal to at least 50 percent of the total average actuarial value of the benefits under the plan as of such date (taking into account an appropriate adjustment to permit comparison of values over time); and

''(B) includes an increase in premiums required to an amount that exceeds the premium level described in the fourth sentence of subsection (f)(2)(C).''.

(b) DURATION OF COVERAGE THROUGH AGE 65.—Section 4980B(f)(2)(B)(i) of such Code is amended—

(1) in subclause (II), by inserting ''or (3)(G)'' after ''(3)(F)'';

(2) in subclause (IV), by striking ''or (3)(F)'' and inserting '', (3)(F), or (3)(G)'';

(3) by redesignating subclause (IV) as subclause (VI);

(4) by redesignating subclause (V) as subclause (IV) and by moving such clause to immediately follow subclause (III); and

(5) by inserting after such subclause (IV) the following new subclause:

''(V) SPECIAL RULE FOR CERTAIN DEPENDENTS IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—In the case of a qualifying event described in paragraph (3)(G), in the case of a qualified beneficiary described in subsection (g)(1)(E) who is not the qualified retiree or spouse of such retiree, the later of—

''(a) the date that is 36 months after the earlier of the date the qualified retiree becomes entitled to benefits under title XVIII of the Social Security Act, or the date of the death of the qualified retiree; or

''(b) the date that is 36 months after the date of the qualifying event.''.

(c) TYPE OF COVERAGE IN CASE OF TERMINATION OR SUBSTANTIAL REDUCTION OF RETIREE HEALTH COVERAGE.—Section 4980B(f)(2)(A) of such Code is amended—

(1) by striking ''The coverage'' and inserting the following:

''(i) IN GENERAL.—Except as provided in clause (ii), the coverage''; and

(2) by adding at the end the following:

''(ii) CERTAIN RETIREES.—In the case of a qualifying event described in paragraph (3)(G), in applying the first sentence of clause (i) and the fourth sentence of subparagraph (C), the coverage offered that is the most prevalent coverage option (as determined under regulations of the Secretary of Labor) continued under the group health plan (or, if none, under the most prevalent other plan offered by the same plan sponsor) shall be treated as the coverage described in such sentence, or (at the option of the plan and qualified beneficiary) such other coverage option as may be offered and elected by the qualified beneficiary involved.''.

(d) INCREASED LEVEL OF PREMIUMS PERMITTED.—Section 4980B(f)(2)(C) of such Code is amended by adding at the end the following new sentence: ''In the case of an individual provided continuation coverage by reason of a qualifying event described in paragraph (3)(G), any reference in clause (i) of this subparagraph to '102 percent of the applicable premium' is deemed a reference to '125 percent of the applicable premium for employed individuals (and their dependents, if applicable) for the coverage option referred to in subparagraph (A)(ii)'.''.

(e) NOTICE.—Section 4980B(f)(6) of such Code is amended—

(1) in subparagraph (D)(i), by striking ''or (F)'' and inserting ''(F), or (G)''; and

(2) by adding at the end the following:

''The notice under subparagraph (D)(i) in the case of a qualifying event described in paragraph (3)(G) shall be provided at least 90 days before the date of the qualifying event.''.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section (other than subsection (e)(2)) shall apply to qualifying events occurring on or after January 6, 2000. In the case of a qualifying event occurring on or after such date and before the date of the enactment of this Act, such event shall be deemed (for purposes of such amendments) to have occurred on the date of the enactment of this Act.

(2) ADVANCE NOTICE OF TERMINATIONS AND REDUCTIONS.—The amendment made by subsection (e)(2) shall apply to qualifying events occurring after the date of the enactment of this Act, except that in no case shall notice be required under such amendment before such date.

TITLE IV—FINANCING

SEC. 401. REFERENCE TO FINANCING PROVISIONS.

Any increase in payments under the medicare program under title XVIII of the Social Security Act that results from the enactment of this Act shall be offset by reductions in payments under such program pursuant to the anti-fraud and anti-abuse provisions enacted as part of the Medicare Fraud and Reimbursement Reform Act of 1999 (H.R. 2229).

TITLE V—CREDIT AGAINST INCOME TAX FOR MEDICARE BUY-IN PREMIUMS AND FOR CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS

SEC. 501. CREDIT FOR MEDICARE BUY-IN PREMIUMS AND FOR CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following new section:

''SEC. 25B. MEDICARE BUY-IN PREMIUMS AND CERTAIN COBRA CONTINUATION COVERAGE PREMIUMS.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of the amount paid during such year as—

''(1) qualified continuation health coverage premiums, and

''(2) medicare buy-in coverage premiums.

''(b) DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED CONTINUATION HEALTH COVERAGE PREMIUMS.—The term 'qualified continuation health coverage premiums' means, for any period, premiums paid for continuation coverage (as defined in section 4980B(f)) under a group health plan for such period but only if failure to offer such coverage to the taxpayer for such period would constitute a failure by such health plan to meet the requirements of section 4980B(f) and only if the continuation coverage is provided because of a qualifying event described in section 4980B(f)(3)(G).

''(2) MEDICARE BUY-IN COVERAGE PREMIUMS.—The term 'medicare buy-in coverage premiums' means premiums paid under part D of title XVIII of the Social Security Act.''

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25A the following new item:

''Sec. 25B. Medicare buy-in premiums and certain COBRA continuation coverage premiums.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Mr. KENNEDY. Mr. President, too many Americans nearing age 65 face a crisis in health care. They are too young for Medicare, and unable to obtain private coverage they can afford. Often, they are victims of corporate down-sizing, or of a company's decision to cancel its health insurance. These Americans have been left out and left behind through no fault of their own—often after decades of loyal work—and it is time for Congress to provide a helping hand.

Almost three and a half million Americans ages 55 to 64 have no health insurance today, including more than 60,000 in Massachusetts. Many of these Americans have serious health problems that threaten to destroy the savings of a lifetime and that prevent them from finding or keeping a job. Even those without significant health problems know that a serious illness could wipe out their savings.

Even those with good coverage today can't be certain it will be there tomorrow. No one nearing retirement can be confident that the health insurance they have now will protect them until they qualify for Medicare at 65.

The health and financial well-being of these near-elderly are often at risk because of the serious gaps in our health care system. Those without coverage are twice as likely to be in fair or poor health than persons with coverage. They are four times as likely not to receive a recommended medical test or treatment, and five times as likely to forego needed medical care when they are sick.

The bill that Senators ROCKEFELLER, DASCHLE, and I are introducing today is a lifeline for these Americans. It is a constructive step toward the day when every American will be guaranteed the fundamental right to health care. It will enable uninsured Americans ages 62 to 65 to buy into Medicare by paying monthly premiums. It will also enable those ages 55 to 61 who lose their jobs to buy in. In addition, it will help retirees ages 55 and older whose health insurance is terminated by their employers by extending COBRA.

Finally, tax credits equal to 25% of the premium will be available for enrollees in all three programs to help them afford to buy into the programs. The estimated cost of the tax credits is $8.4 billion over the next ten years.

In the past, opponents have used scare tactics to claim that these proposals pose a threat to Medicare. They are nothing of the kind. There is no additional burden of Medicare as a result of this legislation. The tax credits are paid for by general treasury funds. The Medicare costs are paid for through enrollee premiums. The existing Medicare Trust Fund is protected by placing the programs in their own trust fund. The Medicare Trustees will monitor the program to ensure that it is self-financing.

The number of near-elderly who are uninsured is growing every year. Relief of this kind was originally proposed by President Clinton, and it deserves broad bipartisan support. The health and financial consequences of the lack of insurance are significant—especially for the near-elderly. These Americans need and deserve the help that this bill provides. We intend to do all we can to see that this proposal is enacted as soon as possible.

By Mr. CAMPBELL:

S. 2919. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Energy and Natural Resources.

BLACK PATRIOTS FOUNDATION LEGISLATION

Mr. CAMPBELL. 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. 2919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL.

Section 506 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 1003 note; 110 Stat. 4155) is amended by striking ''2000'' and inserting ''2002''.

By Mr. CAMPBELL:

S. 2920. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

INDIAN GAMING REGULATORY IMPROVEMENT ACT OF 2000

Mr. CAMPBELL. Mr. President today I am pleased to introduce the Indian Gaming Regulatory Improvement Act of 2000 to make specific and what I feel are needed changes to the Indian Gaming Regulatory Act of 1988, 25 U.S.C. §2701, et seq. (''IGRA'').

The IGRA was signed into law in 1988 with two broad goals in mind: First, to provide for the continued economic opportunities tribal gaming presents to Indian tribes, and second, to provide a regulatory framework for tribal gaming to ensure the integrity of such gaming for the benefit of tribes as well as customers of tribal gaming operations.

In 1988, tribal gaming was a relative new activity and in 12 years tribal gaming gross revenues have grown from $500 million to $8.26 billion. By statute these revenues are spent by tribal governments on physical infrastructure, general welfare and the betterment of Indian and surrounding non-Indian communities.

For the 198 tribes that now conduct some form of gaming the economic benefits for the tribes as well as surrounding communities cannot be ignored. For these communities collectively, unemployment has dropped and tribes who operate gaming have been able to provide for housing, health care and education for their members and to generate hundreds of thousands of jobs for Indians and non-Indians alike.

The legislation I am introducing today is not intended and should not be viewed as a comprehensive attempt to remedy all matters that have arisen in the past 12 years. Rather, this bill takes aim at very specific items.

1. With regard to gaming fees assessed against tribal operations, this bill will require the Federal National Indian Gaming Commission to levy fees that are reasonably related to the duties of and services provided by the Commission to tribes, and in certain instances to reduce the level of fees payable by those operations;

2. It establishes a Trust Fund for such fees that can only be tapped for the specific activities of the Commission mandated by the IGRA;

3. It provides statutory authority for the Commission to establish through a negotiated rule-making process, Minimum Standards for the conduct of tribal gaming, acknowledging that for class III gaming the standards are to be determined by the tribe and the state through negotiated gaming compacts;

4. It authorizes technical assistance to tribes for a number of purposes including strengthening tribal regulatory regimes; assessing the feasibility of non-gaming economic development activities on Indian lands; providing treatment services for problem gamblers; and for other purposes not inconsistent with the IGRA;

5. It launches a negotiated rule-making to eventually clarify the current conflict between the IGRA and other Federal law with regard to the classification of certain games conducted by tribes; and

6. Last, to bring the Commission in line with all other Federal agencies it specifically subjects the Commission to the reporting and other requirements of the Federal Government Performance and Results Act.

Mr. President, while there are other matters that Indian tribes and others wish to address that are not included in this bill, I am hopeful that people of good will find this legislation to be appropriate, reasonable and targeted to specific issues that he arisen in the part 12 years.

It is my hope that we can debate and discuss the bill in Committee to get the views of affected parties and iron out whatever differences there may be.

I ask unanimous consent that a copy of the legislation be printed in the RECORD. I thank the Chair and I yield the floor.

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

S. 2920

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Gaming Regulatory Improvement Act of 2000''.

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is amended—

(1) in section 7 (25 U.S.C. 2706)—

(A) in subsection (c)—

(i) in paragraph (3), by striking ''and'' at the end thereof;

(ii) by redesignating paragraph (4) as paragraph (5); and

(iii) by inserting after paragraph (3), the following:

''(4) performance plans created under subsection (d), including copies of such plans; and''; and

(B) by adding at the end the following:

''(d) PERFORMANCE PLANS.—The Commission shall be subject to the requirements of section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code (as added by the Government Performance and Results Act (Public Law 130–62)). Not later than 1 year after the date of enactment of the Indian Gaming Regulatory Improvement Act of 2000, the Commission shall prepare and submit the initial strategic plan required under such section 306 to the Director of the Office of Management and Budget.'';

(2) in section 11(b)(2)(F)(i) (25 U.S.C. 2710(b)(2)(F)(i)), by striking ''primary management'' and all that follows through ''such officials'' and inserting ''tribal gaming commissioners, tribal gaming commission employees, and primary management officials and key employees of the gaming enterprise and that oversight of primary management officials and key employees'';

(3) by redesignating section 22 (25) U.S.C. 2721) as section 26; and

(4) by inserting after section 21 (25 U.S.C. 2720) the following:

''SEC. 22 FEE ASSESSMENTS.

''(a) ESTABLISHMENT OF SCHEDULE OF FEES.—

''(1) IN GENERAL.—Except as provided in this section, the Commission shall establish a schedule of fees to be paid annually to the Commission by each gaming operation that conducts a class II or class III gaming activity that is regulated by this Act.

''(2) RATES.—The rate of fees under the schedule established under paragraph (1) that are imposed on the gross revenues from each activity described in such paragraph shall be as follows:

''(A) A fee of not more than 2.5 percent shall be imposed on the first $1,500,000 of such gross revenues.

''(B) A fee of not more than 5 percent shall be imposed on amounts in excess of the first $1,500,000 of such gross revenues.

''(3) *Total amount.*—The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed $8,000,000.

''(b) COMMISSION AUTHORIZATION.—

''(1) IN GENERAL.—By a vote of not less than 2 members of the Commission the Commission shall adopt the schedule of fees provided for under this section. Such fees shall be payable to the Commission on a quarterly basis.

''(2) FEES ASSESSED FOR SERVICES.—The aggregate amount of fees assessed under this section shall be reasonably related to the costs of services provided by the Commission to Indian tribes under this Act (including the cost of issuing regulations necessary to carry out this Act). In assessing and collecting fees under this section, the Commission shall take into account the duties of, and services provided by, the Commission under this Act.

''(3) FACTORS FOR CONSIDERATION.—In making a determination of the amount of fees to be assessed for any class II or class III gaming activity under the schedule of fees under this section, the Commission may provide for a reduction in the amount of fees that otherwise would be collected on the basis of the following factors:

''(A) The extent of the regulation of the gaming activity involved by a State or Indian tribe (or both).

''(B) The extent of self-regulating activities, as defined by this Act, conducted by the Indian tribe.

''(C) Other factors determined by the Commission, including

''(i) the unique nature of tribal gaming as compared to commercial gaming, other governmental gaming, and charitable gaming;

''(ii) the broad variations in the nature, scale, and size of tribal gaming activity;

''(iii) the inherent sovereign rights of Indian tribes with respect to regulating the affairs of Indian tribes;

''(iv) the findings and purposes under sections 2 and 3; and

''(v) any other matter that is consistent with the purposes under section 3.

''(4) Consultation.—In establishing a schedule of fees under this section, the Commission shall consult with Indian tribes.

''(c) TRUST FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Gaming Trust Fund (referred to in this subsection as the 'Trust Fund'), consisting of such amounts as are—

''(A) transferred to the Trust Fund under paragraph (2)(A);

''(B) appropriated to the Trust Fund; and

''(C) any interest earned on the investment of amounts in the Trust Fund under subsection (d).

''(2) TRANSFER OF AMOUNTS EQUIVALENT TO FEES.—

''(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to the aggregate amount of fees collected under this section.

''(B) Transfers based on estimates.—The amounts required to be transferred to the Trust Fund under subparagraph (A) shall be transferred not less frequently than quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

''(d) INVESTMENTS.—

''(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. The Secretary of the Treasury shall invest the amounts deposited under subsection (c) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

''(2) SALE OF OBLIGATIONS.—Any obligation acquired by the Trust Fund, except special obligations issued exclusively to the Trust Fund, may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

''(3) CREDITS TO TRUST FUND.—The interest on, and proceeds from, the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

''(e) EXPENDITURES FROM TRUST FUND.—

''(1) IN GENERAL.—Amounts in the Trust Fund shall be available to the Commission, as provided for in appropriations Acts, for carrying out the duties of the Commission under this Act.

''(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Upon request of the Commission, the Secretary of the Treasury shall withdraw amounts from the Trust Fund and transfer such amounts to the Commission for use in accordance with paragraph (1).

''(f) LIMITATION ON TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (e)(2), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (c).

''SEC. 23. MINIMUM STANDARDS.

''(a) CLASS I GAMING.—Notwithstanding any other provision of law, class I gaming on Indiana lands shall be within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this Act.

''(b) CLASS II GAMING.—Effective on the date of enactment of this section, an Indian tribe shall retain the rights of that Indian tribe, with respect to class II gaming and in a manner that meets or exceeds the minimum Federal standards established under section 11, to—

''(1) monitor and regulate that gaming;

''(2) conduct background investigations; and

''(3) establish and regulate internal control systems.

''(c) CLASS III GAMING UNDER A COMPACT.—With respect to class III gaming that is conducted under a compact entered into under this Act, an Indian tribe or a State (or both), as provided for in such a compact or a related tribal ordinance or resolution shall, in a manner that meets or exceeds the minimum Federal standards established by the Commission under section 11—

''(1) monitor and regulate that gaming;

''(2) conduct background investigations; and

''(3) establish and regulate internal control systems.

''(d) RULEMAKING.—The Commission may promulgate such regulations as may be necessary to carry out this section.

''SEC. 24. USE OF NATIONAL INDIAN GAMING COMMISSION CIVIL FINES.

''(a) USE OF FUNDS.—The Secretary may provide grants and technical assistance to Indian tribes from any funds secured by the Commission pursuant to section 14, which funds shall be made available only for the following purposes:

''(1) To provide technical training and other assistance to Indian tribes to strengthen the regulatory integrity of Indian gaming.

''(2) To provide assistance to Indian tribes to assess the feasibility of non-gaming economic development activities on Indian lands.

''(3) To provide assistance to Indian tribes to devise and implement programs and treatment services for individuals diagnosed as problem gamblers.

''(4) To provide other forms of assistance to Indian tribes not inconsistent with the Indian Gaming Regulatory Act.

''(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with Indian tribes and any other appropriate tribal or Federal officials.

''(c) REGULATIONS.—The Secretary may promulgate such regulations as may be necessary to carry out this section.

''SEC. 25. REGULATIONS.

''(a) IN GENERAL.—

''(1) PROMULGATION.—Not later than 90 days after the date of enactment of the Indian Gaming Regulatory Improvement Act of 2000, the Secretary shall develop procedures under subchapter III of chapter 5 of title 5, United States Code, to negotiate and promulgate regulations relating to the classification of games conducted by Indian tribes pursuant to this Act.

''(2) PUBLICATION OF PROPOSED REGULATIONS.—Not later than 1 year after the date

of enactment of the Indian Gaming Regulatory Improvement Act of 2000, the Secretary shall publish in the Federal Register proposed regulations to implement the amendments made by such Act.

''(b) COMMITTEE.—A negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out this section shall be composed only of Federal and Indian tribal government representatives, a majority of whom shall be nominated by and be representative of Indian tribes that conduct gaming pursuant to this Act.''.

SEC. 3. APPLICATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT.

Section 306(f) of title 5, United States Code, is amended by inserting ''and includes the National Indian Gaming Commission,'' after ''section 105,''.

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 2921. A bill to provide for management and leadership training, the provision of assistance and resources for policy analysis, and other appropriate activities in the training of Native American and Alaska Native professionals in health care and public policy; to the Committee on Environment and Public Works.

LEGISLATION EXPANDING THE UDALL FOUNDATION MISSION

Mr. MCCAIN. Mr. President, I rise to introduce legislation that will amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native America Public Policy Act of 1992 to expand opportunities for the Morris K. Udall Foundation to assist tribal governments with leadership and management training. I am pleased that Senator INOUYE is an original cosponsor of this legislation.

This legislation is mostly technical in nature. It extends the authority of the Udall Foundation, located at the University of Arizona in Tucson, to implement a leadership and management training program, to be called the ''Native Nations Institute for Leadership, Management and Policy.''

The 1992 Act which created the Udall Foundation is already authorized to implement programs to assist tribal governments with training for Native American and Alaska Native professionals in public policy. This legislation simply authorizes the Udall Foundation to carry out another step in its mission.

The Native Nations Institute will provide practical leadership and management training as well as policy analysis, in a variety of fields, for native people and communities to further the goals of tribal self-governance. The Native Nations Institute will facilitate this training through a unique partnership between the University of Arizona, the Udall Foundation and the Harvard Project on American Indian Economic Development.

Mr. President, the Native Nations Institute will enable tribal leaders and decision-makers to access professional leadership and management training to prepare current and future tribal leaders to tackle the socioeconomic, educational and other fundamental challenges facing tribal communities.

Companion legislation has been introduced in the House with bipartisan support. In the short time remaining in this Congressional session, I hope that we can proceed with prompt passage of this legislation.

I ask unanimous consent to include the text of the legislation in the RECORD immediately following my remarks.

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

S. 2921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION.

(a) AUTHORITY.—Section 6(7) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5604(7)) is amended by inserting before the semicolon at the end the following: '', by conducting management and leadership training of Native Americans, Alaska Natives, and others involved in tribal leadership, providing assistance and resources for policy analysis, and carrying out other appropriate activities.''.

(b) ADMINISTRATIVE PROVISIONS.—Section 12(b) of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5608(b)) is amended by inserting before the period at the end the following: ''and to the activities of the Foundation under section 6(7)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by adding at the end the following:

''(c) TRAINING OF PROFESSIONALS IN HEALTH CARE AND PUBLIC POLICY.—There is authorized to be appropriated to carry out section 6(7) $12,300,000 for the 5-year period beginning with the first fiscal year that begins after the date of enactment of this subsection.''.

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 1016

At the request of Mr. DEWINE, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1016, a bill to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions.

S. 1536

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2340

At the request of Mr. BROWNBACK, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2340, a bill to direct the National Institute of Standards and Technology to establish a program to support research and training in methods of detecting the use of performance-enhancing substances by athletes, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. DEWINE), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2610

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2610, a bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas.

S. 2644

At the request of Mr. GORTON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 2698

At the request of Mr. MOYNIHAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 2698, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 2714

At the request of Mrs. LINCOLN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2714, a bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income.

S. 2726

At the request of Mr. HELMS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2726, a bill to protect United States military personnel and other elected and appointed officials of the United States Government against criminal prosecution by an international criminal court to which the United States is not a party.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2793

At the request of Mr. HOLLINGS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2800

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2800, a bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

S. 2872

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2872, a bill to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2878

At the request of Mr. SMITH of New Hampshire, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2878, a bill to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

S. 2887

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2887, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. CON. RES. 117

At the request of Mr. ROTH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. Con. Res. 117, a concurrent resolution commending the Republic of Slovenia for its partnership with the United States and NATO, and expressing the sense of Congress that Slovenia's accession to NATO would enhance NATO's security, and for other purposes.

S. CON. RES. 130

At the request of Mrs. LINCOLN, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Connecticut (Mr. DODD), the Senator from North Carolina (Mr. EDWARDS), the Senator from Wisconsin (Mr. KOHL), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S. CON. RES. 131

At the request of Mr. ROTH, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 131, a concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that lead to the creation of the independent trade union Solidarnose, and for other purposes.

S.J. RES. 50

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S.J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

S. RES. 278

At the request of Mr. KERREY, the names of the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. MOYNIHAN), the Senator from New York (Mr. SCHUMER), the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. CLELAND), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. AKAKA), the Senator from Mississippi (Mr. COCHRAN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Res. 278, a resolution commending Ernest Burgess, M.D., for his service to the Nation and international community.

S. RES. 301

At the request of Mr. THURMOND, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. Res. 301, a resolution designating August 16, 2000, as ''National Airborne Day.''

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Nevada (Mr. BRYAN), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Hawaii (Mr. INOUYE), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

S. RES. 334

At the request of Mr. INOUYE, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. AKAKA), the Senator from Washington (Mrs. MURRAY), the Senator from North Dakota (Mr. CONRAD), the Senator from Georgia (Mr. CLELAND), and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. Res. 334, a resolution expressing appreciation to the people of Okinawa for hosting United States defense facilities, commending the Government of Japan for choosing Okinawa as the site for hosting the summit meeting of the G–8 countries, and for other purposes.

AMENDMENT NO. 3459

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from North Dakota (Mr. CONRAD), the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 3459 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE RESOLUTION 342—A RESOLUTION DESIGNATING THE WEEK BEGINNING SEPTEMBER 17, 2000, AS ''NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK''

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 342

Whereas there are 105 historically black colleges and universities in the United States;

Whereas black colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas black colleges and universities have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of historically black colleges and universities are deserving of national recognition: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning September 17, 2000, as ''National Historically Black Colleges and Universities Week''; and

(2) requests that the President issue a proclamation calling on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically black colleges and universities.

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce a Senate resolution which authorizes and

requests the President to designate the week beginning September 17, 2000, as ''National Historically Black Colleges and Universities Week.''

It is my privilege to sponsor this legislation for the 15th time honoring the historically black colleges of our country.

Eight of the 105 historically black colleges, namely Allen University, Benedict College, Claflin College, South Carolina State University, Morris College, Voorhees College, Denmark Technical College, and Clinton Junior College, are located in my home State. These colleges are vital to the higher education system of South Carolina. They have provided thousands of young people with the opportunity to obtain a college education.

Mr. President, these institutions have a long and distinguished history of providing the training necessary for participation in a rapidly changing society. Historically black colleges offer our citizens a variety of curricula and programs through which young people develop skills and talents, thereby expanding opportunities for a lifetime of achievement.

Mr. President, through passage of this Senate resolution, Congress can reaffirm its support for historically black colleges, and appropriately recognize their important contributions to our Nation. I look forward to the speedy passage of this resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 25, 2000, at 9:30 a.m., in open session to receive testimony on the National Missile Defense Program.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet Tuesday, July 25, 2000, at 2:15 p.m., on pilot shortage.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 25, 2000, at 9:30 a.m., on S. 1941—Fire Act.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 25, for purposes of conducting a full committee business meeting which is scheduled to begin at 9 a.m.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 25, at 9:30 a.m., hearing room (SD–406), to receive testimony on the disposal of low activity radioactive waste.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 25, 2000, at 9:30 a.m., and 3 p.m. to hold two hearings.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on public safety officers' collective bargaining during the session of the Senate on Tuesday, July 25, 2000, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, July 25, 2000 at 10:00 a.m., in room 485 of the Russell Senate Building to conduct an oversight hearing on the Native American Graves Protection and Repatriation Act.

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

COMMITTEE ON THE JUDICIARY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, July 25, 2000, at 2 p.m., in SD226.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 25, 2000, for a public hearing on fatherhood initiatives.

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

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight of the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 25, 2000, for a public hearing on Federal income tax issues relating to proposals to encourage the creation of public open spaces in urban areas and the preservation of farm and other rural lands for conservation purposes.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the remainder of today to the following interns in Senator JOHNSON's office: Terry Garcia, Brad Mollet, Leif Oveson, Anna Turner, and Katy Ziegler.

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

On July 20, 2000, the Senate amended and passed H.R. 4461, as follows:

Resolved, That the bill from the House of Representatives (H.R. 4461) entitled ''An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

DIVISION A

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $27,914,000, of which, $25,000,000, to remain available until expended, shall be available only for the development and implementation of a common computing environment: Provided, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That the funds made available for the development and implementation of a common computing environment shall only be available upon prior notice to the Committee on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: Provided further, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $7,462,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $12,421,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $6,765,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $10,046,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $5,171,000: Provided, That the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, $629,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of Agriculture buildings, $182,747,000, to remain available until expended: Provided, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601, et seq., and the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq., $15,700,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $36,840,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: Provided, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $3,000,000, to remain available until expended.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,568,000: Provided, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations: Provided further, That not less than $2,202,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,873,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, $66,867,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed $50,000 for employment under 5 U.S.C. 3109; and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $31,080,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $556,000.

ECONOMIC RESEARCH SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $67,038,000: Provided, That $1,500,000 shall be transferred to and merged with the appropriation for ''Food and Nutrition Service, Food Program Administration'' for studies and evaluations: Provided further, That not more than $500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate: Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621–1627, Public Law 105–113, and other laws, $100,615,000, of which up to $15,000,000 shall be available until expended for the Census of Agriculture: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $871,593,000: Provided, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed

$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2001, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account, and shall remain available until expended for authorized purposes.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $56,330,000, to remain available until expended (7 U.S.C. 2209b): Provided, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $180,545,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i); $21,932,000 for grants for cooperative forestry research (16 U.S.C. 582a–a7); $30,676,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), of which $1,000,000 shall be made available to West Virginia State College in Institute, West Virginia; $64,157,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $13,721,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $118,700,000 for competitive research grants (7 U.S.C. 450i(b)); $5,109,000 for the support of animal health and disease programs (7 U.S.C. 3195); $750,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $650,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; $1,000,000 for the 1994 research program (7 U.S.C. 301 note), to remain available until expended; $3,000,000 for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $3,500,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); $3,000,000 for a program of noncompetitive grants, to be awarded on an equal basis, to Alaska Native-serving and Native Hawaiian-serving Institutions to carry out higher education programs (7 U.S.C. 3242); $1,000,000 for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(h)); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $9,500,000 for sustainable agriculture research and education (7 U.S.C. 5811); $9,500,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); $1,552,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and $16,402,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $494,044,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products: Provided, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American institutions endowment fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $7,100,000: Provided, That hereafter, any distribution of the adjusted income from the Native American institutions endowment fund is authorized to be used for facility renovation, repair, construction, and maintenance, in addition to other authorized purposes.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,500,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $58,695,000; payments for the pest management program under section 3(d) of the Act, $10,783,000; payments for the farm safety program under section 3(d) of the Act, $4,100,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $12,400,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $908,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,000,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,192,000; payments for Indian reservation agents under section 3(d) of the Act, $2,500,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,000,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, $26,843,000, of which $1,000,000 shall be made available to West Virginia State College in Institute, West Virginia; and for the Oregon State University Agriculture Extension Service, $176,000 for the Food Electronically and Effectively Distributed (FEED) website demonstration project; and for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341–349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $12,283,000; in all, $427,380,000: Provided, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, $43,365,000, as follows: payments for the water quality program, $13,000,000; payments for the food safety program, $15,000,000; payments for the national agriculture pesticide impact assessment program, $4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, $5,824,000; payments for crops affected by the Food Quality Protection Act implementation, $2,000,000; and payments for the methyl bromide transition program, $3,000,000, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration, $635,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $458,149,000, of which $4,105,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: Provided, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: Provided further, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or

pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: Provided further, That not less than $1,000,000 of the funds available under this heading made available for wildlife services methods development, the Secretary of Agriculture shall conduct pilot projects in no less than four States representative of wildlife predation of livestock in connection with farming operations for direct assistance in the application of non-lethal predation control methods: Provided further, That the General Accounting Office shall report to the Committee on Appropriations by November 30, 2001, on the Department's compliance with this provision and on the effectiveness of the non-lethal measures.

In fiscal year 2001, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2001, $87,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $9,870,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $90,000 for employment under 5 U.S.C. 3109, $64,696,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: Provided further, That $639,000 may be transferred to the Expenses and Refunds, Inspection and Grading of Farm Products fund account for the cost of the National Organic Production Program and that such funds shall remain available until expended.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committee on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $13,438,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,200,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $27,269,000: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICE EXPENSES

Not to exceed $42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committee on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $460,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, $678,011,000, of which no less than $578,544,000 shall be available for Federal food inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: Provided, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): Provided further, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $589,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $828,385,000: Provided, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), $3,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $450,000, to remain available until expended (7 U.S.C. 2209b): Provided, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: Provided further, That this amount shall be transferred to the Commodity Credit Corporation: Provided further, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $559,373,000, of which $431,373,000 shall be for guaranteed loans; operating loans, $2,397,842,000, of which

$1,697,842,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,028,000; for emergency insured loans, $25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $15,986,000, of which $2,200,000 shall be for guaranteed loans; operating loans, $84,680,000, of which $23,260,000 shall be for unsubsidized guaranteed loans and $16,320,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $166,000; and for emergency insured loans, $6,133,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $269,454,000, of which $265,315,000 shall be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the Committee on Appropriations of both Houses of Congress.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), $65,597,000: Provided, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2001, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 2001, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $711,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $714,116,000, to remain available until expended (7 U.S.C. 2209b), of which not less than $5,990,000 is for snow survey and water forecasting and not less than $9,975,000 is for operation and establishment of the plant materials centers: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: Provided further, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): Provided further, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e–2).

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), $10,705,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $99,443,000, to remain available until expended (7 U.S.C. 2209b) (of which up to $15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: Provided further, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: Provided further, That of the funds available for Emergency Watershed Protection activities, $4,000,000 shall be available for Mississippi and Wisconsin for financial and technical assistance for pilot rehabilitation projects of small, upstream dams built under the Watershed and Flood Prevention Act (16 U.S.C. 1001 et seq., section 13 of the Act of December 22, 1994; Public Law 78–534; 58 Stat. 905), and the pilot watershed program authorized under the heading ''FLOOD PREVENTION'' of the Department of Agriculture Appropriation Act, 1954 (Public Law 83–156; 67 Stat. 214): Provided further, That of the funds made available for watershed and flood prevention activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $36,265,000, to remain available until expended (7 U.S.C. 2209b): Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $6,325,000, to remain available until expended, as authorized by that Act.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, $605,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), $759,284,000, to remain available until expended, of which $53,225,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $644,360,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which $61,699,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: Provided, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, of which (1) $1,000,000 shall be available for rural business

opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)), (2) $5,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)), (3) $15,000,000 shall be available for grants for drinking water and waste disposal systems under section 306C of that Act (7 U.S.C. 1926c) to Federally Recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program, and (4) $3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)): Provided further, That of the amount appropriated for rural community programs, $6,000,000 shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, and low-income rural communities to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private and public (including tribal) intermediary organizations proposing to carry out a program of technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources in an amount not less than funds provided: Provided further, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; and $2,000,000 shall be for grants to Mississippi Delta Region counties: Provided further, That of the amount appropriated for rural utilities programs, not to exceed $20,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed $20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act, with up to one percent available to administer the program and up to one percent available to improve interagency coordination; not to exceed $16,215,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed $9,500,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That of the total amount appropriated, not to exceed $42,574,650 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $34,704,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; and of which $8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of administering Rural Development programs as authorized by the Rural Electrification Act of 1936; the Consolidated Farm and Rural Development Act; title V of the Housing Act of 1949; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926 for activities related to marketing aspects of cooperatives, including economic research findings, authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements: $130,371,000: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $1,000,000 may be used for employment under 5 U.S.C. 3109: Provided further, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: Provided further, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this account.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,300,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $3,200,000,000 shall be for unsubsidized guaranteed loans; $32,396,000 for section 504 housing repair loans; $100,000,000 for section 538 guaranteed multi-family housing loans; $114,321,000 for section 515 rental housing; $5,152,000 for section 524 site loans; $7,503,000 for credit sales of acquired property, of which up to $1,250,000 may be for multi-family credit sales; and $5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $215,060,000, of which $38,400,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $11,481,000; section 538 multi-family housing guaranteed loans, $1,520,000; section 515 rental housing, $56,326,000; multi-family credit sales of acquired property, $613,000; and section 523 self-help housing land development loans, $279,000: Provided, That of the total amount appropriated in this paragraph, $13,832,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $409,233,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $680,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That of this amount, not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: Provided further, That agreements entered into or renewed during fiscal year 2001 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $34,000,000, to remain available until expended (7 U.S.C. 2209b): Provided, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $44,000,000, to remain available until expended: Provided, That of the total amount appropriated, $5,000,000 shall be for a housing demonstration program for agriculture, aquaculture, and seafood processor workers: Provided further, That of the total amount appropriated, $1,200,000 shall be available through June 30, 2001, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $28,750,000, to remain available until expended for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $19,476,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $2,036,000 shall be for Federally Recognized Native American Tribes; and of which $4,072,000 shall be for the Mississippi Delta Region Counties (as defined by Public Law 100–460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans of $38,256,000: Provided further, That of the total amount appropriated, $3,216,000 shall be available through June 30, 2001, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $3,640,000 shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $3,911,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2001, as authorized by section 313 of the Rural Electrification Act of 1936, $3,911,000 shall not be obligated and $3,911,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $6,000,000, of which $1,500,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: Provided, That not to exceed $1,500,000 of the total amount appropriated shall be made

available to cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $121,500,000; 5 percent rural telecommunications loans, $75,000,000; cost of money rural telecommunications loans, $300,000,000; municipal rate rural electric loans, $295,000,000; and loans made pursuant to section 306 of that Act, rural electric, $1,700,000,000 and rural telecommunications, $120,000,000; and $500,000,000 for Treasury rate direct electric loans.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, $19,871,000; and cost of municipal rate loans, $20,503,000: Provided, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $34,716,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal year 2001 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $2,590,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,000,000, which shall be transferred to and merged with the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., $27,000,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas, of which not more than $3,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and of which $2,000,000 may be available for a pilot program to finance broadband transmission and local dial-up Internet service in areas that meet the definition of ''rural area'' contained in section 203(b) of the Rural Electrification Act (7 U.S.C. 924(b)): Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $570,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $9,541,539,000, to remain available through September 30, 2002, of which $4,413,960,000 is hereby appropriated and $5,127,579,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): Provided, That, except as specifically provided under this heading, none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the funds made available under this heading, up to $6,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: Provided further, That of the funds made available under this heading, $500,000 shall be for a School Breakfast Program startup grant pilot program for the State of Wisconsin: Provided further, That up to $4,511,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,052,000,000, to remain available through September 30, 2002: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That of the total amount available, the Secretary shall obligate $15,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional $5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: Provided further, That notwithstanding section 17(h)(10)(A) of such Act, up to $14,000,000 shall be available for the purposes specified in section 17(h)(10)(B), no less than $6,000,000 of which shall be used for the development of electronic benefit transfer systems: Provided further, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: Provided further, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $21,221,293,000, of which $100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That none of the funds made available under this heading shall be used for studies and evaluations: Provided further, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: Provided further, That, of funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b)), an additional amount not to exceed $7,300,000 shall be used to purchase bison for the FDPIR and to provide a mechanism for the purchases from Native American producers and cooperative organizations.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); and the Emergency Food Assistance Act of 1983, $140,300,000, to remain available through September 30, 2002: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, $141,081,000, to remain available through September 30, 2002.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $116,807,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp benefit delivery, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than $4,500,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: Provided, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $113,424,000: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 TITLE I PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of agreements

under the Agricultural Trade Development and Assistance Act of 1954, and the Food For Progress Act of 1985, including the cost of modifying credit arrangements under said Acts, $114,186,000, to remain available until expended.

In addition, for administrative expenses to carry out the credit program of title I, Public Law 83–480, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 83–480 are utilized, $1,850,000, of which $1,035,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $815,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

PUBLIC LAW 480 TITLE I OCEAN FREIGHT DIFFERENTIAL GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $20,322,000, to remain available until expended, for ocean freight differential costs for the shipment of agricultural commodities under title I of said Act: Provided, That funds made available for the cost of title I agreements and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committee on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLES II AND III GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, $837,000,000, to remain available until expended, for commodities supplied in connection with dispositions abroad under title II of said Act.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $3,231,000 may be transferred to and merged with the appropriation for ''Foreign Agricultural Service, Salaries and Expenses'', and of which $589,000 may be transferred to and merged with the appropriation for ''Farm Service Agency, Salaries and Expenses''.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $1,210,796,000, of which not to exceed $149,273,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: Provided, That fees derived from applications received during fiscal year 2001 shall be subject to the fiscal year 2001 limitation: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated: (1) $292,934,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $315,143,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $12,534,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) $141,368,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $59,349,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $164,762,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $35,842,000 shall be for the National Center for Toxicological Research; (7) $25,855,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (8) $104,954,000 shall be for payments to the General Services Administration for rent and related costs; and (9) $70,589,000 shall be for other activities, including the Office of the Commissioner; the Office of Management and Systems; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committee on Appropriations of both Houses of Congress: Provided further, That in addition to amounts otherwise appropriated under this heading to the Food and Drug Administration, an additional $6,000,000 shall be made available of which $5,000,000 shall be made available for the Centers for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, and $1,000,000 shall be made available to the National Center for Toxicological Research.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $31,350,000, to remain available until expended (7 U.S.C. 2209b).

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109, $67,100,000, including not to exceed $1,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $36,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for fiscal year 2001 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 389 passenger motor vehicles, of which 385 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by sections 1 and 10 of the Act of June 29, 1935 (7 U.S.C. 427, 427i; commonly known as the Bankhead-Jones Act), subtitle A of title II and section 302 of the Act of August 14, 1946 (7 U.S.C. 1621 et seq.), and chapter 63 of title 31, United States Code, shall be available for contracting in accordance with such Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: Provided, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, boll weevil program, up to 10 percent of the screwworm program, and up to $2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)) and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to section 606C of the Act of August 28, 1954 (7 U.S.C. 1766b; commonly known as the Agricultural Act of 1954).

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 710. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total

Federal funds provided under each award: Provided, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 711. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 712. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2001 shall remain available until expended to cover obligations made in fiscal year 2001 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 713. Notwithstanding chapter 63 of title 31, United States Code, marketing services of the Agricultural Marketing Service; Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a State or Cooperator to carry out agricultural marketing programs, to carry out programs to protect the Nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the Nation's food supply.

SEC. 714. Notwithstanding any other provision of law, the Secretary of Agriculture may enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Natural Resources Conservation Service; and (2) all parties will contribute resources to the accomplishment of these objectives.

SEC. 715. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 716. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants: Provided, That interagency funding is authorized to carry out the purposes of the National Drought Policy Commission.

SEC. 717. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 718. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 720. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 721. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 722. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2001 funds under section 793 of Public Law 104–127 (7 U.S.C. 2204f).

SEC. 723. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $174,000,000.

SEC. 724. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2001 funds under the provisions of section 401 of Public Law 105–185, the Initiative for Future Agriculture and Food Systems (7 U.S.C. 7621).

SEC. 725. None of the funds appropriated or otherwise made available by this Act shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 1240M of the Food Security Act of 1985 (16 U.S.C. 3839bb).

SEC. 727. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri.

SEC. 728. None of the funds made available to the Food and Drug Administration by this Act shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: Provided, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, except that field laboratory personnel shall be assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 729. Hereafter, none of the funds appropriated by this Act or any other Act may be used to:

(1) carry out the proviso under 7 U.S.C. 1622(f); or

(2) carry out 7 U.S.C. 1622(h) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary: Provided, That this provision shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 730. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 731. None of the funds appropriated or otherwise made available by this Act shall be used to establish an Office of Community Food Security or any similar office within the United States Department of Agriculture without the

prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 732. None of the funds appropriated or otherwise made available by this or any other Act may be used to carry out provision of section 612 of Public Law 105–185.

SEC. 733. None of the funds appropriated or otherwise made available by this Act may be used to declare excess or surplus all or part of the lands and facilities owned by the Federal Government and administered by the Secretary of Agriculture at Fort Reno, Oklahoma, or to transfer or convey such lands or facilities prior to July 1, 2001, without the specific authorization of Congress.

SEC. 734. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used for the implementation of a Support Services Bureau or similar organization.

SEC. 735. Notwithstanding any other provision of law, for any fiscal year, in the case of a high cost, isolated rural area of the State of Alaska that is not connected to a road system—

(1) in the case of assistance provided by the Rural Housing Service for single family housing under title V of the Housing Act of 1949 (7 U.S.C. 1471 et seq.), the maximum income level for the assistance shall be 150 percent of the average income level in metropolitan areas of the State;

(2) in the case of community facility loans and grants provided under paragraphs (1) and (19), respectively, of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) and assistance provided under programs carried out by the Rural Utilities Service, the maximum income level for the loans, grants, and assistance shall be 150 percent of the average income level in nonmetropolitan areas of the State;

(3) in the case of a business and industry guaranteed loan made under section 310B(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(1)), to the extent permitted under that Act, the Secretary of Agriculture shall—

(A) guarantee the repayment of 90 percent of the principal and interest due on the loan; and

(B) charge a loan origination and servicing fee in an amount not to exceed 1 percent of the amount of the loan; and

(4) in the case of assistance provided under the Rural Community Development Initiative for fiscal year 2000 carried out under the rural community advancement program established under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), the median household income level, and the not employed rate, with respect to applicants for assistance under the Initiative shall be scored on a community-by-community basis.

SEC. 736. Hereafter, notwithstanding any other provision of law, no housing or residence in a foreign country purchased by an agent or instrumentality of the United States, for the purpose of housing the agricultural attaché, shall be sold or disposed of without the approval of the Foreign Agricultural Service of the United States Department of Agriculture, including property purchased using foreign currencies generated under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) and used or occupied by agricultural attachés of the Foreign Agricultural Service: Provided, That the Department of State/Office of Foreign Buildings may sell such properties with the concurrence of the Foreign Agricultural Service if the proceeds are used to acquire suitable properties of appropriate size for Foreign Agricultural Service agricultural attachés: Provided further, That the Foreign Agricultural Service shall have the right to occupy such residences in perpetuity with costs limited to appropriate maintenance expenses.

SEC. 737. Hereafter, funds appropriated to the Department of Agriculture may be used to employ individuals to perform services outside the United States as determined by the agencies to be necessary or appropriate for carrying out programs and activities abroad; and such employment actions, hereafter referred to as Personal Service Agreements (PSA), are authorized to be negotiated, the terms of the PSA to be prescribed and work to be performed, where necessary, without regard to such statutory provisions as related to the negotiation, making and performance of contracts and performance of work in the United States: Provided, That individuals employed under a PSA to perform such services outside the United States shall not, by virtue of such employment, be considered employees of the United States government for purposes of any law administered by the Office of Personnel Management: Provided further, That such individuals may be considered employees within the meaning of the Federal Employee Compensation Act, 5 U.S.C. 8101 et seq.: Provided further, That Government service credit shall be accrued for the time employed under a PSA should the individual later be hired into a permanent U.S. Government position if their authorities so permit.

SEC. 738. None of the funds made available by this Act or any other Act may be used to close or relocate a state Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 739. Of any shipments of commodities made pursuant to Section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not less than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities, and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

SEC. 740. AMENDMENT TO FEDERAL FOOD, DRUG, AND COSMETIC ACT. (a) SHORT TITLE.—This section may be cited as the ''Medicine Equity and Drug Safety Act of 2000''.

(b) FINDINGS.—Congress makes the following findings:

(1) The cost of prescription drugs for Americans continues to rise at an alarming rate.

(2) Millions of Americans, including medicare beneficiaries on fixed incomes, face a daily choice between purchasing life-sustaining prescription drugs, or paying for other necessities, such as food and housing.

(3) Many life-saving prescription drugs are available in countries other than the United States at substantially lower prices, even though such drugs were developed and are approved for use by patients in the United States.

(4) Many Americans travel to other countries to purchase prescription drugs because the medicines that they need are unaffordable in the United States.

(5) Americans should be able to purchase medicines at prices that are comparable to prices for such medicines in other countries, but efforts to enable such purchases should not endanger the gold standard for safety and effectiveness that has been established and maintained in the United States.

(c) AMENDMENT.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended—

(1) in section 801(d)(1), by inserting ''and section 804'' after ''paragraph (2)''; and

(2) by adding at the end the following:

''SEC. 804. IMPORTATION OF COVERED PRODUCTS.

''(a) REGULATIONS.—

''(1) IN GENERAL.—Notwithstanding sections 301(d), 301(t), and 801(a), the Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting importation into the United States of covered products.

''(2) LIMITATION.—Regulations promulgated under paragraph (1) shall—

''(A) require that safeguards are in place that provide a reasonable assurance to the Secretary that each covered product that is imported is safe and effective for its intended use;

''(B) require that the pharmacist or wholesaler importing a covered product complies with the provisions of subsection (b); and

''(C) contain such additional safeguards as the Secretary may specify in order to ensure the protection of the public health of patients in the United States.

''(3) RECORDS.—Regulations promulgated under paragraph (1) shall require that records regarding such importation described in subsection (b) be provided to and maintained by the Secretary for a period of time determined to be necessary by the Secretary.

''(b) IMPORTATION.—

''(1) IN GENERAL.—The Secretary shall promulgate regulations permitting a pharmacist or wholesaler to import into the United States a covered product.

''(2) REGULATIONS.—Regulations promulgated under paragraph (1) shall require such pharmacist or wholesaler to provide information and records to the Secretary, including—

''(A) the name and amount of the active ingredient of the product and description of the dosage form;

''(B) the date that such product is shipped and the quantity of such product that is shipped, points of origin and destination for such product, the price paid for such product, and the resale price for such product;

''(C) documentation from the foreign seller specifying the original source of the product and the amount of each lot of the product originally received;

''(D) the manufacturer's lot or control number of the product imported;

''(E) the name, address, and telephone number of the importer, including the professional license number of the importer, if the importer is a pharmacist or pharmaceutical wholesaler;

''(F) for a product that is—

''(i) coming from the first foreign recipient of the product who received such product from the manufacturer—

''(I) documentation demonstrating that such product came from such recipient and was received by such recipient from such manufacturer;

''(II) documentation of the amount of each lot of the product received by such recipient to demonstrate that the amount being imported into the United States is not more than the amount that was received by such recipient;

''(III) documentation that each lot of the initial imported shipment was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product;

''(IV) documentation demonstrating that a statistically valid sample of all subsequent shipments from such recipient was tested at an appropriate United States laboratory for authenticity and degradation by the importer or manufacturer of such product; and

''(V) certification from the importer or manufacturer of such product that the product is approved for marketing in the United States and meets all labeling requirements under this Act; and

''(ii) not coming from the first foreign recipient of the product, documentation that each lot in all shipments offered for importation into the

United States was statistically sampled and tested for authenticity and degradation by the importer or manufacturer of such product, and meets all labeling requirements under this Act;

''(G) laboratory records, including complete data derived from all tests necessary to assure that the product is in compliance with established specifications and standards; and

''(H) any other information that the Secretary determines is necessary to ensure the protection of the public health of patients in the United States.

''(c) TESTING.—Testing referred to in subparagraphs (F) and (G) of subsection (b)(2) shall be done by the pharmacist or wholesaler importing such product, or the manufacturer of the product. If such tests are conducted by the pharmacist or wholesaler, information needed to authenticate the product being tested and confirm that the labeling of such product complies with labeling requirements under this Act shall be supplied by the manufacturer of such product to the pharmacist or wholesaler, and as a condition of maintaining approval by the Food and Drug Administration of the product, such information shall be kept in strict confidence and used only for purposes of testing under this Act.

''(d) STUDY AND REPORT.—

''(1) STUDY.—The Secretary shall conduct, or contract with an entity to conduct, a study on the imports permitted under this section, taking into consideration the information received under subsections (a) and (b). In conducting such study, the Secretary or entity shall—

''(A) evaluate importers' compliance with regulations, and the number of shipments, if any, permitted under this section that have been determined to be counterfeit, misbranded, or adulterated; and

''(B) consult with the United States Trade Representative and United States Patent and Trademark Office to evaluate the effect of importations permitted under this Act on trade and patent rights under Federal law.

''(2) REPORT.—Not later than 5 years after the effective date of final regulations issued pursuant to this section, the Secretary shall prepare and submit to Congress a report containing the study described in paragraph (1).

''(e) CONSTRUCTION.—Nothing in this section shall be construed to limit the statutory, regulatory, or enforcement authority of the Secretary relating to importation of covered products, other than the importation described in subsections (a) and (b).

''(f) DEFINITIONS.—In this section:

''(1) COVERED PRODUCT.—The term 'covered product' means a prescription drug under section 503(b)(1) that meets the applicable requirements of section 505, and is approved by the Food and Drug Administration and manufactured in a facility identified in the approved application and is not adulterated under section 501 or misbranded under section 502.

''(2) PHARMACIST.—The term 'pharmacist' means a person licensed by a State to practice pharmacy in the United States, including the dispensing and selling of prescription drugs.

''(3) WHOLESALER.—The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States.

''(g) CONDITIONS.—This section shall become effective only if the Secretary of the Department of Health and Human Services certifies to the Congress that the implementation of this section will—

''(1) pose no risk to the public's health and safety; and

''(2) result in a significant reduction in the cost of covered products to the American consumer.''.

SEC. 741. Section 2111(a)(3) of the Organic Foods Production Act of 1990 (7 U.S.C. 651(a)(3)) is amended by adding after ''sulfites,'' ''except in the production of wine,''.

SEC. 742. None of the funds made available by this Act may be used to require an office of the Farm Service Agency that is using FINPACK on May 17, 1999, for financial planning and credit analysis, to discontinue use of FINPACK for six months from the date of enactment of this Act.

SEC. 743. Hereafter, the Secretary of Agriculture shall consider any borrower whose income does not exceed 115 percent of the median family income of the United States as meeting the eligibility requirements for a borrower contained in section 502(h)(2) of the Housing Act of 1949 (42 U.S.C. 1472(h)(2)).

SEC. 744. SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE. It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

SEC. 745. NATURAL CHEESE STANDARD.—(a) PROHIBITION.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking ''Whenever'' and inserting ''(a) Whenever''; and

(2) by adding at the end the following:

''(b) The Commissioner may not use any Federal funds to amend section 133.3 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling), to include dry ultra-filtered milk or casein in the definition of the term 'milk' or 'nonfat milk', as specified in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling).''.

(b) IMPORTATION STUDY.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to determine—

(A) the quantity of ultra-filtered milk that is imported annually into the United States; and

(B) the end use of that imported milk; and

(2) submit to Congress a report that describes the results of the study.

SEC. 746. None of the funds appropriated by this Act to the United States Department of Agriculture may be used to implement or administer the final rule issued in docket number 97–110, at 65 Federal Register 37608–37669 until such time as the USDA completes an independent peer review of the rule and the risk assessment underlying the rule.

SEC. 747. DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5)(A) any award entered into under the program that is canceled or voided after June 30, 1995, is made available for reassignment under the program as long as a World Trade Organization violation is not incurred; and

''(B) any reassignment under subparagraph (A) is not reported as a new award when reporting the use of the reassigned tonnage to the World Trade Organization.''.

SEC. 748. STATE AGRICULTURAL MEDIATION PROGRAMS. (a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

''(1) ISSUES COVERED.—

''(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

''(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

''(i) Wetlands determinations.

''(ii) Compliance with farm programs, including conservation programs.

''(iii) Agricultural credit.

''(iv) Rural water loan programs.

''(v) Grazing on National Forest System land.

''(vi) Pesticides.

''(vii) Such other issues as the Secretary considers appropriate.

''(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

''(A) agricultural producers;

''(B) creditors of producers (as applicable); and

''(C) persons directly affected by actions of the Department of Agriculture.''; and

(2) by adding at the end the following:

''(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

''(1) the intake and scheduling of cases;

''(2) the provision of background and selected information regarding the mediation process;

''(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

''(4) the mediation session.''.

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Each''; and

(2) by adding at the end the following:

''(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

''(A) salaries;

''(B) reasonable fees and costs of mediators;

''(C) office rent and expenses, such as utilities and equipment rental;

''(D) office supplies;

''(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

''(F) education and training;

''(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

''(H) costs associated with publicity and promotion of the mediation program;

''(I) preparation of the parties for mediation; and

''(J) financial advisory and counseling services for parties requesting mediation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking ''2000'' and inserting ''2005''.

SEC. 749. GOOD FAITH RELIANCE. The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

''SEC. 1230A. GOOD FAITH RELIANCE.

''(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contract and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

''(b) TYPES OF RELIEF.—The Secretary shall—

''(1) to the extent the Secretary determines that an owner or operator has been injured by

good faith reliance described in subsection (a), allow the owner or operator to do any one or more of the following—

''(A) to retain payments received under the contract;

''(B) to continue to receive payments under the contract;

''(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

''(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter; or

''(E) or any other equitable relief the Secretary deems appropriate; and

''(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

''(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

''(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).

''(e) APPLICABILITY OF RELIEF.—Relief under this section shall be available for contracts in effect on January 1, 2000 and for all subsequent contracts.''.

SEC. 750. AVAILABILITY OF DATA ON IMPORTED HERBS. The Secretary of Agriculture and the Secretary of the Treasury shall publish and otherwise make available (including through electronic media) data collected monthly by each Secretary on herbs imported into the United States.

DIVISION B

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

NATURAL DISASTER ASSISTANCE AND OTHER EMERGENCY APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for ''Salaries and Expenses'', $59,400,000, to be available until September 30, 2001: Provided, That this amount shall be used for the boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: Provided, That the entire amount shall be available only to the extent an official budget request for $59,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

For an additional amount for the Grain Inspection, Packers and Stockyards Administration, $600,000 for completion of a biotechnology reference facility: Provided, That the entire amount shall be available only to the extent an official budget request for $600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement in accordance with section 251(b)(2)(A) of that Act.

FEDERAL CROP INSURANCE CORPORATION FUND

For an additional amount for the Federal Crop Insurance Corporation Fund, up to $13,000,000, to provide premium discounts to purchasers of crop insurance reinsured by the Corporation (except for catastrophic risk protection coverage), as authorized under section 1102(g)(2) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 1999 (Public Law 105–277): Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for ''Watershed and Flood Prevention Operations'', to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, $70,000,000, to remain available until expended: Provided, That funds shall be used for activities identified by July 18, 2000: Provided further, That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the Rural Community Advancement Program, $50,000,000 to provide grants pursuant to the Rural Community Facilities Grant Program for areas of extreme unemployment or economic depression, subject to authorization: Provided, That the entire amount shall be available only to the extent an official budget request for $50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for the Rural Community Advancement Program, $30,000,000 to provide grants pursuant to the Rural Utility Service Grant Program for rural communities with extremely high energy costs, subject to authorization: Provided, That the entire amount shall be available only to the extent an official budget request for $30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for the Rural Community Advancement Program, $50,000,000, for the cost of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve for applications associated with a risk to public heath or the environment or a natural emergency: Provided, That of the amount provided by this paragraph, $10,000,000 may only be used in counties which have received an emergency designation by the President or the Secretary after January 1, 2000, for applications responding to water shortages resulting from the designated emergency: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for $50,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

For an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $50,000,000, to remain available until expended, to provide loans under the community facility direct and guaranteed loans program and grants under the community facilities grant program under paragraphs (1) and (19), respectively, of section 306(a) of that Act (7 U.S.C. 1926(a)) with respect to areas in the State of North Carolina subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: Provided, That the $50,000,000 shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): Provided further, That the $50,000,000 is designated by Congress 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)).

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

For additional five percent rural electrification loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), $111,111,000.

For the additional cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of five percent rural electrification loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), $1,000,000: Provided, That the entire amount shall be available only to the extent an official budget request for $1,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of such Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1101. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional $35,000,000, to remain available until expended, shall be provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program and the Wetlands Reserve Program funded by the Commodity Credit Corporation: Provided, That the entire amount shall be available only to the extent an official budget request for $35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1102. The paragraph under the heading ''Livestock Assistance'' in chapter 1, title I of H.R. 3425 of the 106th Congress, enacted by section 1000(a)(5) of Public Law 106–113 (113 Stat. 1536) is amended by striking ''during 1999'' and inserting ''from January 1, 1999, through February 7, 2000'': Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1103. Hereafter, for the purposes of the Livestock Indemnity Program authorized in Public Law 105–18, the term ''livestock'' shall have the same meaning as the term ''livestock'' under section 104 of Public Law 106–31.

SEC. 1104. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106–78 in an amount equal to thirty-five percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous five-year average and on the base production of the producer used to make a payment under section 805 of Public Law 106–78: Provided, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production as the payments to dairy producers under section 805 of Public Law 106–78: Provided further, That the Secretary shall make a determination as to whether a dairy producer is considered a new producer for purposes of section 805 by taking into account the number of months such producer has operated as a dairy producer in order to calculate a payment rate for such producer: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1105. Notwithstanding any other provision of law, the Secretary of Agriculture may use the funds, facilities and authorities of the Commodity Credit Corporation to administer and make payments to: (a) compensate growers whose crops could not be sold due to Mexican fruit fly quarantines in San Diego and San Bernardino/Riverside counties in California since their imposition on November 16, 1999, and September 10, 1999, respectively; (b) compensate growers in relation to the Secretary's ''Declaration of Extraordinary Emergency'' on March 2, 2000, regarding the plum pox virus; (c) compensate growers for losses due to Pierce's disease; and (d) compensate growers for losses incurred due to infestations of grasshoppers and mormon crickets: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1106. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106–78 in an amount equal to 35 percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous 5-year average and on the base production of the producer used to make a payment under section 805 of Public Law 106–78: Provided, That these funds shall be available until September 30, 2001: Provided further, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production as, the payments to dairy producers under section 805 of Public Law 106–78: Provided further, That the Secretary shall make provisions for making payments, in addition, to new producers: Provided further, That for any producers, including new producers, whose base production was less than twelve months for purposes of section 805 of Public Law 106–78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the 12 months preceding the enactment of this section or the producer's base production under the program operated under section 805 of Public Law 106–78 subject to such limitations as apply to other producers: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1107. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation in an amount equal to $450,000,000 to make and administer payments for livestock losses using the criteria established to carry out the 1999 Livestock Assistance Program (except for application of the national percentage reduction factor) to producers for 2000 losses in a county which has received an emergency designation by the President or the Secretary after January 1, 2000, and shall be available until September 30, 2001: Provided, That the Secretary shall give consideration to the effect of recurring droughts in establishing the level of payments to producers under this section: Provided further, That of the $450,000,000 amount, the Secretary shall use not less than $5,000,000 to provide assistance for emergency haying and feed operations in the State of Alabama: Provided further, That of the funds made available by this section, up to $40,000,000 may be used to carry out the Pasture Recovery Program: Provided further, That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for $450,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1108. In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78), or under the matter under the heading ''CROP LOSS ASSISTANCE'' under the heading ''COMMODITY CREDIT CORPORATION FUND'' of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress: Provided further, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,000 acres in the wetlands reserve program: Provided, That notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall be provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out this section: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1110. In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate or otherwise seek to make whole, from funds of the Commodity Credit Corporation, not to exceed $4,000,000, the owners of all sheep destroyed from flocks under the Secretary's declarations of July 14, 2000 for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1111. Notwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act) the Secretary of Agriculture shall use not more than $40,000,000 of Commodity Credit Corporation funds for a cooperative program with the State of Florida to replace commercial trees removed to control citrus canker and to compensate for lost production: Provided, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. et seq.), is transmitted by the President to Congress: Provided further, That

the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1112. For an additional amount for the Secretary of Agriculture to provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund, $2,500,000: Provided, That, these funds shall only be available if the State of South Carolina provides an equal amount to the South Carolina Grain Dealers Guaranty Fund: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1113. (a) None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) unless—

(1) the Secretary permits funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 to be used to provide financial or technical assistance to farmers and ranchers for the purposes described in section 211(b) of that Act; and

(2) notwithstanding section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a(c)), the Secretary permits funds made available under section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) to be used to provide additional funding for the Wildlife Habitat Incentive Program established under that section 387 in such sums as the Secretary considers necessary to carry out that Program.

(b) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 1114. CROP LOSS ASSISTANCE. (a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $450,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1115. SPECIALTY CROPS. (a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1116. Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to an agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices.

SEC. 1117. APPLE MARKET LOSS ASSISTANCE AND QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—(a) APPLE MARKET LOSS ASSISTANCE.—

(1) IN GENERAL.—In order to provide relief for loss of markets for apples, the Secretary of Agriculture shall use $100,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers.

(2) PAYMENT QUANTITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall be equal to the average quantity of the 1994 through 1999 crops of apples produced by the producers on the farm.

(B) MAXIMUM QUANTITY.—The payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall not exceed 1,600,000 pounds of apples produced on the farm.

(b) QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight or other weather related disaster.

(c) NONDUPLICATION OF PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market or quality loss for apples or potatoes to the extent that the producer is eligible for compensation or assistance for the loss under any other Federal program, other than the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

CHAPTER 2

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for emergency repairs and dredging due to the effects of drought and other conditions, $10,000,000, to remain available until expended, which shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for emergency repairs and dredging due to storm damages, $35,000,000, to remain available until expended, of which such amounts for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that Fund: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For an additional amount necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, $11,000,000, to remain available until expended, which shall be available only to the extent an official budget request for $11,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for ''Management of Lands and Resources'', $17,172,000 to remain available until expended, of which $15,687,000 shall be used to address restoration needs caused by wildland fires and $1,485,000 shall be used for the treatment of grasshopper and Mormon Cricket infestations on lands managed by the Bureau of Land Management: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for ''Resource Management'', $1,500,000, to remain available until expended, for support of the preparation and implementation of plans, programs, or agreements, identified by the State of Idaho, that address habitat for freshwater aquatic species on nonfederal lands in the State voluntarily enrolled in such plans, programs, or agreements, of which $200,000 shall be made available to the Boise, Idaho field office to participate in the preparation and implementation of the plans, programs or agreements, of which $300,000 shall be made available to the State of Idaho for preparation of the plans, programs, or agreements, including data collection and other activities associated with such preparation, and of which $1,000,000 shall be made available to the State of Idaho to fund habitat enhancement, maintenance, or restoration projects consistent with such plans, programs, or agreements: Provided, That the entire amount made available is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for ''Construction'', $8,500,000, to remain available until expended, to repair or replace buildings, equipment, roads, bridges, and water control structures damaged by natural disasters and conduct critical habitat restoration directly necessitated by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $3,500,000 shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for ''Construction'', $5,300,000, to remain available until expended, to repair or replace visitor facilities, equipment, roads and trails, and cultural sites and artifacts at national park units damaged by natural disasters: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $1,300,000 shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for ''Operation of Indian Programs'', $1,200,000, to remain available until expended, for repair of the portions of the Yakama Nation's Signal Peak Road that have the most severe damage: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 4

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

For an additional amount for ''Program Management'', $15,000,000 to be available through September 30, 2001: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 5

LEGISLATIVE BRANCH

JOINT ITEMS

CAPITOL POLICE BOARD

SECURITY ENHANCEMENTS

For an additional amount for costs associated with security enhancements, as appropriated under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $11,874,000, to remain available until expended, of which—

(1) $10,000,000 shall be for security enhancements in connection with the initial implementation of the United States Capitol Police master plan: Provided, That notwithstanding such chapter 5, such funds shall be available for facilities located within or outside of the Capitol Grounds, and such security enhancements shall be subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate; and

(2) $1,874,000 shall be for security enhancements to the buildings and grounds of the Library of Congress:

Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CAPITOL POLICE

SALARIES

For an additional amount for costs of overtime, $2,700,000, to be available to increase, in equal amounts, the amounts provided to the House of Representatives and the Senate: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION—THIS CHAPTER

SEC. 1501. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking ''$10,000,000'' each place it appears and inserting ''$14,500,000''.

(b) Section 201 of such Act is amended—

(1) by inserting ''(a)'' before ''Pursuant'', and

(2) by adding at the end the following:

''(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the $14,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)).''.

CHAPTER 6

GENERAL PROVISION—THIS TITLE

SEC. 1601. In addition to amounts appropriated or otherwise made available in Public Law 106–58 to the Department of the Treasury, Department-wide Systems and Capital Investments Programs, $123,000,000, to remain available until September 30, 2001, for maintaining and operating the current Customs Service Automated Commercial System: Provided, That the funds shall not be obligated until the Customs Service has submitted to the Committees on Appropriations an expenditure plan which has been approved by the Treasury Investment Review Board, the Department of the Treasury, and the Office of Management and Budget: Provided further, That none of the funds may be obligated to change the functionality of the Automated Commercial System itself: Provided further, That the entire amount shall be available only to the extent that an official budget request for $123,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

SUPPLEMENTAL APPROPRIATIONS AND OFFSETS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

From amounts appropriated under this heading in Public Law 106–78 not needed for federal food inspection, up to $6,000,000 may be used to liquidate obligations incurred in previous years, to the extent approved by the Director of the Office of Management and Budget based on documentation provided by the Secretary of Agriculture.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2101. Section 381A(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009(1)) is amended as follows:

''(1) RURAL AND RURAL AREA.—The terms 'rural and rural area' mean, subject to 306(a)(7), a city or town that has a population of 50,000 inhabitants or less, other than an urbanized area immediately adjacent to a city or town that has a population in excess of 50,000 inhabitants, except for business and industry projects or facilities described in section 310(B)(a)(1), a city or town with a population in excess of 50,000 inhabitants and its immediately adjacent urbanized area shall be eligible for funding when the primary economic beneficiaries of such projects or facilities are producers of agriculture commodities.''.

SEC. 2102. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Long Park Dam in Utah from funds available for the Emergency Watershed Program, not to exceed $4,500,000.

SEC. 2103. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Kuhn Bayou (Point Remove) Project in Arkansas from funds available for the Emergency Watershed Program, not to exceed $3,300,000.

SEC. 2104. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance to the Snake River Watershed project in Minnesota from funds available for the Emergency Watershed Program, not to exceed $4,000,000.

SEC. 2105. None of the funds made available in this Act or in any other Act may be used to recover part or all of any payment erroneously made to any oyster fisherman in the State of Connecticut for oyster losses under the program established under section 1102(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), and the regulations issued pursuant to such section 1102(b).

SEC. 2106. Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

''(3) LOANS TO POULTRY FARMERS.—

''(A) INABILITY TO OBTAIN INSURANCE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

''(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

''(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as 'current industry standards');

''(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

''(IV) meets the other requirements for the loan under this subtitle.

''(ii) AMOUNT.—Subject to the limitation contained in section 324(a)(2), the amount of a loan made to a poultry farmer under clause (i) shall be an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

''(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

''(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken house in accordance with current industry standards;

''(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

''(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

''(IV) the farmer meets the other requirements for the loan under this subtitle.

''(ii) AMOUNT.—Subject to the limitation contained in section 324(a)(2), the amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

''(I) the amount of the hazard insurance obtained by the farmer; and

''(II) the cost of rebuilding the chicken house in accordance with current industry standards.''.

SEC. 2107. Notwithstanding any other provision of law, the Sea Island Health Clinic located on Johns Island, South Carolina, shall remain eligible for assistance and funding from the Rural Development Community facilities programs administered by the Department of Agriculture until such time new population data is available from the 2000 Census.

CHAPTER 2

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION (DOMESTIC ENHANCEMENTS)

METHAMPHETAMINE LAB CLEANUP ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT

For an additional amount for drug enforcement administration, $5,000,000 for the Drug Enforcement Agency to assist in State and local methamphetamine lab cleanup (including reimbursement for costs incurred by State and local governments for lab cleanup since March 2000): Provided, That the entire amount shall be available only to the extent an official budget request for $5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RADIATION EXPOSURE COMPENSATION

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For an additional amount for ''Payment to Radiation Exposure Compensation Trust Fund'', $7,246,000.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for the account entitled ''Operations, Research, and Facilities'', $3,000,000.

DEPARTMENT OF STATE

PRESIDENTIAL ADVISORY COMMISSION ON HOLOCAUST ASSETS IN THE UNITED STATES

For an additional amount for the ''Presidential Advisory Commission on Holocaust Assets in the United States'', as authorized by Public Law 105–186, as amended, $1,400,000, to remain available until March 31, 2001, for the direct funding of the activities of the Commission: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount provided shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 3

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Training and Employment Services'', $40,000,000, to be available for obligation for the period April 1, 2000, through June 30, 2001, to be distributed by the Secretary of Labor to States for youth activities in the local areas containing the 50 cities with the largest populations, as determined by the latest available Census data, in accordance with the formula criteria for allocations to local areas contained in section 128(b)(2)(A)(i) of the Workforce Investment Act: Provided, That the amounts distributed to the States shall be distributed within each State to the designated local areas without regard to section 127(a) and (b)(1) and section 128(a) of such Act.

CHAPTER 4

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. Under the heading ''Discretionary Grants'' in Public Law 105–66, ''$4,000,000 for the Salt Lake City regional commuter system project;'' is amended to read ''$4,000,000 for the transit and other transportation-related portions of the Salt Lake City regional commuter system and Gateway Intermodal Terminal;''.

SEC. 2402. Notwithstanding any other provision of law, the Commandant shall transfer $8,000,000 identified in the conference report accompanying Public Law 106–69 for ''Unalaska, AK—pier'' to the City of Unalaska, Alaska for the construction of a municipal pier and other harbor improvements: Provided, That the City of Unalaska enter into an agreement with the United States to accommodate Coast Guard vessels and support Coast Guard operations at Unalaska, Alaska.

SEC. 2403. From amounts previously made available in Public Law 106–69 (Department of Transportation and Related Agencies Appropriations Act, 2000) for ''Research, Engineering, and Development'', $600,000 shall be available only for testing the potential for ultra-wideband signals to interfere with global positioning system receivers by the National Telecommunications and Information Administration (NTIA): Provided, That the results of said test be reported to the House and Senate Committees on Appropriations not later than six months from the date of enactment of this act.

SEC. 2404. Notwithstanding any other provision of law, there is appropriated to the Federal Highway Administration for transfer to the Utah Department of Transportation, $35,000,000 for Interstate 15 reconstruction; such sums to remain available until expended: Provided, That the Utah Department of Transportation shall make available from state funds $35,000,000 for transportation planning, and temporary and permanent transportation infrastructure improvements for the Salt Lake City 2002 Olympic Winter Games: Provided further, That the specific planning activities and transportation infrastructure projects identified for state funding shall be limited to the following projects included in the Olympic Transportation Concept Plan approved by the Secretary of Transportation:

(1) Planning

(2) Venue Load and Unload

(3) Transit Bus Project

(4) Bus Maintenance Facilities

(5) Olympic Park & Ride Lots

(6) North-South Light Rail Park & Ride Lot Expansion.

SEC. 2405. Notwithstanding any other provision of law, the Secretary of Transportation may hereafter use Federal Highway Administration Emergency Relief funds as authorized under 23 U.S.C. 125, to reconstruct or modify to a higher elevation roads that are currently impounding water within a closed basin lake

greater than fifty thousand acres: Provided, That the structures on which the roadways are to be built shall be constructed to applicable approved United States Army Corps of Engineers design standards.

SEC. 2406. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

CHAPTER 5

OFFSETS

DEPARTMENT OF AGRICULTURE

OFFICE OF THE CHIEF INFORMATION OFFICER

Of the funds transferred to ''Office of the Chief Information Officer'' for year 2000 conversion of Federal information technology systems and related expenses pursuant to Division B, Title III of Public Law 105–277, $2,435,000 of the unobligated balances are hereby canceled.

DEPARTMENT OF JUSTICE

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading, $1,147,000 are rescinded.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(RESCISSION)

Of the unobligated balances available under this heading for the Civil Division, $2,000,000 are rescinded.

ASSET FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $13,500,000 are rescinded.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(RESCISSION)

Of the unobligated balances available under this heading for the Information Sharing Initiative, $15,000,000 are rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

ENFORCEMENT AND BORDER AFFAIRS

(RESCISSION)

Of the unobligated balances available under this heading for Washington headquarters operations, including all unobligated balances available for the Office of the Chief of the Border Patrol, $5,000,000 are rescinded.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM DIRECTION

(RESCISSION)

Of the unobligated balances available under this heading for Washington headquarters operations, $5,000,000 are rescinded.

VIOLENT CRIME REDUCTION PROGRAMS

(RESCISSION)

Of the unobligated balances available under this heading for Washington headquarters operations, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

(RESCISSION)

Of the amounts made available under this heading for the Bureau of Justice Assistance, $500,000 are rescinded from the Management and Administration activity.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DEPARTMENTAL MANAGEMENT

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

Of the funds appropriated for the Department's year 2000 computer conversion activities under this heading in the Department of Health and Human Services Appropriations Act, 2000, as enacted by section 1000(a)(4) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), $40,000,000 is hereby canceled.

EXECUTIVE OFFICE OF THE PRESIDENT

UNANTICIPATED NEEDS

INFORMATION TECHNOLOGY SYSTEMS AND RELATED EXPENSES

Under this heading in division B, title III of Public Law 105–277, strike ''$2,250,000,000'' and insert ''$2,015,000,000''.

CHAPTER 6

GENERAL PROVISIONS—THIS TITLE

SEC. 2601. Under the heading ''Federal Communications Commission, Salaries and Expenses'' in title V of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113, delete ''$210,000,000'' and insert ''$215,800,000''; in the first and third provisos delete ''$185,754,000'' and insert ''$191,554,000'' in each such proviso.

SEC. 2602. At the end of the paragraph under the heading ''Justice prisoner and alien transportation system fund, United States Marshals Service'' in title I of H.R. 3421 of the 106th Congress, as enacted by section 1000(a)(1) of Public Law 106–113, add the following: ''In addition, $13,500,000, to remain available until expended, shall be available only for the purchase of two Sabreliner-class aircraft.''.

SEC. 2603. Title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as contained in Public Law 106–113) is amended in the paragraph entitled ''Diplomatic and consular programs'' by inserting after the fourth proviso: ''Provided further, That of the amount made available under this heading, $5,000,000, less any costs already paid, shall be used to reimburse the City of Seattle and other Washington state jurisdictions for security costs incurred in hosting the Third World Trade Organization Ministerial Conference:''.

SEC. 2604. Of the discretionary funds appropriated to the Edward Byrne Memorial State and Local Law Enforcement Assistance Program in fiscal year 2000, $1,000,000 shall be transferred to the Violent Offender Incarceration and Truth In Sentencing Incentive Grants Program to be used for the construction costs of the Hoonah Spirit Camp, as authorized under section 20109(a) of subtitle A of title II of the 1994 Act.

SEC. 2605. Title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as contained in Public Law 106–113) is amended in the paragraph entitled ''Federal Bureau of Investigation, Salaries and Expenses'' by inserting after the third proviso the following new proviso: '': Provided further, That in addition to amounts made available under this heading, $3,000,000 shall be available for the creation of a new site for the National Domestic Preparedness Office outside of FBI Headquarters and the implementation of the 'Blueprint' with regard to the National Domestic Preparedness Office''.

SEC. 2606. Of the funds made available in fiscal year 2000 for the Department of Commerce, $1,000,000 shall be derived from the account entitled ''General Administration'' and $500,000 from the account entitled ''Office of the Inspector General'' and made available for the Commission on Online Child Protection as established under Title XIII of Public Law 105–825, and extended by subsequent law.

TITLE III

GENERAL PROVISIONS—THIS DIVISION

SEC. 3101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 3102. None of the funds made available under this Act or any other Act shall be used by the Secretary of the Interior, in this or the succeeding fiscal year, to promulgate final rules to revise or amend 43 C.F.R. Subpart 3809, except that the Secretary may finalize amendments to that Subpart that are limited to only the specific regulatory gaps identified at pages 7 through 9 of the National Research Council report entitled ''Hardrock Mining on Federal Lands'' and that are consistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

SEC. 3103. No funds may be expended in fiscal year 2000 by the Federal Communications Commission to conduct competitive bidding procedures that involve mutually exclusive applications where one or more of the applicants in a station, including an auxiliary radio booster or translator station or television translator station, licensed under section 397(6) of the Communications Act, whether broadcasting on reserved or non-reserved spectrum.

SEC. 3104. STUDY OF OREGON INLET, NORTH CAROLINA, NAVIGATION PROJECT. (a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army shall have conducted, and submitted to Congress, a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), to evaluate all reasonable alternatives, including nonstructural alternatives, to the authorized inlet stabilization project at Oregon Inlet.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary of the Army shall—

(1) take into account the views of affected interests; and

(2)(A) take into account objectives in addition to navigation, including—

(i) complying with the policies of the State of North Carolina regarding construction of structural measures along State shores; and

(ii) avoiding or minimizing adverse impacts to, or benefiting, the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge; and

(B) develop options that meet those objectives.

TITLE IV—FOOD AND MEDICINE FOR THE WORLD ACT

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Food and Medicine for the World Act''.

SEC. 4002. DEFINITIONS.

In this title:

(1) AGRICULTURAL COMMODITY.—The term ''agricultural commodity'' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) AGRICULTURAL PROGRAM.—The term ''agricultural program'' means—

(A) any program administered under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.);

(B) any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) any program administered under the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.);

(D) the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14);

(E) any commercial export sale of agricultural commodities; or

(F) any export financing (including credits or credit guarantees) provided by the United States Government for agricultural commodities.

(3) JOINT RESOLUTION.—The term ''joint resolution'' means—

(A) in the case of section 4003(a)(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 4003(a)(1) is received by Congress, the matter after the resolving clause of which is as follows: ''That Congress approves the report of the President pursuant to section 4003(a)(1) of the Food and Medicine for the World Act, transmitted on _____.'', with the blank completed with the appropriate date; and

(B) in the case of section 4006(1), only a joint resolution introduced within 10 session days of Congress after the date on which the report of the President under section 4006(2) is received by Congress, the matter after the resolving clause of which is as follows: ''That Congress approves the report of the President pursuant to section 4006(1) of the Food and Medicine for the World Act, transmitted on _____.'', with the blank completed with the appropriate date.

(4) MEDICAL DEVICE.—The term ''medical device'' has the meaning given the term ''device'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(5) MEDICINE.—The term ''medicine'' has the meaning given the term ''drug'' in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) UNILATERAL AGRICULTURAL SANCTION.—The term ''unilateral agricultural sanction'' means any prohibition, restriction, or condition on carrying out an agricultural program with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

(7) UNILATERAL MEDICAL SANCTION.—The term ''unilateral medical sanction'' means any prohibition, restriction, or condition on exports of, or the provision of assistance consisting of, medicine or a medical device with respect to a foreign country or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures.

SEC. 4003. RESTRICTION.

(a) NEW SANCTIONS.—Except as provided in sections 4004 and 4005 and notwithstanding any other provision of law, the President may not impose a unilateral agricultural sanction or unilateral medical sanction against a foreign country or foreign entity, unless—

(1) not later than 60 days before the sanction is proposed to be imposed, the President submits a report to Congress that—

(A) describes the activity proposed to be prohibited, restricted, or conditioned; and

(B) describes the actions by the foreign country or foreign entity that justify the sanction; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

(b) EXISTING SANCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the President shall terminate any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act.

(2) EXEMPTIONS.—Paragraph (1) shall not apply to a unilateral agricultural sanction or unilateral medical sanction imposed—

(A) with respect to any program administered under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(B) with respect to the Export Credit Guarantee Program (GSM–102) or the Intermediate Export Credit Guarantee Program (GSM–103) established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622); or

(C) with respect to the dairy export incentive program administered under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14).

SEC. 4004. EXCEPTIONS.

Section 4003 shall not affect any authority or requirement to impose (or continue to impose) a sanction referred to in section 4003—

(1) against a foreign country or foreign entity—

(A) pursuant to a declaration of war against the country or entity;

(B) pursuant to specific statutory authorization for the use of the Armed Forces of the United States against the country or entity;

(C) against which the Armed Forces of the United States are involved in hostilities; or

(D) where imminent involvement by the Armed Forces of the United States in hostilities against the country or entity is clearly indicated by the circumstances; or

(2) to the extent that the sanction would prohibit, restrict, or condition the provision or use of any agricultural commodity, medicine, or medical device that is—

(A) controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778);

(B) controlled on any control list established under the Export Administration Act of 1979 or any successor statute (50 U.S.C. App. 2401 et seq.); or

(C) used to facilitate the development or production of a chemical or biological weapon or weapon of mass destruction.

SEC. 4005. COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

Notwithstanding section 4003 and except as provided in section 4007, the prohibitions in effect on or after the date of the enactment of this Act under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) on providing, to the government of any country supporting international terrorism, United States Government assistance, including United States foreign assistance, United States export assistance, or any United States credits or credit guarantees, shall remain in effect for such period as the Secretary of State determines under such section 620A that the government of the country has repeatedly provided support for acts of international terrorism.

SEC. 4006. TERMINATION OF SANCTIONS.

Any unilateral agricultural sanction or unilateral medical sanction that is imposed pursuant to the procedures described in section 4003(a) shall terminate not later than 2 years after the date on which the sanction became effective unless—

(1) not later than 60 days before the date of termination of the sanction, the President submits to Congress a report containing—

(A) the recommendation of the President for the continuation of the sanction for an additional period of not to exceed 2 years; and

(B) the request of the President for approval by Congress of the recommendation; and

(2) there is enacted into law a joint resolution stating the approval of Congress for the report submitted under paragraph (1).

SEC. 4007. STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) IN GENERAL.—Notwithstanding any other provision of this title, the export of agricultural commodities, medicine, or medical devices to the government of a country that has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) shall only be made—

(1) pursuant to one-year licenses issued by the United States Government for contracts entered into during the one-year period and completed with the 12-month period beginning on the date of the signing of the contract, except that, in the case of the export of items used for food and for food production, such one-year licenses shall otherwise be no more restrictive than general licenses; and

(2) without benefit of Federal financing, direct export subsidies, Federal credit guarantees, or other Federal promotion assistance programs.

(b) QUARTERLY REPORTS.—The applicable department or agency of the Federal Government shall submit to the appropriate congressional committees on a quarterly basis a report on any activities undertaken under subsection (a)(1) during the preceding calendar quarter.

(c) BIENNIAL REPORTS.—Not later than two years after the date of enactment of this Act, and every two years thereafter, the applicable department or agency of the Federal Government shall submit a report to the appropriate congressional committees on the operation of the licensing system under this section for the preceding two-year period, including—

(1) the number and types of licenses applied for;

(2) the number and types of licenses approved;

(3) the average amount of time elapsed from the date of filing of a license application until the date of its approval;

(4) the extent to which the licensing procedures were effectively implemented; and

(5) a description of comments received from interested parties about the extent to which the licensing procedures were effective, after the applicable department or agency holds a public 30-day comment period.

SEC. 4008. CONGRESSIONAL EXPEDITED PROCEDURES.

Consideration of a joint resolution relating to a report described in section 4003(a)(1) or 4006(1) shall be subject to expedited procedures as determined by the House of Representatives and as determined by the Senate.

SEC. 4009. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title takes effect on the date of enactment of this Act.

(b) EXISTING SANCTIONS.—In the case of any unilateral agricultural sanction or unilateral medical sanction that is in effect as of the date of enactment of this Act, this title takes effect 180 days after the date of enactment of this Act.

This Division may be cited as the ''Fiscal Year 2000 Emergency Supplemental Appropriations Act for Natural Disasters Assistance''.

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001''.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, and in consultation with the ranking member of the Senate Committee on Armed Services, pursuant to Public Law 106–65, announces the appointment of Alan L. Hansen, AIA, of Virginia, to serve as a member of the Commission on the National Military Museum.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–37

Mr. NICKLES. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following protocols transmitted to the Senate on July 25, 2000, by the President of the United States: Protocols to the Convention on the Rights of the Child (Treaty Document No. 106–37).

Further, I ask unanimous consent that the protocols be considered as having been read for the first time, that they be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving advice and consent of the Senate to ratification, I transmit herewith two optional protocols to the Convention on the Rights of the Child, both of which were adopted at New York, May 25, 2000: (1) The Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict; and (2) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. I signed both Protocols on July 5, 2000.

In addition, I transmit for the information of the Senate, the report of the Department of State with respect to both Protocols, including article-by-article analyses of each Protocol. As detailed in the Department of State report, a number of understandings and declarations are recommended.

These Protocols represent a true breakthrough for the children of the world. Ratification of these Protocols will enhance the ability of the United States to provide global leadership in the effort to eliminate abuses against children with respect to armed conflict and sexual exploitation.

I recommend that the Senate give early and favorable consideration to both Protocols and give its advice and consent to the ratification of both Protocols, subject to the understandings and declarations recommended in the Department of State Report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 25, 2000.*

CERTIFIED DEVELOPMENT COMPANY PROGRAM IMPROVEMENTS ACT OF 2000

Mr. NICKLES. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 2614.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2614) entitled ''An Act to amend the Small Business Investment Act to make improvements to the certified development company program, and for other purposes'', with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Certified Development Company Program Improvements Act of 2000''.

SEC. 2. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma ''or women-owned business development''.

SEC. 3. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

''(2) LOAN LIMITS.—Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, other than loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.''.

SEC. 4. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

''(f) EFFECTIVE DATE.—The fees authorized by subsections (b) and (d) shall apply to any financing approved by the Administration during the period beginning on October 1, 1996 and ending on September 30, 2003.''.

SEC. 5. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 697e note) is repealed.

SEC. 6. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking ''On a pilot program basis, the'' and inserting ''The'';

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking ''subsection (f)'' and inserting ''subsection (g)'';

(4) in subsection (h) (as redesignated by paragraph (2)), by striking ''subsection (f)'' and inserting ''subsection (g)''; and

(5) by inserting after subsection (c) the following:

''(d) SALE OF CERTAIN DEFAULTED LOANS.—

''(1) NOTICE.—

''(A) IN GENERAL.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, the Administration shall give prior notice thereof to any certified development company that has a contingent liability under this section.

''(B) TIMING.—The notice required by subparagraph (A) shall be given to the certified development company as soon as possible after the financing is identified, but not later than 90 days before the date on which the Administration first makes any record on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

''(2) LIMITATIONS.—The Administration may not offer any loan described in paragraph (1)(A) as part of a bulk sale, unless the Administration—

''(A) provides prospective purchasers with the opportunity to examine the records of the Administration with respect to such loan; and

''(B) provides the notice required by paragraph (1).''.

SEC. 7. LOAN LIQUIDATION.

(a) LIQUIDATION AND FORECLOSURE.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

''SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

''(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) of this section the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

''(b) ELIGIBILITY FOR DELEGATION.—

''(1) REQUIREMENTS.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

''(A) the company—

''(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before the date of issuance of final regulations by the Administration implementing this section;

''(ii) is participating in the Premier Certified Lenders Program under section 508; or

''(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not fewer than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

''(B) the company—

''(i) has one or more employees—

''(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

''(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

''(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

''(2) CONFIRMATION.—On request, the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

''(c) SCOPE OF DELEGATED AUTHORITY.—

''(1) IN GENERAL.—Each qualified State or local development company to which the Administration delegates authority under subsection (a) may, with respect to any loan described in subsection (a)—

''(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner, according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

''(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

''(i) defend or bring any claim if—

''(I) the outcome of the litigation may adversely affect management by the Administration of the loan program established under section 502; or

''(II) the Administration is entitled to legal remedies not available to a qualified State or local development company, and such remedies will benefit either the Administration or the qualified State or local development company; or

''(ii) oversee the conduct of any such litigation; and

''(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosure, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

''(2) ADMINISTRATION APPROVAL.—

''(A) LIQUIDATION PLAN.—

''(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

''(ii) ADMINISTRATION ACTION ON PLAN.—

''(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

''(II) NOTICE OF NO DECISION.—With respect to any liquidation plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

''(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake any routine action not addressed in a liquidation plan without obtaining additional approval from the Administration.

''(B) PURCHASE OF INDEBTEDNESS.—

''(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

''(ii) ADMINISTRATION ACTION ON REQUEST.—

''(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

''(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the request.

''(C) WORKOUT PLAN.—

''(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

''(ii) ADMINISTRATION ACTION ON PLAN.—

''(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

''(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall, during such period, provide notice in accordance with subparagraph (E) to the company that submitted the plan.

''(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

''(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

''(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

''(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraph (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

''(i) shall be in writing;

''(ii) shall state the specific reason for the inability of the Administration to act on the subject plan or request;

''(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

''(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

''(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender (or any associate of a third party lender) or any other person participating in a liquidation, foreclosure, or loss mitigation action.

''(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

''(1) does not meet the requirements of subsection (b)(1);

''(2) has violated any applicable rule or regulation of the Administration or any other applicable provision of law; or

''(3) has failed to comply with any reporting requirement that may be established by the Administration relating to carrying out functions described in subsection (c)(1).

''(e) REPORT.—

''(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of delegation of authority under this section.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

''(A) with respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

''(i) the total cost of the project financed with the loan;

''(ii) the total original dollar amount guaranteed by the Administration;

''(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

''(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

''(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed;

''(B) with respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

''(C) with respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A);

''(D) a comparison between—

''(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

''(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period; and

''(E) the number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subsection (c)(2)(A) or a workout plan in accordance with subsection (c)(2)(C), or to approve or deny a request for purchase of indebtedness under subsection (c)(2)(B), including specific information regarding the reasons for the failure of the Administration and any delay that resulted.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Effective on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have legal effect.

SEC. 8. FUNDING LEVELS FOR CERTAIN FINANCINGS UNDER THE SMALL BUSINESS INVESTMENT ACT OF 1958.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

''(g) PROGRAM LEVELS FOR CERTAIN SMALL BUSINESS INVESTMENT ACT OF 1958 FINANCINGS.—The following program levels are authorized for financings under section 504 of the Small Business Investment Act of 1958:

''(1) $4,000,000,000 for fiscal year 2001.

''(2) $5,000,000,000 for fiscal year 2002.

''(3) $6,000,000,000 for fiscal year 2003.''.

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate disagree with the amendment of the House, the Senate request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

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

The Presiding Officer (Mr. INHOFE) appointed Mr. BOND, Mr. BURNS, and Mr. KERRY conferees on the part of the Senate.

LONG-TERM CARE SECURITY ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 685, S. 2420.

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

The legislative clerk read as follows:

A bill (S. 2420) 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.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment and an amendment to the title, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

TITLE I—FEDERAL LONG-TERM CARE INSURANCE

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Long-Term Care Security Act''.

SEC. 1002. LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 90—LONG-TERM CARE INSURANCE

''Sec.
''9001. Definitions.
''9002. Availability of insurance.
''9003. Contracting authority.
''9004. Financing.
''9005. Preemption.
''9006. Studies, reports, and audits.
''9007. Jurisdiction of courts.
''9008. Administrative functions.
''9009. Cost accounting standards.

''§ 9001. Definitions

For purposes of this chapter:

''(1) EMPLOYEE.—The term 'employee' means—

''(A) an employee as defined by section 8901(1); and

''(B) an individual described in section 2105(e),

but does not include an individual employed by the government of the District of Columbia.

''(2) ANNUITANT.—The term 'annuitant' has the meaning such term would have under paragraph (3) of section 8901 if, for purposes of such paragraph, the term 'employee' were considered to have the meaning given to it under paragraph (1) of this subsection.

''(3) MEMBER OF THE UNIFORMED SERVICES.—The term 'member of the uniformed services' means a member of the uniformed services, other than a retired member of the uniformed services, who is—

''(A) on active duty or full-time National Guard duty for a period of more than 30 days; and

''(B) a member of the Selected Reserve.

''(4) RETIRED MEMBER OF THE UNIFORMED SERVICES.—The term 'retired member of the uniformed services' means a member or former member of the uniformed services entitled to retired or retainer pay, including a member or former member retired under chapter 1223 of title 10 who has attained the age of 60 and who satisfies such eligibility requirements as the Office of Personnel Management prescribes under section 9008.

''(5) QUALIFIED RELATIVE.—The term 'qualified relative' means each of the following:

''(A) The spouse of an individual described in paragraph (1), (2), (3), or (4).

''(B) A parent, stepparent, or parent-in-law of an individual described in paragraph (1) or (3).

''(C) A child (including an adopted child, a stepchild, or, to the extent the Office of Personnel Management by regulation provides, a foster child) of an individual described in paragraph (1), (2), (3), or (4), if such child is at least 18 years of age.

''(D) An individual having such other relationship to an individual described in paragraph (1), (2), (3), or (4) as the Office may by regulation prescribe.

''(6) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' refers to an individual described in paragraph (1), (2), (3), (4), or (5).

''(7) QUALIFIED CARRIER.—The term 'qualified carrier' means an insurance company (or consortium of insurance companies) that is licensed to issue long-term care insurance in all States, taking any subsidiaries of such a company into account (and, in the case of a consortium, considering the member companies and any subsidiaries thereof, collectively).

''(8) STATE.—The term 'State' includes the District of Columbia.

''(9) QUALIFIED LONG-TERM CARE INSURANCE CONTRACT.—The term 'qualified long-term care insurance contract' has the meaning given such term by section 7702B of the Internal Revenue Code of 1986.

''(10) APPROPRIATE SECRETARY.—The term 'appropriate Secretary' means—

''(A) except as otherwise provided in this paragraph, the Secretary of Defense;

''(B) with respect to the Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

''(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and

''(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

''§ 9002. Availability of insurance

''(a) IN GENERAL.—The Office of Personnel Management shall establish and, in consultation with the appropriate Secretaries, administer a program through which an individual described in paragraph (1), (2), (3), (4), or (5) of section 9001 may obtain long-term care insurance coverage under this chapter for such individual.

''(b) GENERAL REQUIREMENTS.—Long-term care insurance may not be offered under this chapter unless—

''(1) the only coverage provided is under qualified long-term care insurance contracts; and

''(2) each insurance contract under which any such coverage is provided is issued by a qualified carrier.

''(c) DOCUMENTATION REQUIREMENT.—As a condition for obtaining long-term care insurance coverage under this chapter based on one's status as a qualified relative, an applicant shall provide documentation to demonstrate the relationship, as prescribed by the Office.

''(d) UNDERWRITING STANDARDS.—

''(1) DISQUALIFYING CONDITION.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be eligible for benefits immediately.

''(2) SPOUSAL PARITY.—For the purpose of underwriting standards, a spouse of an individual described in paragraph (1), (2), (3), or (4) of section 9001 shall, as nearly as practicable, be treated like that individual.

''(3) GUARANTEED ISSUE.—Nothing in this chapter shall be considered to require that long-term care insurance coverage be guaranteed to an eligible individual.

''(4) REQUIREMENT THAT CONTRACT BE FULLY INSURED.—In addition to the requirements otherwise applicable under section 9001(9), in order to be considered a qualified long-term care insurance contract for purposes of this chapter, a contract must be fully insured, whether through reinsurance with other companies or otherwise.

''(5) HIGHER STANDARDS ALLOWABLE.—Nothing in this chapter shall, in the case of an individual applying for long-term care insurance coverage under this chapter after the expiration of such individual's first opportunity to enroll, preclude the application of underwriting standards more stringent than those that would have applied if that opportunity had not yet expired.

''(e) GUARANTEED RENEWABILITY.—The benefits and coverage made available to eligible individuals under any insurance contract under this chapter shall be guaranteed renewable (as defined by section 7A(2) of the model regulations described in section 7702B(g)(2) of the Internal Revenue Code of 1986), including the right to have insurance remain in effect so long as premiums continue to be timely made. However, the authority to revise premiums under this chapter shall be available only on a class basis and only to the extent otherwise allowable under section 9003(b).

''§ 9003. Contracting authority

''(a) IN GENERAL.—The Office of Personnel Management shall, without regard to section 5 of title 41 or any other statute requiring competitive bidding, contract with one or more qualified carriers for a policy or policies of long-term care insurance. The Office shall ensure that each resulting contract (hereafter in this chapter referred to as a 'master contract') is awarded on the basis of contractor qualifications, price, and reasonable competition.

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—Each master contract under this chapter shall contain—

''(A) a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits);

''(B) the premiums charged (including any limitations or other conditions on their subsequent adjustment);

''(C) the terms of the enrollment period; and

''(D) such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

''(2) PREMIUMS.—Premiums charged under each master contract entered into under this section shall reasonably and equitably reflect the cost of the benefits provided, as determined by the Office. The premiums shall not be adjusted during the term of the contract unless mutually agreed to by the Office and the carrier.

''(3) NONRENEWABILITY.—Master contracts under this chapter may not be made automatically renewable.

''(c) PAYMENT OF REQUIRED BENEFITS; DISPUTE RESOLUTION.—

''(1) IN GENERAL.—Each master contract under this chapter shall require the carrier to agree—

''(A) to provide payments or benefits to an eligible individual if such individual is entitled thereto under the terms of the contract; and

''(B) with respect to disputes regarding claims for payments or benefits under the terms of the contract—

''(i) to establish internal procedures designed to expeditiously resolve such disputes; and

''(ii) to establish, for disputes not resolved through procedures under clause (i), procedures for one or more alternative means of dispute resolution involving independent third-party review under appropriate circumstances by entities mutually acceptable to the Office and the carrier.

''(2) ELIGIBILITY.—A carrier's determination as to whether or not a particular individual is eligible to obtain long-term care insurance coverage under this chapter shall be subject to review only to the extent and in the manner provided in the applicable master contract.

''(3) OTHER CLAIMS.—For purposes of applying the Contract Disputes Act of 1978 to disputes arising under this chapter between a carrier and the Office—

''(A) the agency board having jurisdiction to decide an appeal relative to such a dispute shall be such board of contract appeals as the Director of the Office of Personnel Management shall specify in writing (after appropriate arrangements, as described in section 8(c) of such Act); and

''(B) the district courts of the United States shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of any action described in section 10(a)(1) of such Act relative to such a dispute.

''(4) RULE OF CONSTRUCTION.—Nothing in this chapter shall be considered to grant authority for the Office or a third-party reviewer to change the terms of any contract under this chapter.

''(d) DURATION.—

''(1) IN GENERAL.—Each master contract under this chapter shall be for a term of 7 years, unless terminated earlier by the Office in accordance with the terms of such contract. However, the rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under such contract shall continue with respect to such individual until the termination of coverage of the enrolled individual or the effective date of a successor contract thereto.

''(2) EXCEPTION.—

''(A) SHORTER DURATION.—In the case of a master contract entered into before the end of the period described in subparagraph (B), paragraph (1) shall be applied by substituting 'ending on the last day of the 7-year period described in paragraph (2)(B)' for 'of 7 years'.

''(B) DEFINITION.—The period described in this subparagraph is the 7-year period beginning on the earliest date as of which any long-term care insurance coverage under this chapter becomes effective.

''(3) CONGRESSIONAL NOTIFICATION.—No later than 180 days after receiving the second report required under section 9006(c), the President (or his designee) shall submit to the Committees on Government Reform and on Armed Services of the House of Representatives and the Committees on Governmental Affairs and on Armed Services of the Senate, a written recommendation as to whether the program under this chapter should be continued without modification,

terminated, or restructured. During the 180-day period following the date on which the President (or his designee) submits the recommendation required under the preceding sentence, the Office of Personnel Management may not take any steps to rebid or otherwise contract for any coverage to be available at any time following the expiration of the 7-year period described in paragraph (2)(B).

''(4) FULL PORTABILITY.—Each master contract under this chapter shall include such provisions as may be necessary to ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual pursuant to that enrollment shall not be terminated due to any change in status (such as separation from Government service or the uniformed services) or ceasing to meet the requirements for being considered a qualified relative (whether as a result of dissolution of marriage or otherwise).

''§ 9004. Financing

''(a) IN GENERAL.—Each eligible individual obtaining long-term care insurance coverage under this chapter shall be responsible for 100 percent of the premiums for such coverage.

''(b) WITHHOLDINGS.—

''(1) IN GENERAL.—The amount necessary to pay the premiums for enrollment may—

''(A) in the case of an employee, be withheld from the pay of such employee;

''(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

''(C) in the case of a member of the uniformed services described in section 9001(3), be withheld from the pay of such member; and

''(D) in the case of a retired member of the uniformed services described in section 9001(4), be withheld from the retired pay or retainer pay payable to such member.

''(2) VOLUNTARY WITHHOLDINGS FOR QUALIFIED RELATIVES.—Withholdings to pay the premiums for enrollment of a qualified relative may, upon election of the appropriate eligible individual (described in section 9001(1)–(4)), be withheld under paragraph (1) to the same extent and in the same manner as if enrollment were for such individual.

''(c) DIRECT PAYMENTS.—All amounts withheld under this section shall be paid directly to the carrier.

''(d) OTHER FORMS OF PAYMENT.—Any enrollee who does not elect to have premiums withheld under subsection (b) or whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made, and whose premiums are not otherwise being provided for under subsection (b)(2)) shall pay an amount equal to the full amount of those charges directly to the carrier.

''(e) SEPARATE ACCOUNTING REQUIREMENT.—Each carrier participating under this chapter shall maintain records that permit it to account for all amounts received under this chapter (including investment earnings on those amounts) separate and apart from all other funds.

''(f) REIMBURSEMENTS.—

''(1) REASONABLE INITIAL COSTS.—

''(A) IN GENERAL.—The Employees' Life Insurance Fund is available, without fiscal year limitation, for reasonable expenses incurred by the Office of Personnel Management in administering this chapter before the start of the 7-year period described in section 9003(d)(2)(B), including reasonable implementation costs.

''(B) REIMBURSEMENT REQUIREMENT.—Such Fund shall be reimbursed, before the end of the first year of that 7-year period, for all amounts obligated or expended under subparagraph (A) (including lost investment income). Such reimbursement shall be made by carriers, on a pro rata basis, in accordance with appropriate provisions which shall be included in master contracts under this chapter.

''(2) SUBSEQUENT COSTS.—

''(A) IN GENERAL.—There is hereby established in the Employees' Life Insurance Fund a Long-Term Care Administrative Account, which shall be available to the Office, without fiscal year limitation, to defray reasonable expenses incurred by the Office in administering this chapter after the start of the 7-year period described in section 9003(d)(2)(B).

''(B) REIMBURSEMENT REQUIREMENT.—Each master contract under this chapter shall include appropriate provisions under which the carrier involved shall, during each year, make such periodic contributions to the Long-Term Care Administrative Account as necessary to ensure that the reasonable anticipated expenses of the Office in administering this chapter during such year (adjusted to reconcile for any earlier overestimates or underestimates under this subparagraph) are defrayed.

''§ 9005. Preemption

''The terms of any contract under this chapter which relate to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any State or local law, or any regulation issued thereunder, which relates to long-term care insurance or contracts.

''§ 9006. Studies, reports, and audits

''(a) PROVISIONS RELATING TO CARRIERS.—Each master contract under this chapter shall contain provisions requiring the carrier—

''(1) to furnish such reasonable reports as the Office of Personnel Management determines to be necessary to enable it to carry out its functions under this chapter; and

''(2) to permit the Office and representatives of the General Accounting Office to examine such records of the carrier as may be necessary to carry out the purposes of this chapter.

''(b) PROVISIONS RELATING TO FEDERAL AGENCIES.—Each Federal agency shall keep such records, make such certifications, and furnish the Office, the carrier, or both, with such information and reports as the Office may require.

''(c) REPORTS BY THE GENERAL ACCOUNTING OFFICE.—The General Accounting Office shall prepare and submit to the President, the Office of Personnel Management, and each House of Congress, before the end of the third and fifth years during which the program under this chapter is in effect, a written report evaluating such program. Each such report shall include an analysis of the competitiveness of the program, as compared to both group and individual coverage generally available to individuals in the private insurance market. The Office shall cooperate with the General Accounting Office to provide periodic evaluations of the program.

''§ 9007. Jurisdiction of courts

''The district courts of the United States have original jurisdiction of a civil action or claim described in paragraph (1) or (2) of section 9003(c), after such administrative remedies as required under such paragraph (1) or (2) (as applicable) have been exhausted, but only to the extent judicial review is not precluded by any dispute resolution or other remedy under this chapter.

''§ 9008. Administrative functions

''(a) IN GENERAL.—The Office of Personnel Management shall prescribe regulations necessary to carry out this chapter.

''(b) ENROLLMENT PERIODS.—The Office shall provide for periodic coordinated enrollment, promotion, and education efforts in consultation with the carriers.

''(c) CONSULTATION.—Any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual described in paragraph (3) or (4) of section 9001, or a qualified relative thereof, shall be prescribed by the Office in consultation with the appropriate Secretary.

''(d) INFORMED DECISIONMAKING.—The Office shall ensure that each eligible individual applying for long-term care insurance under this chapter is furnished the information necessary to enable that individual to evaluate the advantages and disadvantages of obtaining long-term care insurance under this chapter, including the following:

''(1) The principal long-term care benefits and coverage available under this chapter, and how those benefits and coverage compare to the range of long-term care benefits and coverage otherwise generally available.

''(2) Representative examples of the cost of long-term care, and the sufficiency of the benefits available under this chapter relative to those costs. The information under this paragraph shall also include—

''(A) the projected effect of inflation on the value of those benefits; and

''(B) a comparison of the inflation-adjusted value of those benefits to the projected future costs of long-term care.

''(3) Any rights individuals under this chapter may have to cancel coverage, and to receive a total or partial refund of premiums. The information under this paragraph shall also include—

''(A) the projected number or percentage of individuals likely to fail to maintain their coverage (determined based on lapse rates experienced under similar group long-term care insurance programs and, when available, this chapter); and

''(B)(i) a summary description of how and when premiums for long-term care insurance under this chapter may be raised;

''(ii) the premium history during the last 10 years for each qualified carrier offering long-term care insurance under this chapter; and

''(iii) if cost increases are anticipated, the projected premiums for a typical insured individual at various ages.

''(4) The advantages and disadvantages of long-term care insurance generally, relative to other means of accumulating or otherwise acquiring the assets that may be needed to meet the costs of long-term care, such as through tax-qualified retirement programs or other investment vehicles.

''§ 9009. Cost accounting standards

''The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) shall not apply with respect to a long-term care insurance contract under this chapter.''.

(b) CONFORMING AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by adding at the end of subpart G the following:

''90. Long-Term Care Insurance ..... 9001.''.

SEC. 1003. EFFECTIVE DATE.

The Office of Personnel Management shall take such measures as may be necessary to ensure that long-term care insurance coverage under title 5, United States Code, as amended by this title, may be obtained in time to take effect not later than the first day of the first applicable pay period of the first fiscal year which begins after the end of the 18-month period beginning on the date of the enactment of this Act.

TITLE II—FEDERAL RETIREMENT COVERAGE ERRORS CORRECTION

SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Federal Erroneous Retirement Coverage Corrections Act''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE II—FEDERAL RETIREMENT COVERAGE ERRORS CORRECTION

Sec. 2001. Short title; table of contents.
Sec. 2002. Definitions.
Sec. 2003. Applicability.
Sec. 2004. Irrevocability of elections.

Subtitle A—Description of Retirement Coverage Errors to Which This Title Applies and Measures for Their Rectification

CHAPTER 1—EMPLOYEES AND ANNUITANTS WHO SHOULD HAVE BEEN FERS COVERED, BUT WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS-OFFSET COVERED INSTEAD, AND SURVIVORS OF SUCH EMPLOYEES AND ANNUITANTS

Sec. 2101. Employees.
Sec. 2102. Annuitants and survivors.

CHAPTER 2—EMPLOYEE WHO SHOULD HAVE BEEN FERS COVERED, CSRS-OFFSET COVERED, OR CSRS COVERED, BUT WHO WAS ERRONEOUSLY SOCIAL SECURITY-ONLY COVERED INSTEAD

Sec. 2111. Applicability.
Sec. 2112. Correction mandatory.

CHAPTER 3—EMPLOYEE WHO SHOULD OR COULD HAVE BEEN SOCIAL SECURITY-ONLY COVERED BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR CSRS COVERED INSTEAD

Sec. 2121. Employee who should be Social Security-Only covered, but who is erroneously CSRS or CSRS-Offset covered instead.

CHAPTER 4—EMPLOYEE WHO WAS ERRONEOUSLY FERS COVERED

Sec. 2131. Employee who should be Social Security-Only covered, CSRS covered, or CSRS-Offset covered and is not FERS-Eligible, but who is erroneously FERS covered instead.
Sec. 2132. FERS-Eligible employee who should have been CSRS covered, CSRS-Offset covered, or Social Security-Only covered, but who was erroneously FERS covered instead without an election.
Sec. 2133. Retroactive effect.

CHAPTER 5—EMPLOYEE WHO SHOULD HAVE BEEN CSRS-OFFSET COVERED, BUT WHO WAS ERRONEOUSLY CSRS COVERED INSTEAD

Sec. 2141. Applicability.
Sec. 2142. Correction mandatory.

CHAPTER 6—EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD

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Subtitle B—General Provisions

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Subtitle C—Other Provisions

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Sec. 2302. Authorization of payments.
Sec. 2303. Individual right of action preserved for amounts not otherwise provided for under this title.

Subtitle D—Effective Date

Sec. 2401. Effective date.

SEC. 2002. DEFINITIONS.

For purposes of this title:

(1) ANNUITANT.—The term ''annuitant'' has the meaning given such term under section 8331(9) or 8401(2) of title 5, United States Code.

(2) CSRS.—The term ''CSRS'' means the Civil Service Retirement System.

(3) CSRDF.—The term ''CSRDF'' means the Civil Service Retirement and Disability Fund.

(4) CSRS COVERED.—The term ''CSRS covered'', with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, other than service subject to section 8334(k) of such title.

(5) CSRS-OFFSET COVERED.—The term ''CSRS-Offset covered'', with respect to any service, means service that is subject to the provisions of subchapter III of chapter 83 of title 5, United States Code, and to section 8334(k) of such title.

(6) EMPLOYEE.—The term ''employee'' has the meaning given such term under section 8331(1) or 8401(11) of title 5, United States Code.

(7) EXECUTIVE DIRECTOR.—The term ''Executive Director of the Federal Retirement Thrift Investment Board'' or ''Executive Director'' means the Executive Director appointed under section 8474 of title 5, United States Code.

(8) FERS.—The term ''FERS'' means the Federal Employees' Retirement System.

(9) FERS COVERED.—The term ''FERS covered'', with respect to any service, means service that is subject to chapter 84 of title 5, United States Code.

(10) FORMER EMPLOYEE.—The term ''former employee'' means an individual who was an employee, but who is not an annuitant.

(11) OASDI TAXES.—The term ''OASDI taxes'' means the OASDI employee tax and the OASDI employer tax.

(12) OASDI EMPLOYEE TAX.—The term ''OASDI employee tax'' means the tax imposed under section 3101(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(13) OASDI EMPLOYER TAX.—The term ''OASDI employer tax'' means the tax imposed under section 3111(a) of the Internal Revenue Code of 1986 (relating to Old-Age, Survivors and Disability Insurance).

(14) OASDI TRUST FUNDS.—The term ''OASDI trust funds'' means the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

(15) OFFICE.—The term ''Office'' means the Office of Personnel Management.

(16) RETIREMENT COVERAGE DETERMINATION.—The term ''retirement coverage determination'' means a determination by an employee or agent of the Government as to whether a particular type of Government service is CSRS covered, CSRS-Offset covered, FERS covered, or Social Security-Only covered.

(17) RETIREMENT COVERAGE ERROR.—The term ''retirement coverage error'' means an erroneous retirement coverage determination that was in effect for a minimum period of 3 years of service after December 31, 1986.

(18) SOCIAL SECURITY-ONLY COVERED.—The term ''Social Security-Only covered'', with respect to any service, means Government service that—

(A) constitutes employment under section 210 of the Social Security Act (42 U.S.C. 410); and

(B)(i) is subject to OASDI taxes; but

(ii) is not subject to CSRS or FERS.

(19) SURVIVOR.—The term ''survivor'' has the meaning given such term under section 8331(10) or 8401(28) of title 5, United States Code.

(20) THRIFT SAVINGS FUND.—The term ''Thrift Savings Fund'' means the Thrift Savings Fund established under section 8437 of title 5, United States Code.

SEC. 2003. APPLICABILITY.

(a) IN GENERAL.—This title shall apply with respect to retirement coverage errors that occur before, on, or after the date of enactment of this Act.

(b) LIMITATION.—Except as otherwise provided in this title, this title shall not apply to any erroneous retirement coverage determination that was in effect for a period of less than 3 years of service after December 31, 1986.

SEC. 2004. IRREVOCABILITY OF ELECTIONS.

Any election made (or deemed to have been made) by an employee or any other individual under this title shall be irrevocable.

Subtitle A—Description of Retirement Coverage Errors to Which This Title Applies and Measures for Their Rectification

CHAPTER 1—EMPLOYEES AND ANNUITANTS WHO SHOULD HAVE BEEN FERS COVERED, BUT WHO WERE ERRONEOUSLY CSRS COVERED OR CSRS-OFFSET COVERED INSTEAD, AND SURVIVORS OF SUCH EMPLOYEES AND ANNUITANTS

SEC. 2101. EMPLOYEES.

(a) APPLICABILITY.—This section shall apply in the case of any employee or former employee who should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) CSRS covered or CSRS-Offset covered instead.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described under paragraph (3). As soon as practicable after discovery of the error, and subject to the right of an election under paragraph (2), if CSRS covered or CSRS-Offset covered, such individual shall be treated as CSRS-Offset covered, retroactive to the date of the retirement coverage error.

(2) COVERAGE.—

(A) ELECTION.—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or FERS covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) NONELECTION.—If the individual does not make an election by the date provided under subparagraph (A), a CSRS-Offset covered individual shall remain CSRS-Offset covered and a CSRS covered individual shall be treated as CSRS-Offset covered.

(3) REGULATIONS.—The Office shall prescribe regulations to carry out this subsection.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b).

(2) COVERAGE.—

(A) ELECTION.—

(i) CSRS-OFFSET COVERED.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(ii) THRIFT SAVINGS FUND CONTRIBUTIONS.—If under this section an individual elects to be CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of FERS coverage (and earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(B) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error shall not be entitled to make an election under this subsection unless that amount is waived in whole or in part under section 2208, and any amount not waived is repaid.

(C) INELIGIBILITY FOR ELECTION.—An individual who, subsequent to correction of the retirement coverage error, received a refund of retirement deductions under section 8424 of title 5, United States Code, or a distribution under section 8433 (b), (c), or (h)(1)(A) of title 5, United States Code, may not make an election under this subsection.

(3) CORRECTIVE ACTION TO REMAIN IN EFFECT.—If an individual is ineligible to make an election or does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action

taken before such time limitation shall remain in effect.

SEC. 2102. ANNUITANTS AND SURVIVORS.

(a) IN GENERAL.—This section shall apply in the case of an individual who is—

(1) an annuitant who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead; or

(2) a survivor of an employee who should have been FERS covered but, as a result of a retirement coverage error, was CSRS covered or CSRS-Offset covered instead.

(b) COVERAGE.—

(1) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing an individual described under subsection (a) to elect CSRS-Offset coverage or FERS coverage, effective as of the date of the retirement coverage error.

(2) TIME LIMITATION.—An election under this subsection shall be made not later than 18 months after the effective date of the regulations prescribed under paragraph (1).

(3) REDUCED ANNUITY.—

(A) AMOUNT IN ACCOUNT.—If the individual elects CSRS-Offset coverage, the amount in the employee's Thrift Savings Fund account under subchapter III of chapter 84 of title 5, United States Code, on the date of retirement that represents the Government's contributions and earnings on those contributions (whether or not such amount was subsequently distributed from the Thrift Savings Fund) will form the basis for a reduction in the individual's annuity, under regulations prescribed by the Office.

(B) REDUCTION.—The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount referred to in subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(4) REDUCED BENEFIT.—If—

(A) a surviving spouse elects CSRS-Offset benefits; and

(B) a FERS basic employee death benefit under section 8442(b) of title 5, United States Code, was previously paid;

then the survivor's CSRS-Offset benefit shall be subject to a reduction, under regulations prescribed by the Office. The reduced annuity to which the individual is entitled shall be equal to an amount which, when taken together with the amount of the payment referred to under subparagraph (B) would result in the present value of the total being actuarially equivalent to the present value of an unreduced CSRS-Offset annuity that would have been provided the individual.

(5) PREVIOUS SETTLEMENT PAYMENT.—An individual who previously received a payment ordered by a court or provided as a settlement of claim for losses resulting from a retirement coverage error may not make an election under this subsection unless repayment of that amount is waived in whole or in part under section 2208, and any amount not waived is repaid.

(c) NONELECTION.—If the individual does not make an election under subsection (b) before any time limitation under this section, the retirement coverage shall be subject to the following rules:

(1) CORRECTIVE ACTION PREVIOUSLY TAKEN.—If corrective action was taken before the end of any time limitation under this section, that corrective action shall remain in effect.

(2) CORRECTIVE ACTION NOT PREVIOUSLY TAKEN.—If corrective action was not taken before such time limitation, the employee shall be CSRS-Offset covered, retroactive to the date of the retirement coverage error.

CHAPTER 2—EMPLOYEE WHO SHOULD HAVE BEEN FERS COVERED, CSRS-OFFSET COVERED, OR CSRS COVERED, BUT WHO WAS ERRONEOUSLY SOCIAL SECURITY-ONLY COVERED INSTEAD

SEC. 2111. APPLICABILITY.

This chapter shall apply in the case of any employee who—

(1) should be (or should have been) FERS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead;

(2) should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead; or

(3) should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) Social Security-Only covered instead.

SEC. 2112. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected, the corrective action previously taken shall remain in effect.

CHAPTER 3—EMPLOYEE WHO SHOULD OR COULD HAVE BEEN SOCIAL SECURITY-ONLY COVERED BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED OR CSRS COVERED INSTEAD

SEC. 2121. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, BUT WHO IS ERRONEOUSLY CSRS OR CSRS-OFFSET COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered employee was erroneously CSRS covered or CSRS-Offset covered.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (3).

(2) COVERAGE.—In the case of an individual who is erroneously CSRS covered, as soon as practicable after discovery of the error, and subject to the right of an election under paragraph (3), such individual shall be CSRS-Offset covered, effective as of the date of the retirement coverage error.

(3) ELECTION.—

(A) IN GENERAL.—Upon written notice of a retirement coverage error, an individual may elect to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(B) NONELECTION.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain CSRS-Offset covered.

(C) REGULATIONS.—The Office shall prescribe regulations to carry out this paragraph.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under subsection (b)(3).

(2) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations, to be CSRS-Offset covered or Social Security-Only covered, effective as of the date of the retirement coverage error.

(3) NONELECTION.—If an eligible individual does not make an election under paragraph (2) before the end of any time limitation under this subsection, the corrective action taken before such time limitation shall remain in effect.

CHAPTER 4—EMPLOYEE WHO WAS ERRONEOUSLY FERS COVERED

SEC. 2131. EMPLOYEE WHO SHOULD BE SOCIAL SECURITY-ONLY COVERED, CSRS COVERED, OR CSRS-OFFSET COVERED AND IS NOT FERS-ELIGIBLE, BUT WHO IS ERRONEOUSLY FERS COVERED INSTEAD.

(a) APPLICABILITY.—This section applies in the case of a retirement coverage error in which a Social Security-Only covered, CSRS covered, or CSRS-Offset covered employee not eligible to elect FERS coverage under authority of section 8402(c) of title 5, United States Code, was erroneously FERS covered.

(b) UNCORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error has not been corrected before the effective date of the regulations described in paragraph (2).

(2) COVERAGE.—

(A) ELECTION.—

(i) IN GENERAL.—Upon written notice of a retirement coverage error, an individual may elect to remain FERS covered or to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would have applied in the absence of the erroneous retirement coverage determination, effective as of the date of the retirement coverage error. Such election shall be made not later than 180 days after the date of receipt of such notice.

(ii) TREATMENT OF FERS ELECTION.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

(B) NONELECTION.—If the individual does not make an election before the date provided under subparagraph (A), the individual shall remain FERS covered, effective as of the date of the retirement coverage error.

(3) EMPLOYEE CONTRIBUTIONS IN THRIFT SAVINGS FUND.—If under this section, an individual elects to be Social Security-Only covered, CSRS covered, or CSRS-Offset covered, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit under section 8351 or 8432 of title 5, United States Code.

(4) REGULATIONS.—Except as provided under paragraph (3), the Office shall prescribe regulations to carry out this subsection.

(c) CORRECTED ERROR.—

(1) APPLICABILITY.—This subsection applies if the retirement coverage error was corrected before the effective date of the regulations described under paragraph (2).

(2) ELECTION.—Not later than 180 days after the date of enactment of this Act, the Office shall prescribe regulations authorizing individuals to elect, during the 18-month period immediately following the effective date of such regulations to remain Social Security-Only covered, CSRS covered, or CSRS-Offset covered, or to be FERS covered, effective as of the date of the retirement coverage error.

(3) NONELECTION.—If an eligible individual does not make an election under paragraph (2), the corrective action taken before the end of any time limitation under this subsection shall remain in effect.

(4) TREATMENT OF FERS ELECTION.—An election of FERS coverage under this subsection is deemed to be an election under section 301 of the Federal Employees Retirement System Act of 1986 (5 U.S.C. 8331 note; Public Law 99–335; 100 Stat. 599).

SEC. 2132. FERS-ELIGIBLE EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, CSRS-OFFSET COVERED, OR SOCIAL SECURITY-ONLY COVERED, BUT WHO WAS ERRONEOUSLY FERS COVERED INSTEAD WITHOUT AN ELECTION.

(a) IN GENERAL.—

(1) FERS ELECTION PREVENTED.—If an individual was prevented from electing FERS coverage because the individual was erroneously FERS covered during the period when the individual was eligible to elect FERS under title III of the Federal Employees Retirement System Act or the Federal Employees' Retirement System Open Enrollment Act of 1997 (Public Law 105–61; 111 Stat. 1318 et seq.), the individual—

(A) is deemed to have elected FERS coverage; and

(B) shall remain covered by FERS, unless the individual declines, under regulations prescribed by the Office, to be FERS covered.

(2) DECLINING FERS COVERAGE.—If an individual described under paragraph (1)(B) declines to be FERS covered, such individual shall be CSRS covered, CSRS-Offset covered, or Social Security-Only covered, as would apply in the absence of a FERS election, effective as of the date of the erroneous retirement coverage determination.

(b) EMPLOYEE CONTRIBUTIONS IN THRIFT SAVINGS FUND.—If under this section, an individual declines to be FERS covered and instead is Social Security-Only covered, CSRS covered, or CSRS-Offset covered, as would apply in the absence of a FERS election, all employee contributions to the Thrift Savings Fund made during the period of erroneous FERS coverage (and all earnings on such contributions) may remain in the Thrift Savings Fund in accordance with regulations prescribed by the Executive Director, notwithstanding any limit that would otherwise be applicable.

(c) INAPPLICABILITY OF DURATION OF ERRONEOUS COVERAGE.—This section shall apply regardless of the length of time the erroneous coverage determination remained in effect.

SEC. 2133. RETROACTIVE EFFECT.

This chapter shall be effective as of January 1, 1987, except that section 2132 shall not apply to individuals who made or were deemed to have made elections similar to those provided in this section under regulations prescribed by the Office before the effective date of this title.

CHAPTER 5—EMPLOYEE WHO SHOULD HAVE BEEN CSRS-OFFSET COVERED, BUT WHO WAS ERRONEOUSLY CSRS COVERED INSTEAD

SEC. 2141. APPLICABILITY.

This chapter shall apply in the case of any employee who should be (or should have been) CSRS-Offset covered but, as a result of a retirement coverage error, is (or was) CSRS covered instead.

SEC. 2142. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected before the effective date of this title, the corrective action taken before such date shall remain in effect.

CHAPTER 6—EMPLOYEE WHO SHOULD HAVE BEEN CSRS COVERED, BUT WHO WAS ERRONEOUSLY CSRS-OFFSET COVERED INSTEAD

SEC. 2151. APPLICABILITY.

This chapter shall apply in the case of any employee who should be (or should have been) CSRS covered but, as a result of a retirement coverage error, is (or was) CSRS-Offset covered instead.

SEC. 2152. CORRECTION MANDATORY.

(a) UNCORRECTED ERROR.—If the retirement coverage error has not been corrected, as soon as practicable after discovery of the error, such individual shall be covered under the correct retirement coverage, effective as of the date of the retirement coverage error.

(b) CORRECTED ERROR.—If the retirement coverage error has been corrected before the effective date of this title, the corrective action taken before such date shall remain in effect.

Subtitle B—General Provisions

SEC. 2201. IDENTIFICATION AND NOTIFICATION REQUIREMENTS.

Government agencies shall take all such measures as may be reasonable and appropriate to promptly identify and notify individuals who are (or have been) affected by a retirement coverage error of their rights under this title.

SEC. 2202. INFORMATION TO BE FURNISHED TO AND BY AUTHORITIES ADMINISTERING THIS TITLE.

(a) APPLICABILITY.—The authorities identified in this subsection are—

(1) the Director of the Office of Personnel Management;

(2) the Commissioner of Social Security; and

(3) the Executive Director of the Federal Retirement Thrift Investment Board.

(b) AUTHORITY TO OBTAIN INFORMATION.—Each authority identified in subsection (a) may secure directly from any department or agency of the United States information necessary to enable such authority to carry out its responsibilities under this title. Upon request of the authority involved, the head of the department or agency involved shall furnish that information to the requesting authority.

(c) AUTHORITY TO PROVIDE INFORMATION.—Each authority identified in subsection (a) may provide directly to any department or agency of the United States all information such authority believes necessary to enable the department or agency to carry out its responsibilities under this title.

(d) LIMITATION; SAFEGUARDS.—Each of the respective authorities under subsection (a) shall—

(1) request or provide only such information as that authority considers necessary; and

(2) establish, by regulation or otherwise, appropriate safeguards to ensure that any information obtained under this section shall be used only for the purpose authorized.

SEC. 2203. SERVICE CREDIT DEPOSITS.

(a) CSRS DEPOSIT.—In the case of a retirement coverage error in which—

(1) a FERS covered employee was erroneously CSRS covered or CSRS-Offset covered;

(2) the employee made a service credit deposit under the CSRS rules; and

(3) there is a subsequent retroactive change to FERS coverage;

the excess of the amount of the CSRS civilian or military service credit deposit over the FERS civilian or military service credit deposit, together with interest computed in accordance with paragraphs (2) and (3) of section 8334(e) of title 5, United States Code, and regulations prescribed by the Office, shall be paid to the employee, the annuitant or, in the case of a deceased employee, to the individual entitled to lump-sum benefits under section 8424(d) of title 5, United States Code.

(b) FERS DEPOSIT.—

(1) APPLICABILITY.—This subsection applies in the case of an erroneous retirement coverage determination in which—

(A) the employee owed a service credit deposit under section 8411(f) of title 5, United States Code; and

(B)(i) there is a subsequent retroactive change to CSRS or CSRS-Offset coverage; or

(ii) the service becomes creditable under chapter 83 of title 5, United States Code.

(2) REDUCED ANNUITY.—

(A) IN GENERAL.—If at the time of commencement of an annuity there is remaining unpaid CSRS civilian or military service credit deposit for service described under paragraph (1), the annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e) (2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) AMOUNT.—The reduced annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of the unreduced annuity benefit that would have been provided the individual.

(3) SURVIVOR ANNUITY.—

(A) IN GENERAL.—If at the time of commencement of a survivor annuity, there is remaining unpaid any CSRS service credit deposit described under paragraph (1), and there has been no actuarial reduction in an annuity under paragraph (2), the survivor annuity shall be reduced based upon the amount unpaid together with interest computed in accordance with section 8334(e) (2) and (3) of title 5, United States Code, and regulations prescribed by the Office.

(B) AMOUNT.—The reduced survivor annuity to which the individual is entitled shall be equal to an amount that, when taken together with the amount referred to under subparagraph (A), would result in the present value of the total being actuarially equivalent to the present value of an unreduced survivor annuity benefit that would have been provided the individual.

SEC. 2204. PROVISIONS RELATED TO SOCIAL SECURITY COVERAGE OF MISCLASSIFIED EMPLOYEES.

(a) DEFINITIONS.—In this section, the term—

(1) ''covered individual'' means any employee, former employee, or annuitant who—

(A) is or was employed erroneously subject to CSRS coverage as a result of a retirement coverage error; and

(B) is or was retroactively converted to CSRS-offset coverage, FERS coverage, or Social Security-only coverage; and

(2) ''excess CSRS deduction amount'' means an amount equal to the difference between the CSRS deductions withheld and the CSRS-Offset or FERS deductions, if any, due with respect to a covered individual during the entire period the individual was erroneously subject to CSRS coverage as a result of a retirement coverage error.

(b) REPORTS TO COMMISSIONER OF SOCIAL SECURITY.—

(1) IN GENERAL.—In order to carry out the Commissioner of Social Security's responsibilities under title II of the Social Security Act, the Commissioner may request the head of each agency that employs or employed a covered individual to report (in coordination with the Office of Personnel Management) in such form and within such timeframe as the Commissioner may specify, any or all of—

(A) the total wages (as defined in section 3121(a) of the Internal Revenue Code of 1986) paid to such individual during each year of the entire period of the erroneous CSRS coverage; and

(B) such additional information as the Commissioner may require for the purpose of carrying out the Commissioner's responsibilities under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(2) COMPLIANCE.—The head of an agency or the Office shall comply with a request from the Commissioner under paragraph (1).

(3) WAGES.—For purposes of section 201 of the Social Security Act (42 U.S.C. 401), wages reported under this subsection shall be deemed to be wages reported to the Secretary of the Treasury or the Secretary's delegates pursuant to subtitle F of the Internal Revenue Code of 1986.

(c) PAYMENT RELATING TO OASDI EMPLOYEE TAXES.—

(1) IN GENERAL.—The Office shall transfer from the Civil Service Retirement and Disability Fund to the General Fund of the Treasury an amount equal to the lesser of the excess CSRS deduction amount or the OASDI taxes due for covered individuals (as adjusted by amounts transferred relating to applicable OASDI employee taxes as a result of corrections made, including corrections made before the date of enactment of this Act). If the excess CSRS deductions exceed the OASDI taxes, any difference

shall be paid to the covered individual or survivors, as appropriate.

(2) TRANSFER.—Amounts transferred under this subsection shall be determined notwithstanding any limitation under section 6501 of the Internal Revenue Code of 1986.

(d) PAYMENT OF OASDI EMPLOYER TAXES.—

(1) IN GENERAL.—Each employing agency shall pay an amount equal to the OASDI employer taxes owed with respect to covered individuals during the applicable period of erroneous coverage (as adjusted by amounts transferred for the payment of such taxes as a result of corrections made, including corrections made before the date of enactment of this Act).

(2) PAYMENT.—Amounts paid under this subsection shall be determined subject to any limitation under section 6501 of the Internal Revenue Code of 1986.

(e) APPLICATION OF OASDI TAX PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986 TO AFFECTED INDIVIDUALS AND EMPLOYING AGENCIES.—A covered individual and the individual's employing agency shall be deemed to have fully satisfied in a timely manner their responsibilities with respect to the taxes imposed by sections 3101(a), 3102(a), and 3111(a) of the Internal Revenue Code of 1986 on the wages paid by the employing agency to such individual during the entire period such individual was erroneously subject to CSRS coverage as a result of a retirement coverage error based on the payments and transfers made under subsections (c) and (d). No credit or refund of taxes on such wages shall be allowed as a result of this subsection.

SEC. 2205. THRIFT SAVINGS PLAN TREATMENT FOR CERTAIN INDIVIDUALS.

(a) APPLICABILITY.—This section applies to an individual who—

(1) is eligible to make an election of coverage under section 2101 or 2102, and only if FERS coverage is elected (or remains in effect) for the employee involved; or

(2) is described in section 2111, and makes or has made retroactive employee contributions to the Thrift Savings Fund under regulations prescribed by the Executive Director.

(b) PAYMENT INTO THRIFT SAVINGS FUND.—

(1) IN GENERAL.—

(A) PAYMENT.—With respect to an individual to whom this section applies, the employing agency shall pay to the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, for credit to the account of the employee involved, an amount equal to the earnings which are disallowed under section 8432a(a)(2) of such title on the employee's retroactive contributions to such Fund.

(B) AMOUNT.—Earnings under subparagraph (A) shall be computed in accordance with the procedures for computing lost earnings under section 8432a of title 5, United States Code. The amount paid by the employing agency shall be treated for all purposes as if that amount had actually been earned on the basis of the employee' s contributions.

(C) EXCEPTIONS.—If an individual made retroactive contributions before the effective date of the regulations under section 2101(c), the Director may provide for an alternative calculation of lost earnings to the extent that a calculation under subparagraph (B) is not administratively feasible. The alternative calculation shall yield an amount that is as close as practicable to the amount computed under subparagraph (B), taking into account earnings previously paid.

(2) ADDITIONAL EMPLOYEE CONTRIBUTION.—In cases in which the retirement coverage error was corrected before the effective date of the regulations under section 2101(c), the employee involved shall have an additional opportunity to make retroactive contributions for the period of the retirement coverage error (subject to applicable limits), and such contributions (including any contributions made after the date of the correction) shall be treated in accordance with paragraph (1).

(c) REGULATIONS.—

(1) EXECUTIVE DIRECTOR.—The Executive Director shall prescribe regulations appropriate to carry out this section relating to retroactive employee contributions and payments made on or after the effective date of the regulations under section 2101(c).

(2) OFFICE.—The Office, in consultation with the Federal Retirement Thrift Investment Board, shall prescribe regulations appropriate to carry out this section relating to the calculation of lost earnings on retroactive employee contributions made before the effective date of the regulations under section 2101(c).

SEC. 2206. CERTAIN AGENCY AMOUNTS TO BE PAID INTO OR REMAIN IN THE CSRDF.

(a) CERTAIN EXCESS AGENCY CONTRIBUTIONS TO REMAIN IN THE CSRDF.—

(1) IN GENERAL.—Any amount described under paragraph (2) shall—

(A) remain in the CSRDF; and

(B) may not be paid or credited to an agency.

(2) AMOUNTS.—Paragraph (1) refers to any amount of contributions made by an agency under section 8423 of title 5, United States Code, on behalf of any employee, former employee, or annuitant (or survivor of such employee, former employee, or annuitant) who makes an election to correct a retirement coverage error under this title, that the Office determines to be excess as a result of such election.

(b) ADDITIONAL EMPLOYEE RETIREMENT DEDUCTIONS TO BE PAID BY AGENCY.—If a correction in a retirement coverage error results in an increase in employee deductions under section 8334 or 8422 of title 5, United States Code, that cannot be fully paid by a reallocation of otherwise available amounts previously deducted from the employee's pay as employment taxes or retirement deductions, the employing agency—

(1) shall pay the required additional amount into the CSRDF; and

(2) shall not seek repayment of that amount from the employee, former employee, annuitant, or survivor.

SEC. 2207. CSRS COVERAGE DETERMINATIONS TO BE APPROVED BY OPM.

No agency shall place an individual under CSRS coverage unless—

(1) the individual has been employed with CSRS coverage within the preceding 365 days; or

(2) the Office has agreed in writing that the agency's coverage determination is correct.

SEC. 2208. DISCRETIONARY ACTIONS BY DIRECTOR.

(a) IN GENERAL.—The Director of the Office of Personnel Management may—

(1) extend the deadlines for making elections under this title in circumstances involving an individual's inability to make a timely election due to a cause beyond the individual's control;

(2) provide for the reimbursement of necessary and reasonable expenses incurred by an individual with respect to settlement of a claim for losses resulting from a retirement coverage error, including attorney's fees, court costs, and other actual expenses;

(3) compensate an individual for monetary losses that are a direct and proximate result of a retirement coverage error, excluding claimed losses relating to forgone contributions and earnings under the Thrift Savings Plan under subchapter III of chapter 84 of title 5, United States Code, and all other investment opportunities; and

(4) waive payments required due to correction of a retirement coverage error under this title.

(b) SIMILAR ACTIONS.—In exercising the authority under this section, the Director shall, to the extent practicable, provide for similar actions in situations involving similar circumstances.

(c) JUDICIAL REVIEW.—Actions taken under this section are final and conclusive, and are not subject to administrative or judicial review.

(d) REGULATIONS.—The Office of Personnel Management shall prescribe regulations regarding the process and criteria used in exercising the authority under this section.

(e) REPORT.—The Office of Personnel Management shall, not later than 180 days after the date of enactment of this Act, and annually thereafter for each year in which the authority provided in this section is used, submit a report to each House of Congress on the operation of this section.

SEC. 2209. REGULATIONS.

(a) IN GENERAL.—In addition to the regulations specifically authorized in this title, the Office may prescribe such other regulations as are necessary for the administration of this title.

(b) FORMER SPOUSE.—The regulations prescribed under this title shall provide for protection of the rights of a former spouse with entitlement to an apportionment of benefits or to survivor benefits based on the service of the employee.

Subtitle C—Other Provisions

SEC. 2301. PROVISIONS TO AUTHORIZE CONTINUED CONFORMITY OF OTHER FEDERAL RETIREMENT SYSTEMS.

(a) FOREIGN SERVICE.—Sections 827 and 851 of the Foreign Service Act of 1980 (22 U.S.C. 4067 and 4071) shall apply with respect to this title in the same manner as if this title were part of—

(1) the Civil Service Retirement System, to the extent this title relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this title relates to the Federal Employees' Retirement System.

(b) CENTRAL INTELLIGENCE AGENCY.—Sections 292 and 301 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2141 and 2151) shall apply with respect to this title in the same manner as if this title were part of—

(1) the Civil Service Retirement System, to the extent this title relates to the Civil Service Retirement System; and

(2) the Federal Employees' Retirement System, to the extent this title relates to the Federal Employees' Retirement System.

SEC. 2302. AUTHORIZATION OF PAYMENTS.

All payments authorized or required by this title to be paid from the Civil Service Retirement and Disability Fund, together with administrative expenses incurred by the Office in administering this title, shall be deemed to have been authorized to be paid from that Fund, which is appropriated for the payment thereof.

SEC. 2303. INDIVIDUAL RIGHT OF ACTION PRESERVED FOR AMOUNTS NOT OTHERWISE PROVIDED FOR UNDER THIS TITLE.

Nothing in this title shall preclude an individual from bringing a claim against the Government of the United States which such individual may have under section 1346(b) or chapter 171 of title 28, United States Code, or any other provision of law (except to the extent the claim is for any amounts otherwise provided for under this title).

Subtitle D—Effective Date

SEC. 2401. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this Act.

Ms. MIKULSKI. Mr. President, I rise today in strong support of final passage of H.R. 4040, The Long-Term Care Security Act. As the lead Democratic sponsor of the Senate companion to this bill, S. 2420, I believe this is an important part of our down-payment on finding solutions to the exploding problem of long-term care.

Without long-term care coverage, no family has real security against the costs of chronic illness or disability. The Long-Term Care Security Act H.R. 4040 (S. 2420), does 4 things:

1. Enables federal and military workers, retirees and their families to purchase long-term care insurance at group rates—projected to be 15 percent to 20 percent below the private market.

2. Creates a model that private employers can use to establish their own long-term care insurance program.

3. Provides help to those who practice self-help by offering employees the option to better prepare for their retirement.

4. Reduces the reliance on federal programs, like Medicaid, so the American taxpayer benefits. Federal workers also benefit because they are paying lower premiums than they would get in the private market.

I am a strong supporter of The Long-Term Care Security Act because it gives people choices, flexibility and security. Faced with a sick parent or spouse, most Americans currently do not have a lot of choices. They may choose, or be forced, to spend down their assets in order to qualify for Medicaid. They, or a spouse, may quit their job to do some of the caregiving themselves. Or, families may be forced to make the difficult choice of putting a child through college, or paying for long-term care for a parent. This legislation gives people better, more informed choices.

It also provides people with flexibility because beneficiaries will have different types of settings where they can receive care. They may choose to be cared for in the home by a family caregiver—or they may need a higher level of care that nursing homes and home health care services provide. Different plan reimbursement options will ensure maximum flexibility that meet the unique health care needs of the beneficiary.

Long-term care insurance also provides families with some security. Family members will not be burdened by trying to figure out how to finance health care needs—and beneficiaries will be able to make informed decisions about their future.

Some of us have faced the challenge of having a family member who needed long-term care. It is emotionally and financially difficult. But, imagine if you are a secretary working at the Social Security Administration, or a custodial worker here in the Senate. And a family member gets Alzheimers, or Parkinsons, or has some other illness that requires long-term health care. Your paycheck probably isn't big enough to cover the cost of home health visits, or a nursing home stay. So where do you go? Medicare doesn't cover long-term care so that is not an option. Should you quit your job so you can take care of your parent? But then what if you have a family of your own that you need to support? Or, what if you are trying to put a child through college?

Consider if you are a 61 year old employee at NASA and you are diagnosed with cancer. You might be able to retire, but the federal employees health benefits program does not cover long-term care—even for retirees. You may not have family to provide care and your pension probably isn't large enough to finance the high costs of long-term care. Where do you go?

Many Americans are currently facing these difficult decisions. Consider that:

At least 5.8 million Americans aged 65 or older currently need long-term care.

As many as six out of 10 Americans have experienced a long-term care need.

41 percent of women in caregiver roles quit their jobs or take family medical leave to care for a frail older parent or parent-in-law.

80 percent of all long-term care services are provided by family and friends.

These statistics represent the enormous financial and emotional costs associated with long-term care. This legislation is an essential step in providing opportunities for federal workers to plan ahead for retirement so they can take responsibility for their future long-term care needs.

Since my first days in Congress, I have been fighting to help people afford the burdens of long-term care. Eleven years ago, I introduced legislation now known as Spousal Anti-Impoverishment. My bill changed the cruel rules of government that forced elderly couples to go bankrupt before they could get any help in paying for nursing home care.

Through the Older Americans Act, seniors have easier access to information and referrals they need to make good choices about long-term care. I am also working hard to create a National Family Caregivers Program so that families can access comprehensive information when faced with the dizzying array of choices in addressing the long-term care needs of a family member.

It is clear that we have a long-term care problem. The Office of Personnel Management estimates that 96,000 federal employees will be retiring in the year 2001. Providing federal employees with a long-term care insurance benefit is a down payment on a solution.

I am starting with federal employees for two reasons. As our nation's largest employer, the federal government can be a model for employers around the country whose workforce will be facing the same long-term care needs. Starting with the nation's largest employer also raises awareness and education about long-term care options.

I am a strong supporter of our federal employees. I am proud that so many of them live, work, and retire in Maryland. They work hard in the service of our country. And I work hard for them. Whether it's fighting for fair COLAs, lower health care premiums, or to prevent unwise schemes to privatize important services our federal workforce provide, they can count on me.

One of my principles is ''promises made should be promises kept.'' Federal employees and retirees have made a commitment to devote their careers to public service. In return, our government made certain promises to them. One important promise made was the promise of health insurance. The lack of long-term care for federal workers has been a big gap in this important promise to our federal workers. This legislation will close that gap and provide our federal workers and retirees with comprehensive health insurance.

I reiterate my commitment to finding long-term solutions to the long-term care problem. I am proud that this bipartisan bill takes an important step forward in helping all Americans to prepare for the challenges facing our aging population.

I would like to thank Senator CLELAND, Senator GRASSLEY, Senator AKAKA, Senator COCHRAN, Senator LIEBERMAN and Senator THOMPSON for all of their hard work in coming to a bipartisan consensus on how best to provide federal and military employees, retirees, and their families with the opportunity to purchase long-term care insurance. Additionally, many Senate staff worked very hard in developing this compromise: Nanci Langley, Hope Hegstrom, Michael Loesch, Tamara Jones, Judy White, Larry Novey, and Dan Blair. And I would like to thank Cynthia Brock-Smith and Frank Titus at the Office of Personnel Management.

Mr. NICKLES. Mr. President, I ask unanimous consent that the committee substitute be agreed to, and the bill be considered read the third time.

I further ask that H.R. 4040 be discharged from the Governmental Affairs Committee and the Senate proceed to its consideration. I further ask consent that all after the enacting clause be stricken and the text of S. 2420, as amended, be inserted in lieu thereof. I further ask consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements relating to the bill be printed in the RECORD. I finally ask consent that S. 2420 be placed back on the calendar.

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

The bill (H.R. 4040), as amended, was read the third time and passed.

The title was amended so as to read:

A bill 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, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes.

ORDERS FOR WEDNESDAY, JULY 26, 2000

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, July 26. I further ask consent that on Wednesday, immediately

following the prayer, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then begin a period of morning business for debate only until 10:15 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator DURBIN, or his designee, in control of the first 20 minutes; Senator COLLINS, or her designee, in control of the second 20 minutes.

Mr. REID. Reserving the right to object, Mr. President, I want to make a parliamentary inquiry. Earlier today, I asked if 1 hour prior to the cloture vote it would be permissible to file a cloture motion on PNTR, and the Chair responded that would be OK, the answer would be yes. I say to the Chair today, with the 45 minutes just outlined, would that answer still be, yes, it could be filed under that 45-minute period in the morning?

The PRESIDING OFFICER. This agreement provides for debate only. That precludes a motion to proceed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. 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. NICKLES. Mr. President, I will modify the unanimous consent request to state that morning business be for debate only, with the exception of the majority leader, or his designee, to make a motion dealing with cloture until 10:15 a.m., with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NICKLES. I ask unanimous consent that the vote on invoking cloture on the motion to proceed to the Treasury-Postal appropriations bill be at 10:15 a.m.

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

PROGRAM

Mr. NICKLES. Mr. President, when the Senate convenes at 9:30 a.m., it will be in a period for morning business until 10:15 a.m. Following morning business, the Senate will proceed to a cloture vote on the motion to proceed to the Treasury-general government appropriations bill. Assuming cloture is invoked on the motion, the Senate will begin the 30 hours of postcloture debate. If cloture is not invoked, there will be a second cloture vote on the motion to proceed to the intelligence authorization bill.

As a reminder, cloture was filed on the motion to proceed to the energy and water appropriations bill during today's session. Under the rule, that vote will be on Thursday, 1 hour after the Senate convenes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:36 p.m., adjourned until Wednesday, July 26, 2000, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 2000:

DEPARTMENT OF THE TREASURY

JONATHAN TALISMAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE DONALD C. LUBICK, RESIGNED.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS, VICE BARRY S. NEWMAN, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM T. NESBITT, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID P. RATACZAK, 0000

To be brigadier general

COL. GEORGE J. ROBINSON, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD W. MAYO, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

DONNA L. KENNEDY, 0000
EUSTOLIO E. MEDINA, 0000
REGINA E. QUINN, 0000
MURRAY C. ROBERTS, 0000
EMILY C. TATE, 0000
RICHARD P. WRIGHT, 0000

To be major

* MARGARETE P. ASHMORE, 0000
THOMAS F. MEEHAN III, 0000
MICHAEL D. PRAZAK, 0000

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

FRANKLIN C. ALBRIGHT, 0000
RUSSELL E. ALTIZER, 0000
NANCY M. AUGUST, 0000
FRANK W. BARNETT, JR., 0000
CHARLES. O BARRY III, 0000
KENNETH. E BERGGREN, JR., 0000
DONALD L. BOATRIGHT, 0000
MICHAEL R. BOULANGER, 0000
RICHARD L. BRAZEAU, 0000
DOUGLAS S. BROADHURST, 0000
MARSHALL A. BRONSTON, 0000
ROBERT B. BUEHLER, 0000
JOSEPH J. BULMER, JR., 0000
WILLIAM R. BURKS, 0000
TERRY L. BUTLER, 0000
ANDREW R. BUZZELLI, 0000
JOHN A. CAPUTO, 0000
SANDRA L. CARLSON, 0000
PERRY M. COLLINS, 0000
RONALD R. COLUNGA, 0000
MICHAEL R. CONNERS, 0000
VIRGIL D. COOPER, 0000
GARY M. COSTELLO, 0000
JAMES J. DAGOSTINO, 0000
MICHAEL C. DANIEL, 0000
GARRY C. DEAN, 0000
STEPHEN W. DEE, 0000
EUGENE J. DELGADO, 0000
THOMAS F. DOLNICEK, 0000
MICHAEL D. DUBIE, 0000
RUSSELL G. ERLER, 0000
DAVID L. FERRE, 0000
DONALD P. FLINN, 0000
HERBERT J. FOARD, 0000
DOUGLAS G. FOSTER, 0000
STEVEN E. FOSTER, 0000
WILLIAM R. GAIN, 0000
JAY C. GATES, 0000
MICHAEL D. GULLIHUR, 0000
WILLIAM S. HADAWAY III, 0000
JOHNNY O. HAIKEY, 0000
JAMES L. HALVERSON, 0000
GEHL L. HAMMOND, 0000
JOSEPH W. HIDY, 0000
MICHAEL W. HORNE, 0000
WILLIAM E. IGNATOW, 0000
DON S. JACKSON, JR., 0000
ROBERT A. KARP, 0000
MARCEL E. KERDAVID, JR., 0000
RICHARD D. KING, 0000
DENNIS W. KOTKOSKI, 0000
THOMAS E. LARSON, 0000
ROBERT L. LEEKER, 0000
KNOX D. LEWIS, 0000
JAMES M. LILLIS, 0000
RICHARD L. LOHNES, 0000
LYLE F. LONCOSTY, 0000
RAYMOND R. MAHALICK, 0000
ALAN L. MALONE, 0000
HAROLD C. MANSON, 0000
JAMES D. MARQUES, 0000
RICHARD P. MARTELL, 0000
JAMES R. MASON, 0000
JOHN P. MATANOCK, 0000
LAURENCE D. MATLOCK, 0000
ELWOOD J. MAYBERRY, JR., 0000
PATRICIA U. MEHMKEN, 0000
JOHN E. MOONEY, JR., 0000
JOHN D. MOORE, 0000
WAYNE R. MROZINSKI, 0000
DAVID W. NEWMAN, 0000
MICHAEL J. O TOOLE, 0000
PETER W. PALFREYMAN III, 0000
DARRELL G. PIATT, 0000
GEORGE E. PIGEON, 0000
CAROLYN J. PROTZMANN, 0000
JAMES K. ROBINSON, 0000
JOHN G. ROBINSON, 0000
RANDY A. ROEBUCK, 0000
DENNIS S. SARKISIAN, 0000
GREGORY J. SCHWAB, 0000
RANDOLPH M. SCOTT, 0000
CHESTER G. SEAMAN, JR., 0000
PETER M. SHANAHAN, 0000
FRANK H. SHAW, JR., 0000
STEVEN H. SLUSHER, 0000
HAROLD S. SMITH, 0000
JEFFREY A. SOLDNER, 0000
CLARK F. SPEICHER, 0000
CAROL A. SPILLERS, 0000
PAUL C. STCIN, 0000
JERRY D. STEVENS, 0000
ROY T. STEWART, 0000
WENDYL B. STEWART, 0000
HENRY L. STRAUB, 0000
JANICE M. STRITZINGER, 0000
FREDERICK J. SUJAT, JR., 0000
LAWRENCE S. THOMAS III, 0000
FRANK J. TISCIONE, 0000
JOHN S. TUOHY, 0000
JAMES M. TURNER, 0000
KENT R. WAGGONER, 0000
ALBERT S. WICKEL, 0000
THOMAS O. WILDES, 0000
KAREN L. WINGARD, 0000
LEWIS F. WOLF, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS (MC) AND DENTAL CORPS (DE) (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

BRUCE D. ADAMS, 0000 MC
STEPHEN D. ADAMS, 0000 MC
DARRYL J. AINBINDER, 0000 MC
LARRY K. ANDREO, 0000 MC
MICHAEL D. BAGG, 0000 MC
WILLIAM P. * BAKER III, 0000 DE
WANDA D. BARFIELD, 0000 MC
DONALD S. BATTY, JR., 0000 MC
TERRY D. BAUCH, 0000 MC
VICTOR J. BERNET, 0000 MC
SEAN M. BLAYDON, 0000 MC
MARK W. BONNER, 0000 MC
CRAIG R. BOTTONI, 0000 MC
MICHAEL R. BOWEN, 0000 MC
JAMES P. BRADLEY, 0000 MC
JOHN C. BRADLEY, 0000 MC

WALLACE B. BRUCKER, 0000 MC
ALAN D. BRUNS, 0000 MC
DAVID A. CANCELADA, 0000 MC
MARK E. CLYDE, 0000 MC
STEVEN P. COHEN, 0000 MC
PAUL L. * COREN, 0000 DE
WILLIAM P. CORR III, 0000 MC
TRINKA S. COSTER, 0000 MC
KEVIN M. CREAMER, 0000 MC
CHRISTINE A. CULLEN, 0000 MC
ROBERT C. DEAN, 0000 MC
THOMAS M. DEBERARDINO, 0000 MC
EVERETT S. DEJONG, 0000 MC
ROBERT A. DELORENZO, 0000 MC
PAUL DUCH, 0000 MC
WAYNE H. DUKE, 0000 MC
JAN R. DUNN, 0000 MC
ERIN P. EDGAR, 0000 MC
ANDREW S. EISEMAN, 0000 MC
MARLEIGH E. ERICKSON, 0000 MC
CARLOS R. ESQUIVEL, 0000 MC
PATRICK J. FERNICOLA, 0000 MC
DAVID R. FINGER, 0000 MC
STEVEN M. * FLORENCE, 0000 DE
GRANT A. FOSTER, 0000 MC
STEVEN P. FRIEDEL, 0000 MC
JOSEPH B. FURLONG, 0000 MC
BRIAN J. GERONDALE, 0000 MC
GEORGE M. * GIBSON, 0000 DE
KEVIN L. GLASS, 0000 MC
JAMES M. GOFF, 0000 MC
VINCENT X. GRBACH, 0000 MC
JOHN B. HALLIGAN, 0000 MC
ROBERT W. HANDY, 0000 MC
BRIAN C. HARRINGTON, 0000 MC
MARK J. HARRISON, 0000 MC
ELEANOR R. HASTINGS, 0000 MC
KEITH L. HIATT, 0000 MC
JAMES B. HILL, 0000 MC
RICHARD B. HILLBURN, 0000 MC
NATHAN J. HOELDTKE, 0000 MC
JAMES R. * HONEY, 0000 DE
CURTIS J. HUNTER, 0000 MC
MICHAEL A. HUOTT, 0000 MC
LONNIE L. IMLAY, 0000 MC
RICHARD B. JACKSON, 0000 MC
PERRY E. JONES, 0000 MC
JOSEPH J. KAPLAN, 0000 MC
JULIE R. KENNER, 0000 MC
DAVID H. KIM, 0000 MC
SUN Y. KIM, 0000 MC
JEFFREY L. KINGSBURY, 0000 MC
BLAINE L. * KNOX, 0000 DE
DEBRA A. KONTNY, 0000 MC
DAVID J. * KRYSZAK, 0000 DE
ARNOLDAS S. KUNGYS, 0000 MC
BEVERLY C. LAND, 0000 MC
JON D. LARSON, 0000 MC
HEE C. LEE, 0000 MC
EMIL P. LESHO, 0000 MC
KEVIN L. LEWIS, 0000 MC
J. D. LITTLETON, 0000 MC
DAVID B. LONGENECKER, 0000 MC
THOMAS M. LOUGHNEY, 0000 MC
GLYNDA W. LUCAS, 0000 MC
WILLIAM P. MAGDYCZ, JR., 0000 MC
DAVID J. MALIS, 0000 MC
GREGG A. MALMQUIST, 0000 MC
DAVID G. MALPASS, 0000 MC
HENRY W. * MARCANTONI, 0000 DE
GREGORY A. MARINKOVICH, 0000 MC
ALBERT J. MARTINS, 0000 MC
JEFFREY P. MAWHINNEY, 0000 MC
ROBERT A. MAZUR, 0000 MC
SHERMAN A. MC CALL, 0000 MC
JOHN M. MC GRATH, 0000 MC
JEFFREY J. METER, 0000 MC
ANNA MILLER, 0000 MC
JOSEPH P. MILLER, 0000 MC
ROBERT S. MILLER, 0000 MC
LISA K. MOORES, 0000 MC
SUSAN K. MORGAN, 0000 MC
THOMAS G. MURNANE, 0000 MC
LARRY P. * MYERS, 0000 DE
PETER G. NAPOLITANO, 0000 MC
ROBERT B. * NEESE, 0000 DE
HOWARD G. OAKS, 0000 MC
JOHN J. O BRIEN, 0000 MC
LARRY K. O BRYANT, 0000 MC
CHARLES E. PAYNE, 0000 MC
KAREN S. PHELPS, 0000 MC
KAREN M. * PHILLIPS, 0000 DE
THOMAS R. PLACE, 0000 MC
RONALD D. PRAUNER, 0000 MC
SANDFORD W. * PRINCE, 0000 DE
BERTRAM C. PROVIDENCE, 0000 MC
ROBERT A. PUNTEL, 0000 MC
MICHAEL A. RAVE, 0000 MC
VICKY L. RHOLL, 0000 MC
WILLIAM A. RICE, 0000 MC
PATRICIO ROSA, JR., 0000 MC
GAYLORD S. ROSE, 0000 MC
HENRY E. RUIZ, 0000 MC
GREGORY D. SAFFELL, 0000 MC
KEITH L. SALZMAN, 0000 MC
JAMES R. SANTANGELO, 0000 MC
JOHN M. SAYLES, 0000 MC
DANIEL A. SCHAFFER, 0000 MC
JOHN P. SCHRIVER, 0000 MC
GREGORY J. SEMANCIK, 0000 MC
STUART D. SHELTON, 0000 MC
CYNTHIA H. SHIELDS, 0000 MC
COLLEEN C. * SHULL, 0000 DE
STEPHANIE J. * SIDOW, 0000 DE
TIMOTHY S. SIEGEL, 0000 MC
JOHN J. SIMMER, 0000 MC
ERIC P. SIPOS, 0000 MC
BRICE T. SMITH, 0000 MC
CRAIG D. SMITH, 0000 MC
MARK H. SMITH, 0000 MC
LARRY A. SONNA, 0000 MC
SETH J. STANKUS, 0000 MC
RONALD T. STEPHENS, 0000 MC
JAMES E. STUART, 0000 MC
PAUL J. TEIKEN, 0000 MC
MARK W. THOMPSON, 0000 MC
CAROLYN A. TIFFANY, 0000 MC
THOMAS W. * TYLKA, 0000 DE
JOHN T. WATABE, 0000 MC
KNUTSON S. WEIDNER, 0000 MC
MALCOLM A. WHITAKER, 0000 MC
DAVID C. WHITE, 0000 MC
MORGAN P. WILLIAMSON, 0000 MC
ROBERT W. * WINDOM, 0000 DE
HENRY K. WONG, 0000 MC
MICHAEL L. YANDEL, 0000 MC
LYNNE P. YAO, 0000 MC
STEPHEN M. YOEST, 0000 MC
NICHOLAS J. YOKAN, 0000 MC
DARIUS S. YORICHI, 0000 MC
LISA L. ZACHER, 0000 MC
VIKRAM P. ZADOO, 0000 MC

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOUGLAS M. LARRATT, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531:

To be captain

FELIX R. TORMES, 0000

To be commander

ROGER R. BOUCHER, 0000
JAMES J. CHUN, 0000
BRADLEY H. SMITH, 0000

To be lieutenant commander

HANS T. WALSH, 0000
MATTHEW G. WESTFALL, 0000

To be lieutenant

ANDY E. BUESCHER, 0000
CRAIG M. LEAPHART, 0000
ANDREA C. PETROVANIE, 0000
CHRISTOPHER R. VIA, 0000

To be lieutenant junior grade

CHRISTOPHER F. BEAUBIEN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

AVA C. ABNEY, 0000
GEORGE E. ADAMS, 0000
KAREN M. ALKOSHNAW, 0000
ARNE J. ANDERSON, 0000
BRUCE M. ANDERSON, 0000
CLAUDE D. ANDERSON, 0000
JOSEPH A. ANGELL II, 0000
COLLETTE J. B. ARMBRUSTER, 0000
TIMOTHY J. ARMSTRONG, 0000
LYNN A. BAILEY, 0000
WILLIAM G. BAKER, 0000
PAMELA E. C. BALL, 0000
BEN J. BALOUGH, 0000
CHERIE L. BARE, 0000
RICK D. BASTIEN, 0000
FAY M. BAYSIC, 0000
JAMES P. BECKETT, 0000
CLAUDE R. BEEDE, 0000
SCOTT R. BELL, 0000
LINDA J. BELTRA, 0000
HOLLY S. BENNETT, 0000
DAVID A. BERCHTOLD, 0000
MONICA E. BERNINGHAUS, 0000
DONNA T. BERRY, 0000
WILLIAM C. BEUTEL, 0000
ANDREW R. BIEGNER, 0000
DEBORAH L. BIENEMAN, 0000
KAREN K. BIGGS, 0000
JEANNE E. BINDER, 0000
ROBERT B. BIRMINGHAM, 0000
BRIAN D. BJORKLUND, 0000
WILLIAM H. BLANCHE, 0000
ROBERT B. BLAZEWICK, 0000
TIMOTHY L. BLEAU, 0000
MICHAEL A. BLUMENBERG, 0000
CRAIG L. BONNEMA, 0000
DANA G. BORGESON, 0000
JEFFREY T. BOROWY, 0000
WENDY M. BORUSZEWSKI, 0000
JIMMY L. BOSS, JR., 0000
THOMAS M. BOUCHER, 0000
MICHAEL J. BOWMAN, 0000
AGNES D. BRADLEYWRIGHT, 0000
ANTHONY P. BRAZAS, 0000
KURT J. BREILING, 0000
FRANK J. BRENNAN, JR., 0000
THOMAS D. BROGDON, 0000
EDWARD W. BROWN, 0000
STEVEN D. BROWN, 0000
DAVID M. BURCH, 0000
TED J. CAMAISA, 0000
DUANE C. CANEVA, 0000
LOUIS V. CARIELLO, 0000
GARY W. CARR, 0000
JOHN K. CARTER, JR., 0000
MARTHA W. CARTER, 0000
VALMORI M. CASTILLO, 0000
JAMES T. CASTLE, 0000
DAWN M. CAVALLARIO, 0000
DONALD R. CHANDLER, 0000
SHARON R. CHAPMAN, 0000
LESA D. CHEATHEM, 0000
DUANE A. CHILDRESS, 0000
LARRY R. CIOLORITO, 0000
BENJAMIN B. CLANCY, 0000
BARBARA F. CLAREY, 0000
ROBERT S. CLARKE, 0000
JAMES P. COLE, JR., 0000
MICHAEL J. COLSTON, 0000
STEWART W. COMER, 0000
STANTON E. COPE, JR., 0000
DENNIS W. COPP, 0000
DAVID B. CORTINAS, 0000
HAROLD S. COSS, 0000
GUIDO E. COSTA, 0000
ARTHUR L. COTTON III, 0000
RONALD D. CRADDOCK, 0000
DARSE E. CRANDALL, 0000
VICTORIA T. CRESCENZI, 0000
ANTONIO CRUSELLAS, 0000
KARINE M. CURETON, 0000
KENNETH E. CUYLER, 0000
CARL J. CWIKLINSKI, 0000
TINA A. DAVIDSON, 0000
ALBERT L. DAVIS, 0000
CINDY L. DAVIS, 0000
JAMES P. DAVIS, 0000
VINCENT DEINNOCENTIIS, 0000
ASHA S. V. DEVEREAUX, 0000
WILLIAM D. DEVINE, 0000
RONALD F. DODGE, 0000
PATRICIA W. DORN, 0000
EDIE H. DOZSA, 0000
JEAN T. DUMLAO, 0000
DOYLE W. DUNN, 0000
JOSEPH F. DUNN, 0000
PETER A. DUTTON, 0000
DEAN L. DWIGANS, 0000
BARBARA EBERT, 0000
JOHN H. EDWARDS, 0000
STEVEN A. ENEA, 0000
COLLEEN M. ESTES, 0000
LARRY A. EVANS, 0000
CHARLES R. FAHNCKE, 0000
WILLIAM K. FAUNTLEROY, 0000
BENJAMIN G. M. FERIL, 0000
ROBERT O. FETTER, 0000
BRONWYN R. FILLION, 0000
MICHAEL L. FINCH, 0000
WILLIAM E. FINN, 0000
STEVEN C. FISCHER, 0000
KAREN L. FISCHERANDERSON, 0000
JAMES B. J. FITZPATRICK, 0000
DONALD P. FIX, 0000
JAMES D. FLOWERS, 0000
ROBERT W. FOSTER, 0000
FRAZIER W. FRANTZ, 0000
MICHAEL L. FULTON, 0000
PRESTON S. GABLE, 0000
STEPHEN M. GALLOTTA, 0000
ROLAND C. GARIPAY, 0000
ARTHUR T. GEORGE, 0000
ATHANASIUS D. GEORGE, 0000
KATHRYN M. GIFT, 0000
ROGER A. GILMORE, 0000
DAVID W. GIRARDIN, 0000
LISA A. GLEASON, 0000
SUSAN P. GLOBOKAR, 0000
THOMAS J. GOALEY, JR., 0000
KATHY F. GOLDBERG, 0000
RICHARD GONZALES, 0000
JOHN S. GONZALEZ, 0000
MELODY H. GOODWIN, 0000
DENISE M. GRAHAM, 0000
MATTHEW J. GRAMKEE, 0000
LINDA J. GRANT, 0000
RANDALL L. GRAU, 0000
JOHN S. GRAY, 0000
MICHAEL G. GREEN, 0000
RICHARD GREEN, 0000
LAWRENCE P. GREENSLIT, 0000
PETER W. GREGORY, 0000
DAVID E. GROGAN, 0000
CAROL A. GRUSH, 0000
KLAUS D. GUTER, 0000
DONALD D. HAGEN, 0000
KIMBERLY M. HARLOW, 0000
KRISTINA E. HART, 0000
JONATHAN L. HAUN, 0000
STEVEN J. HAVERANECK, 0000
JOHN V. HECKMANN, JR., 0000
MARY J. HELINSKI, 0000
MARK C. HENRY, 0000
JUDI C. HERRING, 0000
MATTHEW L. HERZBERG, 0000
JOHN E. HICKS, 0000
JOHN M. HILL, 0000
MARY J. HOBAN, 0000
JEFFREY S. HOEL, 0000
MICHAEL E. HOFFER, 0000
JON L. HOPKINS, 0000
DAVID S. HORN, 0000
JEFFREY S. HORWITZ, 0000
GERMAN E. HOYOS, 0000
NANCY A. HUEPPCHEN, 0000
MICHAEL D. HUGGINS, 0000
JANET E. HUGHEN, 0000
DANIEL E. HUHN, 0000

WARREN S. INOUYE, 0000
MARK W. JACKSON, 0000
CARY D. JOHNSON, 0000
THOMAS M. JOHNSON, 0000
HARRY R. JOHNSTON, 0000
CHRISTILYNN JONES, 0000
CLAUDIA A. JONES, 0000
DAVID G. JONES, 0000
STUART S. JONES, 0000
EDWARD B. JORGENSEN, 0000
PATRICIA A. W. KELLEY, 0000
KENNETH J. KELLY, 0000
MICHAEL D. KELLY, 0000
SCOTT A. KENNEY, 0000
LEESA J. B. KENT, 0000
MARGARET G. KIBBEN, 0000
JOHN C. KING, 0000
ROGER T. KISSEL, 0000
TREYCE S. KNEE, 0000
BRIAN L. KNOTT, 0000
JOHN W. KORKA, 0000
LYNNE R. KUECK, 0000
JEFFREY D. LAMBERSON, 0000
PENNY C. LANE, 0000
STEPHEN N. LANIER, 0000
MARK S. LARSEN, 0000
STEVEN L. LARUE, 0000
AMY L. LAUER, 0000
JOHN H. LEA III, 0000
JOANNE R. LEAL, 0000
SUSAN J. LECLAIR, 0000
YVONNE R. LEE, 0000
JEFFREY T. LENERT, 0000
LYNN L. LEVENTIS, 0000
BENJAMIN D. LIAM, JR., 0000
MARK R. LIBONATE, 0000
RONALD L. LINFESTY, 0000
PHILIP L. LIOTTA, 0000
SCOTT R. LISTER, 0000
LINDA L. P. LOWREY, 0000
MICHAEL K. LUCAS, 0000
JEFFREY P. LUSTER, 0000
CORNELIOUS T. LYNCH, 0000
PETER S. LYNCH, 0000
WILLIAM J. LYONS, 0000
MICHAEL J. MACINSKI, 0000
DAVID J. MAILANDER, 0000
MARK A. MALAKOOTI, 0000
CRAIG T. MALLAK, 0000
VITO V. MANNINO, 0000
PETER A. MARCO, 0000
MARIA L. MARIONI, 0000
JOHN L. MARTIN, JR., 0000
STEPHEN C. MARTIN, 0000
LOREN K. MASUOKA, 0000
DAVID A. MATER, 0000
MELINDA L. MATHENY, 0000
JOSEPH A. MC BREEN, 0000
DEBORAH S. MC CAIN, 0000
JAMES A. MC CORMACK, 0000
PATRICK L. MC CORMACK, 0000
WILLIAM P. MC CORMACK, 0000
DEBRA E. MC GUIRE, 0000
JEFFREY L. MC KEEBY, 0000
ELIZABETH T. MC KINNEY, 0000
ROBERT A. MC LEAN III, 0000
THOMAS R. MC MURDY, 0000
REGINALD B. MC NEIL, 0000
MELISSA MEANSMARKWELL, 0000
DIANA L. MEEHAN, 0000
JOHN G. MEIER III, 0000
JANELLE A. MERRITT, 0000
DAVID C. MEYERS, 0000
THOMAS G. MIHARA, 0000
ALAN K. MILLER, 0000
ANTHONY C. MILLER, 0000
OREN F. MILLER, 0000
STUART O. MILLER, 0000
DEXTER R. MILLS, 0000
STEVEN G. MILLS, 0000
KEVIN G. MITTS, 0000
GERARD H. MOHAN, 0000
KEVIN M. MOORE, 0000
ANDREW S. MORGART, 0000
DANIEL J. MOTHERWAY, 0000
PATRICK J. MUNLEY, 0000
MARC A. MYRUM, 0000
KATHERINE M. NATOLI, 0000
TINA L. NAWROCKI, 0000
WILLIAM D. NELSON, 0000
JEFFERY S. NORDIN, 0000
MARILYN S. NORTON, 0000
THOMAS B. ODOWD, 0000
RANDAL J. ONDERS, 0000
JOSEPH G. ORLOWSKY, 0000
ROCHELLE A. OWENS, 0000
DANIEL J. PACHECO, 0000
GARY R. PAETZKE, 0000
MICHAEL T. PALMER, 0000
JOEL L. PARKER, 0000
JAMES K. PATTON, 0000
GRADY J. PENNELL, 0000
DEBRA A. PENNINGTON, 0000
JOHN F. PERRI, 0000
DAVID A. PETERS, 0000
DOUGLAS G. PETERSEN, 0000
MARTIN A. PETRILLO, 0000
BEVERLY J. PETTIT, 0000
RAYMOND E. PHILLIPS, 0000
DAVID R. PIMPO, 0000
BEN D. PINA, 0000
LEONARD PLAITANO, 0000
STACY A. POE, 0000
MARK A. POINDEXTER, 0000
GREGORY R. POLSTON, 0000
TERESA L. PRIBOTH, 0000
NASREEN S. QADER, 0000
CHARLES T. RACE, 0000
GARY H. RAKES, 0000
ABEL RAMIREZ, 0000
JOSEPH F. RAPPOLD, 0000
SCOTT M. RETZLER, 0000
ROBERT D. REUER, 0000
JEFFREY E. RHODES, 0000
MAGGIE L. RICHARD, 0000
MARK A. RICHERSON, 0000
JORGE P. RIOS, 0000
ELLEN E. ROBERTS, 0000
AMILCAR RODRIGUEZ, 0000
ROBERT J. ROOKSTOOL, 0000
JOEL A. ROOS, 0000
JOHN C. ROSNER, 0000
ROBERT D. RUPPRECHT, 0000
JEFFREY A. RUTERBUSCH, 0000
MARGARET A. RYAN, 0000
EFREN S. SAENZ, 0000
WILLIAM D. SANDERS, 0000
THOMAS A. SATTERLY, 0000
MARK L. SAYGER, 0000
DUANE J. SCHATZ, 0000
KRISTIN E. SCHLIEF, 0000
KYLE J. SCHMIDT, 0000
KYLE P. SCHROEDER, 0000
REBECCA SCHROEDER, 0000
STEPHEN T. SCHULTZ, 0000
MICHAEL L. SCHUTZ, 0000
JOSEPH A. SCORDO, 0000
JEFFREY H. SEILER, 0000
ROGER L. SELLERS, 0000
DAVID B. SERVICE, 0000
DEBORAH A. SHERROCK, 0000
DANIEL P. SHMORHUN, 0000
TIMOTHY R. SHOPE, 0000
RICHARD SILVEIRA, 0000
CATHERINE A. SIMPSON, 0000
DONALD L. SINGLETON, 0000
MICHEAL J. SIRCY, 0000
KELLY D. SKANCHY, 0000
JAMES W. SMART, 0000
HUGH C. SMITH, 0000
KAREN S. SMITH, 0000
TERESA E. SNOW, 0000
JOHN M. SOCHA, 0000
JOHN T. SOMMER, 0000
RONALD S. SONKEN, 0000
GLEN T. STAFFORD, 0000
TERRY A. STAMBAUGH, 0000
CARLA J. STANG, 0000
PATRICK J. STEINER, 0000
DANIEL C. STEPHENS, 0000
RICHARD W. STEVENS, 0000
STEVEN N. STEVENSON, 0000
FRANK A. STICH, 0000
CHRISTOPHER P. STOLLE, 0000
GAIL R. SWEET, 0000
STEPHEN B. SYMONDS, 0000
KEITH A. SYRING, 0000
GARY TABACH, 0000
DAVID W. TAYLOR, 0000
WILLIAM J. TERRY, 0000
THOMAS A. THARP, 0000
CLARENCE THOMAS, JR., 0000
JAMES A. THRALLS, 0000
LAURA S. TILLERY, 0000
ELIZABETH E. TIPTON, 0000
DAVID W. TOMLINSON, 0000
JOHN B. TOURTELOT, 0000
ANDREW P. TROTTA, 0000
BRADLEY S. TROTTER, 0000
LINDA E. TROUP, 0000
ROBERT F. TUCKER, 0000
MICHAEL A. UHALL, 0000
DEBORAH E. UHER, 0000
JON T. UMLAUF, 0000
SCOTT R. VANDERMAR, 0000
TIMOTHY S. VARVEL, 0000
THOMAS E. VELLING, 0000
PAUL J. VERRASTRO, 0000
AMILCAR VILLANUEVA, 0000
FRANCIS K. VREDENBURGH, JR., 0000
JOHN F. WARD, 0000
SHARON V. WARD, 0000
KATHY WARNER, 0000
JULIUS C. WASHINGTON, 0000
ALICE WHITLEY, 0000
THOMAS S. WILD, 0000
WADE W. WILDE, 0000
TIMOTHY H. WILKINS, 0000
ROBERT T. WILLIAMS, 0000
JAMES M. WINK, 0000
RICHARD B. WOLF, 0000
KEITH S. WOLGEMUTH, 0000
JOSEPH C. K. YANG, 0000
MYRON YENCHA, 0000
KENNETH S. YEW, 0000
LINDA E. YOUNG, 0000
KRISTEN C. ZELLER, 0000
GREGORY J. ZIELINSKI, 0000
MICHAEL E. ZIMMERMAN, 0000

EXTENSIONS OF REMARKS

IN RECOGNITION OF SUPERVISORY SPECIAL AGENT TERRY SHUMARD ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that today I pay tribute to Supervisory Special Agent Terry Shumard on the occasion of his retirement. Terry has proudly served the Federal Bureau of Investigation for thirty years—demonstrating a remarkable dedication to public service.

During his career, Terry was assigned to several offices, including Miami, New York, and San Juan, before he arrived to the New Haven Division as the primary assistant to the Special Agent in Charge for the State of Connecticut, directing all administrative and investigative operations. Terry was responsible for establishing and directing the Public Affairs and Community Relations Programs throughout Connecticut. With his hard work and exceptional talent, Terry soon became the FBI's liaison to Connecticut's state and federal elected officials. It was in this capacity that I first had the opportunity to work with Terry. His expertise and commitment to the public has been an invaluable asset to both myself and my staff.

Over the past year, Terry has enjoyed tremendous success as the Project Coordinator for a U.S. Department of Justice pilot program, Strategic Approaches to Community Safety Initiative (SACSI). Requiring participation from the entire community, SACSI is designed to enhance the working relationship between the U.S. Attorney's office, local elected officials and community organizations. In a collaborative effort, this coalition of leaders analyze and identify the root causes of local crime issues and design targeted strategies and interventions to prevent and reduce crime. As one of only five cities chosen nationwide to participate in this program, leadership and experience were vital to the success of this project. With his strong background with the FBI and extensive experience working with local officials, Terry was an integral part of the success of this program.

His commitment has made New Haven and the State of Connecticut a safer place to raise our children and families. Terry exemplifies what is best in law enforcement and public service. I consider myself fortunate to call him my friend. For his many years of service, compassion and dedication, it is with great pride that I stand today to recognize the outstanding career of Terry Shumard and extend my best wishes to him for continued health and happiness as he retires from public service. My sincere thanks and appreciation for his many contributions to our community.

HONORING WILLIAM J. FELTY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansan, and I am proud to recognize Billy J. Felty in the Congress for his invaluable contributions and service to our nation.

Next week Bill retire as Chief Engineer of the St. Francis Levee District, thereby completing a distinguished career that spanned more than four decades. He was first employed by the district as an assistant engineer in 1959—shortly thereafter he became a member of the engineering committee of the Mississippi Valley Flood Control Association, and has since served two terms each as the committee's secretary and vice-chairman, and was named chairman in 1982 and 1984. In this capacity he headed a committee that studied the Birds Point-New Madrid Floodway, concluding that the floodway is an essential part of the approved flood control plan for the Lower Mississippi Valley, and recommending that the U.S. Army Corps of Engineers be prepared to utilize the floodway immediately in emergency circumstances.

This kind of leadership naturally led to Bill's promotion to Chief Engineer in 1989, which made him responsible for the maintenance and operation of the approximately 160 miles of main line Mississippi River levee and 70 miles of interior levee in the District. His work in this capacity earned him the Army Commanders Award for Public Service, the Army Outstanding Civilian Service Medal, the Army Bronze Order of the de Fleury Medal, and a Plaque for Dedicated and Devoted Service from the Mississippi Valley Flood Control Association.

In addition to this outstanding record of accomplishment, Bill also found time to be an active member of his community, assuming many influential roles, including President of the West Memphis Jaycees; Charter Member of Senator Blanche Lincoln's State Agriculture Advisory Committee; Chairman of the West Memphis City Board of Adjustments; President of the J.W. Rich Girls Club; and chairman of church committees.

Bill dedicated his life to protecting the lives and fortunes of his fellow citizens, and he deserves our respect and gratitude for his contributions. On behalf of the Congress, I extend my best wishes to my good friend Billy Felty on his retirement.

INTRODUCTION OF THE EXPORT WORKING CAPITAL IMPROVEMENT ACT OF 2000

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. MANZULLO Mr. Speaker, I am pleased to introduce H.R. 4944. The Export Working Capital Improvement Act of 2000. The Export Working Capital Guarantee Program (EWCGP) is subset of the popular 7(a) loan program at the Small Business Administration (SBA). It provides 90 percent guarantee for revolving capital needs for small business export financing. The SBA acts on loans for small business exporters that are under $750,000—the Export-Import Bank of the United States (Ex-Im) provides export working capital for loans over $750,000. These working capital loans are generally short-Term financing. Loans can be made for single or multiple export sales and can be exended for pre-shipment working capital and post-shipment exposure coverage. However, this is a very underutilized program.

The problem is that the SBA would like to be able to sell these loans on the secondary market. However, secondary market sales of guaranteed loans are conducted every six months. Current law requires that all 7(a) loans, including Export Working Capital loans, must be fully disbursed to the borrower prior to being included in a secondary market sale. Export Working Capital loans are often approved, disbursed, and repaid so quickly that they miss the window of opportunity for inclusion in a secondary market sale.

The purpose of the Export Working Capital Loan Improvement Act of 2000 is to exempt Export Working Capital loans from the disbursement requirement under the SBA's 7(a) loan program. This change will allow the inclusion of Export working Capital loans prior to disbursement in sales to the secondary market.

The Office of International Trade at the SBA believes that if Export Working Capital loans are allowed to be sold on the secondary market, more export finance would be available to small business exporters in many regions of the country. This would provide one answer to the problems of a lack of trade finance for small business exporters.

According to the Commerce Department, between 1987 and 1997, the number of small business exporters has tripled, going from 66,000 to 202,000. Small businesses now account for 31 percent of total merchandise export sales spread throughout every industrial classification. What is more surprising is that the fastest growth among small business exporters has been with companies employing fewer than 20 employees. These very small businesses represented 65 percent of all exporting companies in 1997.

Despite these encouraging statistics, there is still more work that needs to be done. Even

though the number of small business exporters tripled, they form less than one percent of all small business in the United States. Even among these cutting-edge firms, nearly two-thirds of small business exporters sold to just one foreign market in 1997. In fact, 76 percent of small business exporters sold less than $250,000 worth of goods abroad. In other words, these are ''casual'' exporters. The key is to encourage more small businesses to enter the trade arena and then to prod ''Casual'' small business exporters into becoming more active.

Increasing the availability of export finance can help achieve this goal. I urge my colleagues to join me in supporting the Export Working Capital Loan Improvement Act of 2000.

HONORING MINNIE ELIZABETH SAPP

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. HILLEARY. Mr. Speaker, it is with great joy that I honor Minnie Elizabeth Sapp, who recently celebrated her one-hundredth birthday. Mrs. Sapp had the rare fortune of seeing a complete century unfold. It was on July 12, 1900 that Mrs. Sapp was born—in the log house built by her grandfather, James Waymon Mitchell, on Lost Creek in White County, and it was on July 12, 2000 that we celebrated her one-hundredth birthday.

On Christmas Day in 1921, Mrs. Sapp married Homer Floyd Sapp in the same room in the log house where she was born. The couple traveled by buggy to Homer's father's home, at what is now Rim Rock Mesa at Bon Air. Six years later they moved to a forty-acre farm on Corolla Road.

The couple has seven children. The two boys died as infants, and sadly one daughter, Helen, passed away at 14. The other four daughters survived: Josephine, Norma, Evelyn, and Betty. Although her husband Homer died in 1980, Mrs. Sapp continues to live at the farm that the couple moved to 73 years ago.

In 1993, Mrs. Sapp wrote her personal memoirs, and among her memories are recollections of lighting the house with coal lamps and making lye and soap. The United States has changed much since the days of her childhood, but her memories of quilting, walking barefoot to free school and later attending boarding school at Pleasant Hill Academy, carrying water from the spring, and keeping the fire going year round have shaped a strong, loving woman who is devoted to her family and friends.

Two weeks ago I had the honor of attending Mrs. Sapp's birthday celebration, and on the 16th of July the Bon Air United Methodist Church honored her with a service, singing, and presentation of a plaque. The family and friends who surround her serve as a testament to the impact this amazing woman has on all who meet her.

Truly, Minnie Elizabeth Sapp is a blessing to her community. Mrs. Sapp's devotion to family and religion has seen her through 100 years, and I am confident that it is her love of life which will fill every day that is to come. That is why it is the spirit of all who know and love her that I wish to congratulate Mrs. Sapp on her one-hundredth birthday celebration.

RECOGNIZING JOHN RUSSELL BERGENDAHL AND THE CROMWELL CHILDREN'S HOME'S 100TH ANNIVERSARY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. LARSON. Mr. Speaker, today I recognize a true World War II hero, John Russell Bergendahl. For most of his brief life, Mr. Bergendahl was a resident at the Cromwell Children's Home in my district, which is celebrating its 100th anniversary this year. He lived at the Home until his graduation from Middletown High School, and this year his classmates are holding their 60th class reunion in his honor.

While his unique role and his supreme sacrifice on D-Day are paramount in this recognition, it is also important to emphasize the example Mr. Bergendahl provided to so many of his peers as a friend, a serious academic student, an outstanding athlete, and a dependable worker during his years at the Children's Home.

Although an only child whose parents died early in his life. Mr. Bergendahl never reflected on his family tragedy. He had a remarkably positive attitude, an outgoing personality, and the physical and mental discipline needed for military service at the time, and would have been the key to his success in civilian life. He was a model resident at the Cromwell Children's Home, a reflection of the dedication of its staff and its program.

Russ Bergendahl and Jim Broman, who first brought Mr. Bergendahl's story to my attention, were in military training when they last met in Cromwell several months before being sent to England in early 1944. During that meeting, Mr. Bergendahl expressed that he did not expect to survive the war because of his assignment to the 82nd Airborne. Although Jim and Russ attempted to meet again when they were deployed overseas, these attempts were futile because Jim's assignment to the 101st Airborne, also limited outside contact prior to D-Day.

After D-Day, Mr. Broman was unable to learn anything about his friend Russ until nearly two weeks later when he was told that a Bergendahl was killed by a sniper six days after the invasion. It was not until 55 years later when Mr. Broman returned to Normandy and visited Russ Bergendahl's grave at Omaha Beach that he learned Russ was actually killed on D-Day, June 6, 1944, after the American landing.

It is not possible to document, or likely even comprehend, what Mr. Bergendahl experienced when he landed in Normandy prior to the massive airborne landings conducted by the 82nd and 101st Airborne Divisions a few hours later. He may have merited the highest of military honors, but none of us will ever know. However, we do know that his sacrifice and service is what allows us all to be here today to remember him under the banner of liberty and freedom he fought to maintain, and for that we should honor him as a true hero.

The 100th anniversary of the Cromwell Children's Home is an appropriate occasion to establish and maintain a memorial to John Russell Bergendahl at the place where he made his home for most of his brief life. This memorial is a tribute to his courage and bravery, and also recognizes the contribution of the Cromwell Children's Home and the many dedicated staff members to the lives of children, such as John Russell Bergendahl, during their 100 years of service. Therefore, I urge my colleagues to join with me in this tribute to remember the life of John Russell Bergendahl.

PERSONAL EXPLANATION

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. ROGAN. Mr. Speaker, I unfortunately missed rollcall No. 429, a vote to suspend the rules and pass H.R. 4700, a bill to grant the consent of Congress to the Kansas and Missouri Metropolitan Culture District Compact. Had I been present, I would have voted in the affirmative.

ENVIRONMENTAL IMPACT OF NATO AIRSTRIKES ON THE FORMER REPUBLIC OF YUGOSLAVIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. KUCINICH. Mr. Speaker, Dr. Vojin Joksimovich, a well respected scholar of the Balkans, has given a thorough analysis of the environmental impact that the NATO airstrikes have had on the ecosystem of the Former Republic of Yugoslavia. His research and analysis are profound and compelling, that I am inserting them into the CONGRESSIONAL RECORD so it may become public knowledge.

ENVIRONMENTAL ASPECTS OF YUGOSLAV RECONSTRUCTION: NATO ECOCIDE IN SERBIA

(By Vojin Joksimovich, Kennedy School of Government-Harvard University, April 25, 2000)

INTRODUCTION

In considering America's role in the world, it is worth starting from the premise that this has in general been extremely beneficial and positive. America's contributions to the defeat of the twin menaces of fascism and communism in this century are events of epic proportions. I myself am a refugee from Tito's brand of communism and my daughter fled from Milosevic's version. So I am personally grateful for America's role in combating this twin menace.

With this positive image of America's role in the front of my mind, I take no pleasure in saying that NATO's Kosovo war does not fit this positive pattern. In fact it was a source of evil. Many of the charges against the war are familiar to you: that it was illegal, unnecessary, counter-productive, damaging to global US interests and so on. I discuss all of these in my book ''Kosovo Crisis: A Study in Foreign Policy Mismanagement.''

Today, however, I want to draw on my professional background as a nuclear and industrial safety specialist to discuss an aspect

with which you may be less familiar, namely the huge environmental catastrophe that was wrought by NATO. As a part of my professional career, I have studied the anatomy of catastrophic nuclear and non-nuclear accidents such as Chernobyl, Three Mile Island, Bhopal, Challenger, Piper Alpha, and others. As a member of the National Academy of Sciences Committee, I have studied oil spills such as the Exxon Valdez, Amoco Cadiz and many others. These were however, caused by man (operators) or management negligence.

Indeed, I want to introduce you to a new term added by NATO to the vocabulary of war. This is ecocide. For those with environmental background this is a familiar concept. But it may be new for students of war. I mean by ecocide in this context the deliberate and conscious causation of environmental damage to achieve war aims. In history, we have seen many instances of incidental damage to the environment caused by war. For example, dropping of atomic bombs on Japan to terminate WWII. As a matter of fact, wartime environmental damage is as old as the bible. The old testament states that ''the trees in the battlefield are not men that you should besiege them'' and it advised ''not to cut down trees and not to kill animals in the enemy territory.''

But my assertion is that, through NATO's use of contemporary precision weapons to demolish the infrastructure and poison the human habitat not as a byproduct of war but as pro-active instrument of war policy, the Kosovo war broke new ground. It is a new phenomenon. This justifies the use of the new word in military vocabulary-ecocide. It is a chilling concept. I hope

NATO ECOCIDE IN SERBIA

Almost daily attacks on the chemical, petrochemical, pharmaceutical plants, plastic factories, refineries, fuel storage tanks, and the electric power grid have caused numerous industrial accidents throughout Serbia. Chemical substances released plus depleted uranium (DU) are carcinogenic, mutagenic, toxic, and as such cause perilous consequences to human, plant, and animal life. Most of these substances are unlikely to kill people instantly. Soaked into the soil they percolate into the aquifer and hence the people of Serbia and the entire region will be repeatedly exposed to them. Large quantities of ammonium and ammonium elements, oil and oil derivatives, acids, and alkali leaked into rivers—including the Danube River destroying aquatic flora and fauna. The Danube, Europe's most important waterway that runs almost 2,000 miles through 11 countries, is partially dead, although it provides drinking water for some 10 million people. Furthermore, one must take into account effect on the habitat and the ozone layer of kerosene, which fueled over 1200 NATO planes participating in destruction of Yugoslavia.

Herewith, we are dealing with deliberate and calculated poisoning of the human habitat. According to a NATO spokesman, targeting encompasses an environmental assessment. Hence, the consequences should have been known. Chris Hedges, reporting in the New York Times, called NATO officials in Belgium who told him that the environmental damage caused by the attack was taken into consideration. ''When targeting is done we take into account all possible 'collateral damage', be it environmental, human, or to civilian infrastructure.'' It is apparent that NATO showed disregard for human life and the environment. We are talking about low intensity chemical and radiological warfare banned under the Geneva Convention and by the International Court. It is also a violation of the 1992 Rio Declaration on the Environment and Development, which explicitly protects the environment during war conflicts. This is a hideous stain on the moral fabric of the U.S. and its NATO allies.

In this country we celebrate the Earth Day. The Clinton-Gore administration takes a great pride in its environmental record. The environmental goals have been incorporated into the mainstream of U.S. foreign policy. In her April 10 speech to the World Resources Institute Secretary Albright stated: ''Our citizens cannot be secure if the air we breathe, the food we grow and the water we drink are at risk because the global environment is in danger.'' This is well said. My point is that we embrace environmentalism as a domestic priority. We should not subvert this internationally as we did by deliberate poisoning of Serbia, Balkans and Eastern Europe.

PANCEVO HOT SPOT

NATO repeatedly pounded Pancevo, a town of 80,000 inhabitants, located on the Danube river only 12 miles from Belgrade with its 2 million population. Pancevo is a major industrial complex including a petrochemical plant, a fertilizer plant, and a major oil refinery. An artificial canal carries wastewater and stormwater runoff directly into the Danube. NATO destroyed all 3 major industrial plants with bombs and missiles: City Refinery (seven attacks), Petrohemija petrochemical plant (two airstrikes), and Azotara fertilizer nitrogen processing plant. Petrohemija and the oil refinery were leveled. Various noxious substances were released into the environment either directly or as a result of fires. Fires raged for 10 days. The cloud of smoke was more than 10 miles long. The sun was blotted out for a day. Black rain fell on the city and surroundings. Much of the town's population was evacuated following the strikes on April 17/18.

The following substances were intensely released from the refinery as a result of burning of 80,000 tons of oil and oil products: CO_2, NO_X, soot and polycyclic aromatic hydrocarbons (PAHs). Strikes at the petrochemical polyvinyl (PVC) plant and the ammonia and nitrogen fertilizer plant destroyed a reservoir with 1200 tons of vinyl chloride monomer (VCM) and 6 train cisterns of 30 tons of VCM each. 8 tons of metallic mercury leaked in the electrolysis system. Only 200 kg reached the wastecanal and 50–100 kg were found on the concrete floor. The rest likely evaporated. As a preventive measure 250 tons of liquid ammonia were released into the canal.

Fears of birth defects have tormented pregnant women. Mark Fineman reported in the Los Angeles Times, physicians recommend that all women who were in town on April 18, 1999 avoid pregnancy for at least the next 2 years. Women who were less than 9 weeks pregnant were advised to obtain abortions.

NOVI SAD

With 180,000 population, Novi Sad, located on the Danube river, is second largest city in FRY. NATO heavily targeted it with rail and road bridges across the river destroyed together with water pipelines carried by the bridges. Another principal target was the city oil refinery located only about a mile upstream from the filtration wells used for the city's water supply. The groundwater table beneath the refinery is located only 1–2 m below the surface. The water supply of Novi Sad was contaminated after 100 fuel tanks and the refinery was hit 12 times spewing oil. About 73,000 tons of crude oil and oil products burnt or leaked. Novi Sad streets were drenched with slimy, sooty rainwater. Danube was heavily contaminated. Even vast quantities of fire-extinguishing foam needed to control the 11-day blaze pose their own ecological threat.

OTHER TOWNS

Other places have been affected, such as Kragujevac, Kostolac, Lazarevac, Nis, Belgrade, Boor, Pharos and Smederevo. Bombings of the Zastava car factory in Kragujevac resulted in high levels of PCB's and dioxins; high levels of PCBs around high voltage transformers, contaminated water tanks. Some of the transformers used the highly toxic and cancerous coolant piralen. Severe air pollution from sulfur dioxide emissions, PCB contamination at transformer stations in the town of Bor in Eastern Serbia near the Bulgarian border.

APRIL 17/18 SIMULTANEOUS RELEASES

Essentially simultaneous releases of smoke plumes occurred from April 17/18 bombings of Pancevo and Novi Sad with the burning rate of 2000 tons per hour during the first 12 hours. With the methodology applied in the case of the Kuwait oil smoke plume, Prof. of Environmental Studies at Belgrade's Alternative Educational Network, Zorro Vukmirovic, and the Belgrade Institute of Meteorology estimated the trajectories of air pollution using the ETA model. The analyses show that the pollutants moved eastward over Romania, Bulgaria, Moldavia, Ukraine and the Black Sea. The lower level trajectories from Pancevo indicate pollutant tansport towards the Belgrade area in the first day. The regional transport of PAHs, dioxins and furans originating from Pancevo were registered at Xanthi in Greece.

OTHER BEYOND FRY EFFECTS

Rumania reported acid rain. The pH level of the rain stood at 5 indicating acidity instead of the normal level of 7. In many towns in the southwestern region, crops and forests were damaged and leaves fell from trees. Vineyards and crops in the southern region were also damaged. Bulgarian farmers near the towns of Kula and Belogradcik reported that flowers fell from fruit trees and vegetables began to rot on their land. Measurements of pollutants in northern Greece showed rising levels of toxin on the days the wind blew south. In Macedonia, radiation levels had risen 8 times over. Moldavia and Ukraine were affected as well.

UN ENVIRONMENT PROJECT REPORT

In late October, 1999 the UN Environmental Program and the UN Center for Human Settlements (UNCHS) issued a Balkan Task Force (BTF) report titled: ''The Kosovo Conflict: Consequences for the Environment.'' The BTF, led by former Finnish Environment Minister Pekka Haavisto, has delivered the report in timely and professional manner. The report's highlights are as follows:

The BTF established an international scientific team from 19 countries, and organized five technical missions to FRY. Governments of the following countries provided the funding: Austria, Denmark, Finland, France, Germany, The Netherlands, Norway, Sweden and United Kingdom. The U.S., while the principal aggressor, did not participate.

The BTF concentrated on the following five areas: (a) Environmental consequences of air strikes on industrial sites; (b) Environmental consequences of the conflict on the Danube River; (c) Consequences of the conflict on biodiversity in protected area; (d) Consequences of the conflict for human settlements and the environment in Kosovo; (e) Possible use of DU weapons in Kosovo.

The BTF concluded that, while the conflict caused widespread physical destruction, it

did not cause an environmental catastrophe affecting the Balkans region as a whole. Nevertheless, pollution detected at some sites poses a threat to human life. The BTF identified environmental hot spots in the four areas: Pancevo, Kragujevac, Novi Sad and Bor. Immediate remedial action from a humanitarian viewpoint and further monitoring and analyses were called for in order to avoid further damage to human health and ecology. Specific recommendations for the four hot spots have been developed.

Laboratory analyses of samples taken from the Danube sediment and biota revealed significant chronic pollution, both upstream and downstream of the sites directly affected by the conflict. The report strongly recommended carrying out follow-up monitoring with extension of the sampling to the confluence of major tributaries and to develop and implement an appropriate monitoring program compatible with the international standards. There is urgent need for the FRY to be integrated within international framework, which has been affected by the sanctions.

More than hundred craters were found in the Fruska Gora National Park. Craters were found in the Kopaonik and Zlatibor National Parks. A general conclusion is that conservation of biological diversity has suffered from the conflict and the sanctions.

While the BTF report represented a significant step in assessment of environmental consequences of the NATO aggression its scope was limited. As an example, the BTF

FOCUS

A team of Russian, Greek, Austrian, and Swiss experts, representing the FOCUS countries, issued a preliminary report on August 14, 1999. The principal conclusion is that Yugoslavia faces ecological disaster unless urgent measures are taken in the worst affected areas to prevent a ''possible environmental collapse''. Pancevo tops the list, followed by Novi Sad, Smederevo, Pristina, Nis, and Bor.

Some 8 tons of mercury had seeped from the electrolysis plant in Pancevo, posing a danger to human health and the environment in the Danube basin. ''The release of petroleum, oil, diesel and fertilizers into the soil and water reservoirs has resulted in the contamination of nearby facilities, towns, villages, water and mud in channels and rivers, including the Danube. This could result in changes in the ecological balance in the region and irreversible mutation in plants and animals.''

DU

NATO used armor-piercing shells loaded with the DU. This was officially confirmed in a letter from NATO Secretary General George Robertson to UN Secretary General Kofi Annan. Robertson wrote that the U.S. Air Force A–10 ''tankbuster'' had concentrated their operations in disclosed parts of Kosovo but many missions were carried out outside those areas.

DU, a waste product of uranium enrichment, is essentially a radioactive waste 1.7 times denser than lead. As a waste product, it costs nothing. Its kinetic energy is sufficient to penetrate tank armor or concrete bunkers. It is both radioactive and toxic. Upon impact, the DU core partially ignites producing uranium oxide in particulates of between 0.5 and 5 microns in size. The aerosol can spread over several hundred miles, depending on wind conditions. If inhaled or ingested, it stays in the body 10 or more years (practically it does not decay because of long half-life)—irradiating the tissue around it. One ''hot particle'' in the lungs is equivalent to one chest x-ray every hour of every day for the rest of one's life. It is impossible to remove—slow irradiation takes place resulting in radiation sickness and premature death. The uranium oxide goes into the soil as well. DU's chemical toxicity presently even greater danger to human health in the short term after exposure. The kidney is the target organ. DU is incorporated into the soil taken up by vegetables, and children can handle the shrapnel.

DU has been previously used in Iraq and Bosnia. According to the Pentagon, 400,000 American and British soldiers were exposed to this DU aerosol in the Gulf War. About 200,000 of them have sought medical care since the war and about 115,000 have been diagnosed as having Gulf War Syndrome. Dr. Hari Sharma, of the University of Waterloo in Ontario, predicted an increase of 20,000–100,000 fatal cancers in veterans and Iraqi citizens. An Iraqi pediatric oncologist claims that childhood leukemia has risen 600 percent in areas of Iraq where DU was used. Stillbirths, births or abortions of fetuses with monstrous abnormalities, and other cancers in children born since 1991 have also been found. In 1996, the DU issue was brought up before the UN Human Rights Tribunal in Geneva. The tribunal condemned it and called

The Pentagon sponsored a Special Oversight Board headed by former senator Warren Rudman that produced an interim report, which recommended further studies. On the basis of studies by Pentagon and the Rand Corp., radiation was ruled out in the Gulf War illness thus far. A veterans group, the National Gulf War Resources Center, denounced the panel's findings as an ''incomplete whitewash and failure''. In addition to Dr. Sharma, Doug Rokke, a major in the U.S. Army Reserve's Medical Service Corps, is one of the biggest critics of the Pentagon.

It appears that revelations about ''friendly fire'' forced the Pentagon to admit the use of DU during the Gulf War. 29 American vehicles were contaminated by DU on the battlefield. 15 Soldiers killed and more than 60 injured by fire from DU arms. Rokke, a health physicist, was in charge of DU decontamination after the Gulf War in Iraq, Kuwait, and Saudi Arabia. Within 2 weeks upon return to the U.S., Rokke and other team members began developing health problems. In the 8 years since, some have died and most developed health problems. Rokke himself has difficulty breathing. His lungs are scarred and he has skin problems and damaged kidney. A urinalysis conducted 3 years later, showed a uranium level 4000 times higher than the U.S. safety limit of 0.1 micrograms per liter. ''The Department of Defense doesn't want to admit that DU is harmful because they don't want the liability.''

The British Government has been accused of a cover-up after the new evidence emerged proving that British soldiers suffered massive radiation poisoning in the Gulf. The results of urine analysis, performed by a Canadian geochemist and 500,000 times more accurate, were withheld from the public. The Government-appointed scientific advisor. Prof. Malcolm Hooper, views the Canadian results reliable and advocates a thorough investigation not only for Gulf War Veterans but also for those troops serving in Kosovo.

In spite of the above, the Pentagon confirmed that it has no plans for clean-up, despite the presence of NATO troops! Thus the hazard to Kosovo civilians and NATO troops is ignored. DU clean up is difficult and costly. The entire top layer of soil—roughly one foot deep—would have to be removed and disposed of. On October 4, 1992 an Israeli El Al cargo jet crashed in a fireball in Amsterdam killing 43 people. The plane contained 380-kg counterweights made of DU. Surface soil layer of 40 cm had been removed from the crash area.

The Sunday Times reported that 12 British servicemen are preparing to sue the British government. The Belgian government has begun a systematic review of the health of its 14,000 troops it sent to Kosovo.

YUGOSLAV MINISTRY REPORT

The author wishes to acknowledge receipt of a comprehensive report produced by the Yugoslav Ministry for Development, Science and Environment titled ''Consequences of NATO Bombing on the Environment of FRY.'' However, well-documented material in this report, other than the DU portion, has not been utilized in this write-up since it arrived only hours before this paper was finalized.

It is the only report, which has addressed the use of DU. The claim is that NATO's A–10A planes have used DU ammunition south of the 44-degree latitude including sites outside Kosovo: seven in Serbia and one in Montenegro. Evidence presented is samples and ammunition remains of 30 mm API PGI–14B and the land contamination with U–238. The coordinates of contaminated areas are marked and defined.

Tests in southern Serbia show soil samples containing concentrations of uranium over a 1000 times the natural level used as a principle for decontamination considerations. British biologist Roger Coghill said:

''This is the best first hard evidence confirming fears of scientists that parts of former Yugoslavia have been turned into nuclear wasteland. On these figures, I have no hesitation in predicting 10,000 deaths and massive increase in cancers and baby deformities as we have seen in Iraq.''

The report suggests that some mitigating measures have been undertaken including medical examinations of exposed individuals. However, the cost of decontamination or cleanup was characterized as prohibitive and cannot be done without the international aid. The report is dated February 2000 and it is not clear why the FRY government waited until April to approve it.

CONCLUSIONS

I hope you agree that I have made a convincing case that NATO's deliberate targeting and destruction of the environment in Serbia and the wider Southeast European region represents a new and deeply troubling escalation of man's inhumanity to man. I believe that the evidence is there to suggest that innocent lives of existing and even future generations have been shortened as a direct result of NATO's actions.

There seem to be two main conclusions:

In the short-term Serbia needs and is entitled to reconstruction aid from the NATO member states. NATO has a moral duty to make good the illegal destruction it caused. The economic sanctions against the Serbian people must be lifted immediately. The FRY must be allowed to rejoin international organizations it legitimately belongs to;

For the longer term, we must unite to identify ecocide as a crime against humanity

on a level with genocide and other war crimes. We must ensure that we, the civilized countries of the world, undertake never to use ecocide again.

IN RECOGNITION OF CHIEF KEVIN J. CONNOLLY FOR OUTSTANDING SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that today I pay tribute to a dedicated and highly respected member of the North Haven Police Department—and a dear friend—whose decision to retire ended a career in law enforcement which spanned thirty years. Chief Kevin J. Connolly leaves a legacy of integrity and commitment to excellence which will not be forgotten by his fellow officers or the citizens of North Haven.

Kevin has dedicated nearly a third of his career to leading the Department of Police Services with dignity and commitment. He has had a profound effect on the quality of life in North Haven. Nine departmental commendations, as well as various other professional accolades from local and national agencies, including the Federal Bureau of Investigation and the United States Secret Service, reflect the commitment and devotion Kevin has given to North Haven and its residents. Throughout his career, Kevin has exemplified the best qualities we associate with law enforcement officials.

I have had the distinct pleasure of working with Kevin on several issues in the time I have served in Congress. He was a tremendous help to me and my staff on the Violent Crime Control and Law Enforcement Act of 1994, lending not only his knowledge and expertise, but his strong support as well. More recently he has been an invaluable resource for the many forums I have held on youth violence. As our community grapples with the pressing issue of school violence, Kevin's efforts never cease to exceed everyone's expectations. Understanding that our young people need to trust their local police force, Kevin has implemented community policing in the North Haven school district, fostering relationships with the students and curbing violence. His advocacy and hard work is a remarkable example of how law enforcement officials can partner with the community to ensure that our children are safe in their classrooms.

With his outstanding record of good work, he has demonstrated a unique commitment to public service—leaving an indelible mark on the North Haven community. It is with great pride that I join with his wife, Judy, his children, Kevin, Megan and Tara, friends, colleagues, and community members to honor my good friend, Police Chief Kevin Connolly for his outstanding service to our community. I wish him many years of continued health and happiness in his retirement.

HONORING VERNICE MCKELLAR ON HER 100TH BIRTHDAY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Vernice McKellar on the occasion of her 100th birthday which she celebrated on June 24th, 2000. Mrs. McKellar has dedicated her life to helping others and improving her community.

Vernice McKellar was born in Kansas, but spent the majority of her years in California. At the age of seven, her family settled in Lindsay. After graduating from Lindsay High School in 1917, Vernice went on to become a registered nurse at Cottage Hospital in Santa Barbara in 1926. Vernice McKellar was married to Hugh A. McKellar in 1928 and moved to Ivanhoe where she and her husband farmed a successful Sunkist Orange Ranch, which she still takes part in operating.

Vernice has been an active member of the community. Her daughter, Norene March, describes her as ''community minded.'' Her activities include volunteering for the American Red Cross, volunteer nursing in the community, and working with the PTA. Vernice is proud that she voted for the first time at age 21 and has not missed voting in an election since. Vernice encourages her friends to contribute to the Ivanhoe Youth Center in hopes of providing activities for youth and reducing gang activity in Ivanhoe.

Mr. Speaker, I rise today to pay tribute to Vernice McKellar and congratulate her on the occasion of her 100th birthday. I urge my colleagues to join me in wishing her many more years of happiness and success.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall vote #429 due to a late flight. Had I been present, I would have voted Yes or Aye on rollcall vote #429.

Daily Digest

HIGHLIGHTS

The House passed 36 measures under suspension of the rules and by unanimous consent.

Senate

Chamber Action

Routine Proceedings, pages S7493–S7585

Measures Introduced: Eleven bills and one resolution, were introduced, as follows: S. 2911–2921, and S. Res. 342. **Page S7542**

Measures Reported: Reports were made as follows:

S. 2107, to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, with amendments. (S. Rept. No. 106–360) **Page S7542**

Measures Passed:

Long-Term Care Security Act: Committee on Governmental Affairs was discharged from further consideration of H.R. 4040, 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, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and the bill was then passed, after striking all after the enacting clause, and inserting in lieu thereof, the text of S. 2420, Senate companion measure, after agreeing to a committee amendment in the nature of a substitute. **Pages S7575–82**

Subsequently, S. 2420 was placed back on the Senate calendar. **Page S7582**

Energy/Water Development Appropriations: Senate began consideration of the motion to proceed to the consideration of H.R. 4733, making appropriations for energy and water development for the fiscal year ending September 30, 2001. **Page S5722**

A motion was entered to close further debate on the motion to proceed to the consideration of the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, July 27, 2000. **Pages S7522–23**

Subsequently, the motion to proceed was withdrawn. **Page S7523**

Certified Development Company Program Improvements Act: Senate disagreed to the amendment of the House to the Senate amendment to H.R. 2614, to amend the Small Business Investment Act to make improvements to the certified development company program, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Bond, Burns, and Kerry. **Pages S7574–75**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Protocols to the Convention on the Rights of the Child (Treaty Doc. No. 106–37).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and were ordered to be printed. **Pages S7573–74**

Nominations Received: Senate received the following nominations:

Jonathan Talisman, of Maryland, to be an Assistant Secretary of the Treasury.

Margrethe Lundsager, of Virginia, to be United States Alternate Executive Director of the International Monetary fund for a term of two years.

3 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Navy. **Pages S7583–85**

Messages From the House: **Page S7540**
Measures Referred: **Pages S7540–41**
Measures Placed on Calendar: **Page S7541**
Measures Read First Time: **Pages S7521–22**
Petitions: **Pages S7541–42**
Statements on Introduced Bills: **Pages S7542–54**
Additional Cosponsors: **Pages S7554–55**
Authority for Committees: **Page S7556**
Additional Statements: **Pages S7538–40**
Text of H.R. 4461 as Previously Passed: **Pages S7556–73**

Privileges of the Floor: Page S7556

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:36 p.m., until 9:30 a.m., on Wednesday, July 26, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7583.)

Committee Meetings

(Committees not listed did not meet)

AVIATION DELAYS AND CUSTOMER SERVICE

Committee on Appropriations: Subcommittee on Transportation concluded oversight hearings on the growth and causes of airline flight delays and cancellations, and airline efforts to improve customer service, after receiving testimony from Kenneth M. Mead, Inspector General, and Jane F. Garvey, Administrator, Federal Aviation Administration, both of the Department of Transportation; and Edward Kragh, Newark, New Jersey, on behalf of the National Air Traffic Controllers Association.

NATIONAL MISSILE DEFENSE

Committee on Armed Services: Committee concluded hearings to examine the status of the United States National Missile Defense (NMD) program, focusing on the threat posed by long-range ballistic missile deployment, NMD development and deployment effort, cost of the system, and its impact on international security, including arms control, after receiving testimony from William S. Cohen, Secretary of Defense.

FIREFIGHTER INVESTMENT AND RESPONSE ENHANCEMENT ACT

Committee on Commerce, Science, and Transportation: Committee concluded hearings on S. 1941, to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards, after receiving testimony from Senators Dodd and DeWine; Representatives Pascrell and Curt Weldon; Luther L. Fincher, Jr., Charlotte, North Carolina, on behalf of the International Association of Fire Chiefs; E. James Monihan, Lewes, Delaware, on behalf of the National Volunteer Fire Council; Billy Shields, Professional Fire Fighters of Arizona, Phoenix, on behalf of the International Association of Fire Fighters; and James H. Whitworth, Miami Township Fire and Emergency Medical Service, Milford, Ohio.

PILOT SHORTAGES

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded hearings on the impact of pilot shortages on air service to smaller and rural markets, and certain related provisions of S. 1855, to establish age limitations for airmen, after receiving testimony from Senators Murkowski and Inhofe; L. Nicholas Lacey, Director, Flight Standards Service, Federal Aviation Administration, Department of Transportation; Duane E. Woerth, Air Line Pilots Association, International, Herndon, Virginia; Paul Emens, Pilots Against Age Discrimination, Annapolis, Maryland; Deborah C. McElroy, Regional Airline Association, Washington, D.C.; and Linda Barker, Business Aviation Services, Sioux Falls, South Dakota, on behalf of National Air Transportation Association.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported 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, with an amendment in the nature of a substitute.

WATER PROJECTS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on S. 2877, to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon, S. 2881, to update an existing Bureau of Reclamation program by amending the Small Reclamation Projects Act of 1956, to establish a partnership program in the Bureau of Reclamation for small reclamation projects, and S. 2882, to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, after receiving testimony from Larry Todd, Acting Director of Operations, and Robert T. Anderson, Counselor to the Secretary of the Interior, both of the Bureau of Reclamation, Department of the Interior; Peter Carlson, Will and Carlson, Inc., on behalf of the Oregon Water Resources Congress, and James R. Waltman, Wilderness Society, both of Washington, D.C.; and Roger Nicholson, Resource Conservancy, Inc., Fort Klamath, Oregon.

LOW ACTIVITY RADIOACTIVE WASTE

Committee on Environment and Public Works: Committee concluded hearings on issues relating to the disposal of low activity radioactive waste, focusing on the respective roles that state and federal agencies have played in regulating low activity waste and whether the standards used present an acceptable

risk to human health and the environment, after receiving testimony from Joseph W. Westphal, Assistant Secretary of the Army (Civil Works), Department of Defense; Carl J. Paperiello, Deputy Executive Director for Materials, Research and State Programs, Nuclear Regulatory Commission; Michael Shapiro, Principal Deputy Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; L. Max Scott, Louisiana State University, Baton Rouge; and David E. Adelman, Natural Resources Defense Council, and Scott Slesinger, Environmental Technology Council, and Anthony J. Thompson, Shaw Pittman, on behalf of the Uranium Recovery Industry, all of Washington, D.C.

ENERGY/FUEL/LAND USE TAXATION

Committee on Finance: Subcommittee on Taxation and IRS Oversight concluded hearings to examine certain Federal income tax provisions that may effect energy and fuel use, provisions of Federal income, estate, and gift tax law that may effect land use conservation and preservation, and proposals to lower United States dependency on foreign oil used in transportation fuels (including tax incentives to promote the use of alternative fuel vehicles and to increase domestic oil production), after receiving testimony from Jonathan Talisman, Deputy Assistant Secretary of the Treasury for Tax Policy; Mayor H. Brent Coles, Boise, Idaho, on behalf of the United States Conference of Mayors; Virginia S. Gorday, Portman Holdings, Atlanta, Georgia, on behalf of the Real Estate Roundtable; Samuel R. Staley, Reason Public Policy Institute, Los Angeles, California; Alan Front, Trust for Public Land, and Elizabeth Thompson, Environmental Defense, both of Washington, D.C.; Guy F. Donaldson, Pennsylvania Farm Bureau, Camp Hill, on behalf of the American Farm Bureau Federation; Austin Cleaves, Nature Conservancy, Arlington, Virginia; and Jerry Townsend, Highwood, Montana, on behalf of the Montana Land Reliance.

FATHERHOOD INITIATIVES

Committee on Finance: Subcommittee on Social Security and Family Policy concluded hearings to examine the importance of non-custodial fathers in the lives of their children, and various fatherhood initiatives that encompass public and private efforts to help non-custodial fathers meet both financial and parenting responsibilities to their children, after receiving testimony from Senators Domenici, Kohl, and Bayh; Florida State Representative Evelyn Lynn, Daytona Beach, on behalf of the National Conference of State Legislatures; and Charles A. Ballard, Institute for Responsible Fatherhood and Family Revitalization, Jeffery M. Johnson, National Center for Strategic Nonprofit Planning and Community Leadership, and David L. Levy, Children's Rights Council, all of Washington, D.C.

NOMINATION

Committee on Foreign Relations: Committee concluded hearings on the nomination of Richard A. Boucher, of Maryland, to be Assistant Secretary of State for Public Affairs, after the nominee, who was introduced by Senator Sarbanes, testified and answered questions in his own behalf.

LATIN AMERICA ENVIRONMENTAL PROTECTION

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism concluded hearings to examine environmental protection from rapid economic and population growth, and unsustainable land-use practices in the Latin America and Caribbean region, and the role of USAID and multilateral development banks in addressing environmental degradation in that area, after receiving testimony from Carl H. Leonard, Deputy Administrator, Bureau for Latin America and the Caribbean, Agency for International Development; Joseph E. Eichenberger, Director, Office of Multilateral Development Banks, Department of the Treasury; Alexander F. Watson, Nature Conservancy, Arlington, Virginia; and Billie R. DeWalt, University of Pittsburgh Center for Latin American Studies, Pittsburgh, Pennsylvania.

PUBLIC SAFETY COOPERATION

Committee on Health, Education, Labor, and Pensions: Committee held hearings on S. 1016, to provide collective bargaining for rights for public safety officers employed by States or their political subdivisions, receiving testimony from David M. Smith, Solicitor, Federal Labor Relations Authority; Frederick H. Nesbitt, International Association of Fire Fighters, R. Theodore Clark, Jr., Seyfarth, Shaw, Fairweather, and Geraldson, on behalf of the National League of Cities, U.S. Conference of Mayors, National Association of Counties, National Public Employer Labor Relations Association, and International Personnel Management Association, and Gilbert G. Gallegos, Fraternal Order of Police, all of Washington, D.C.; and Gerald Flynn, International Brotherhood of Police Officers, Alexandria, Virginia.

Hearings recessed subject to call.

NATIVE AMERICAN GRAVES PROTECTION

Committee on Indian Affairs: Committee concluded oversight hearings to examine issues related to the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101–601) by the Department of the Interior, including assessment of the progress made during the last 10 years and what remains to be done, timely publishing of repatriation notices, assessment of civil penalties, and adherence to policy, after receiving testimony from Katherine H. Stevenson, Associate Director, Cultural Resource Stewardship and Partnerships, National Park Service, Department of the Interior; Armand Minthorn, Confederated Tribes of the Umatilla Indian Reservation, Pendleton, Oregon, and Martin E. Sullivan, Historic

St. Mary's City, St. Mary's City, Maryland, both on behalf of the Native American Graves Protection and Repatriation Act Review Committee; Rebecca Tsosie, Arizona State University College of Law, Tempe; Jefferson Keel, Chickasaw Nation, Ada, Oklahoma; Pemina Yellow Bird, Three Affiliated Tribes of the Fort Berthold Reservation, New Town, North Dakota; Alan Downer, Navajo Nation, Window Rock, Arizona; Rosita Worl, University of Alaska Southeast, Juneau, on behalf of the Sealaska Heritage Foundation, Sealaska Corporation, and Alaska Federation of Natives; Robert P. Gough, Rosebud, South Dakota, on behalf of the Rosebud Sioux Tribe; Suzan Shown Harjo, Morning Star Institute, W. Richard West, National Museum of the American Indian, on behalf of the American Association of Museums, and Keith W. Kintigh, Society for American Archaeology, all of Washington, D.C.; and W. Donald Duckworth, Bishop Museum, Honolulu, Hawaii.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings on the nominations of Michael J. Reagan, to be United States District Judge for the Southern District of Illinois, and Mary H. Murguia, James A. Teilborg, and Susan Ritchie Bolton, each to be a United States District Judge for the District of Arizona, after the nominees testified and answered questions in their own behalf. Mr. Reagan was introduced by Senator Durbin, and Ms. Murguia, Mr. Teilborg, and Ms. Bolton were introduced by Senator Kyl and Representative Pastor.

NARCOTIC ECSTASY THREAT

United States Senate Caucus on International Narcotics Control: Caucus concluded hearings to examine the domestic threat of addiction to the narcotic known as Ecstasy, and related provisions of S. 2612, to combat Ecstasy trafficking, distribution, and abuse in the United States, after receiving testimony from Donald R. Vereen, Jr., Deputy Director, Office of National Drug Control Policy; Rand Beers, Assistant Secretary of State for International Narcotics and Law Enforcement Affairs; Raymond W. Kelly, Commissioner, U.S. Customs Service, Department of the Treasury; Richard A. Fiano, Chief of Operations, Drug Enforcement Administration, Department of Justice; Steven S. Martin, University of Delaware Center for Drug and Alcohol Studies, Newark; and Amy Ross, Arlington, Virginia.

House of Representatives

Chamber Action

Bills Introduced: 19 public bills, H.R. 4942–4960; and 1 resolution, H. Con. Res. 380. **Page H7002**

Reports Filed: Reports were filed today as follows.

H.R. 4464, to amend the Small Business Act to authorize the Administrator of the Small Business Administration to make grants and to enter into cooperative agreements to encourage the expansion of business-to-business relationships and the provision of certain information, amended (H. Rept. 106–784);

H.R. 4530, to amend the Small Business Investment Act of 1958 to direct the Administrator of the Small Business Administration to establish a New Market Venture Capital Program (H. Rept. 106–785).

H.R. 4942, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001 (H. Rept. 106–786);

H.R. 2462, to amend the Organic Act of Guam, amended (H. Rept. 106–787);

H.R. 4807, to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, amended (H. Rept. 106–788);

H.R. 4868, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, amended (H. Rept. 106–789);

H. Res. 563, providing for consideration of the bill (H.R. 4942) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001 (H. Rept. 106–790);

H.R. 2348, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins, amended (H. Rept. 106–791); and

H.R. 4320, to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes, amended (H. Rept. 106–792). **Page H7001**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Cooksey to act as Speaker pro tempore for today. **Page H6779**

Recess: The House recessed at 9:25 a.m. and reconvened at 10 a.m. **Page H6782**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Veterans Benefits Act: H.R. 4850, to provide a cost-of-living adjustment in rates of compensation paid to veterans with service-connected disabilities, to enhance programs providing compensation and life insurance benefits for veterans; **Pages H6783–86**

Veterans Claims Assistance Act: H.R. 4864, amended, to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary (passed by a yea and nay vote of 414 yeas with none voting ''nay'', Roll No. 432); **Pages H6786–90, H6841–42**

Donald J. Mitchell Veterans Affairs Outpatient Clinic: H.R. 1982, amended, to name the Department of Veterans Affairs outpatient clinic located at 125 Brookley Drive, Rome, New York, as the ''Donald J. Mitchell Department of Veterans Affairs Outpatient Clinic.'' Agreed to amend the title; **Pages H6790–91**

Recognizing Medal of Honor Recipients in Heroes Plaza, Pueblo, Colorado: H. Con. Res. 351, recognizing Heroes Plaza in the City of Pueblo, Colorado, as honoring recipients of the Medal of Honor; **Pages H6791–92**

Protection of Innocent Children: H.R. 4888, to protect innocent children (passed by a yea and nay vote of 417 yeas with none voting nay and 2 voting ''present,'' Roll No. 431); **Pages H6792–97, H6841**

Community Renewal and New Markets: H.R. 4923, to amend the Internal Revenue Code of 1986 to provide tax incentives for the renewal of distressed communities, to provide for 9 additional empowerment zones and increased tax incentives for empowerment zone development, and to encourage investments in new markets (passed by a yea and nay vote of 394 yeas to 27 nays, Roll No. 430); **Pages H6797–H6841**

10th Anniversary of the Activation of National Guard and Reserve for Operations Desert Shield and Desert Storm: H. Res. 549, recognizing the historical significance of the 10th anniversary of the initial activation of National Guard and Reserve personnel for Operation Desert Shield and Operation Desert Storm and expressing support for ensuring the readiness of the National Guard and Reserve; **Pages H6842–46**

National Recording Preservation Act: H.R. 4846, amended, to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant; **Pages H6846–51**

Truth in Regulating Act: H.R. 4924, to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies; **Pages H6851–55**

Commission on Ocean Policy: S. 2327, to establish a Commission on Ocean Policy—clearing the measure for the President; **Pages H6856–59**

Jaryd Atadero Legacy Trail in Roosevelt National Forest, Colorado: H.R. 3817, amended, to redesignate the Big South Trail in the Comanche Peak Wilderness Area of Roosevelt National Forest in Colorado as the ''Jaryd Atadero Legacy Trail.'' Agreed to amend the title; **Pages H6859–60**

National Underground Railroad Freedom Center: H.R. 2919, amended, to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio (passed by a yea and nay vote of—404 yeas to 11 nays with 2 voting ''present'', Roll No. 434); **Pages H6860–64, H6885**

Oregon Land Exchange: S. 1629, to provide for the exchange of certain land in the State of Oregon—clearing the measure for the President; **Pages H6864–67**

Santa Rosa and San Jacinto Mountains National Monument: H.R. 3676, amended, to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; **Pages H6867–70**

Colorado Canyons National Conservation Area and Black Ridge Canyons Wilderness: H.R. 4275, amended, to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness; **Pages H6870–75**

Acquisition of Hunt House, in Waterloo, New York, Birthplace of the Women's Right Movement: S. 1910, to amend the Act establishing Women's Rights National Historical Park to permit the Secretary of the Interior to acquire title in fee simple to the Hunt House located in Waterloo, New York (passed by a yea and nay vote of 404 yeas to 9 nays with 1 voting ''present'', Roll No. 435)—clearing the measure for the President; **Pages H6875–76, H6885–86**

Yuma Crossing National Heritage Area: H.R. 2833, amended, to establish the Yuma Crossing National Heritage Area; **Pages H6876–79**

Guam Land Return Act: H.R. 2462, amended, to amend the Organic Act of Guam; **Pages H6879–82**

Use of Weber Basin Project, Utah Facilities for Beneficial Purposes: H.R. 3236, amended, 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; **Pages H6882–83**

Duchesne City, Utah Water Rights Conveyance: H.R. 3468, amended, to direct the Secretary of the

Interior to convey to certain water rights to Duchesne City, Utah. **Pages H6883–84**

Preparedness Against Terrorism: H.R. 4210, amended, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for improved Federal efforts to prepare for and respond to terrorist attacks; **Pages H6886–93**

Designation of Carl Elliott Federal Building in Jasper, Alabama: H.R. 4806, to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building" (passed by a yea and nay vote of 411 yeas with none voting "nay", Roll No. 436); **Pages H6893–96, H6925–26**

210th Anniversary of the Establishment of the Coast Guard: H. Con. Res. 372, expressing the sense of the Congress regarding the historic significance of the 210th anniversary of the establishment of the Coast Guard (agreed to by a yea and nay vote of 409 yeas with none voting " nay", Roll No. 437); **Pages H6896–H6902, H6926**

Miscellaneous Trade and Technical Corrections: H.R. 4868, amended, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws (a yea and nay vote of 411 yeas with none voting "nay", Roll No. 438); **Pages H6902–25, H6926–27**

Military Extraterritorial Jurisdiction: H.R. 3380, amended, to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses. Subsequently, the House passed S. 768, a similar Senate-passed bill, after amending it to contain the text of H.R. 3380. Agreed to amend the title of S. 768, and H.R. 3380 was laid on the table. **Pages H6928–32, H6938–40**

Justice for Victims of Terrorism: H.R. 3485, amended, to modify the enforcement of certain anti-terrorism judgments; **Pages H6936–37**

Two Strikes and You're Out Child Protection: H.R. 4047, to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; **Pages H6940–42**

Congratulating the Mexican People on the National Elections: H. Res. 544, congratulating the people of the United Mexican States on the success of their democratic elections held on July 2, 2000; **Pages H6945–50**

International Anti-Corruption and Good Governance: H.R. 4697, amended, to amend the Foreign Assistance Act of 1961 to ensure that United States assistance programs promote good governance by assisting other countries to combat corruption throughout society and to promote transparency and increased accountability for all levels of government and throughout the private sector; **Pages H6950–52**

Upper Colorado and San Juan River Basins Endangered Fish Recovery: H.R. 2348, amended, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; **Pages H6953–54**

Shivwits Band of the Paiute Indian Tribe Water Rights Claims: H.R. 3291, amended, to provide for the settlement of the water rights claims of the Shivwits Band of the Paiute Indian Tribe of Utah; **Pages H6954–58**

Conservation of Great Apes: H.R. 4320, amended, to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes; **Pages H6958–60**

Supporting the Goals of National Youth Day: H. Con. Res. 375, amended, recognizing the importance of children in the United States and supporting the goals and ideas of National Youth Day. Agreed to amend the title; **Pages H6960–61**

Ryan White CARE Amendments: H.R. 4807, amended, to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990; **Pages H6961–80**

Developmental Disabilities Assistance and Bill of Rights: H.R. 4920, amended, to improve service systems for individuals with developmental disabilities, **Pages H6980–99**

Suspensions—Proceedings Postponed: The House completed debate on the following motions to suspend the rules upon which further proceedings were postponed:

Bulletproof Vest Partnership Grants: H.R. 4033, amended, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests; and **Pages H6932–36**

Postponed Illegal Pornography Prosecution: H.R. 4710, to authorize appropriations for the prosecution of obscenity cases. **Pages H6942–45**

Suspension Failed—Fishermen's Protective Act Amendments: The House failed to suspend the rules and concur in the Senate amendment to H.R. 1651, to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country by a yea and nay vote of 265 yeas to 154 nays, Roll No. 433 (⅔ required for passage). **Pages H6855–56, H6884**

Expressing Support for Family Mealtimes: The House agreed to H. Con. Res. 343, expressing the sense of the Congress regarding the importance of families eating together. **Pages H6961–62**

Interior and Related Agencies Appropriations—Send to Conference: The House disagreed with the Senate amendment to H.R. 4578, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and agreed to a conference. Appointed as conferees: Chairman Young of Florida and Representatives Regula, Kolbe, Skeen, Taylor of North Carolina, Nethercutt, Wamp, Kingston, Peterson of Pennsylvania, Obey, Dicks, Murtha, Moran of Virginia, Cramer, and Hinchey, **Pages H6927–28**

Agreed to the Dicks motion to instruct conferees to insist on funding for the Institute of Museum and Library Services at a level not less than the $24,907,000 provided in the Senate amendment. **Pages H6927–28**

Senate Messages: Message received from the Senate today appears on page H6797.

Amendments: Amendments ordered pursuant to the rule appear on pages H7003–04.

Quorum Calls—Votes: Nine yea and nay votes developed during the proceedings of the House today and appear on pages H6840, H6841, H6841–42, H6884, H6885, H6885–86, H6925–26, H6926, and H6926–27. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 12:34 a.m. on Wednesday, July 26.

Committee Meetings

U.S. GRAIN STANDARDS REAUTHORIZATION ACT

Committee on Agriculture: Subcommittee on General Farm Commodities, Resource Conservation, and Credit approved for full Committee action, as amended, H.R. 4788, United States Grain Standards Reauthorization Act of 2000.

CONDUCT OF MONETARY POLICY

Committee on Banking and Financial Services: Held a hearing on Conduct of Monetary Policy. Testimony was heard from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

GOVERNMENT SPONSORED ENTERPRISES; IMPLICATION OF DEBT HELD

Committee on the Budget: Task Force on Housing and Infrastructure held a hearing on "Economic Implications of Debt Held By Government Sponsored Enterprises." Testimony was heard from the following officials of the Department of Housing and Urban Development: Armando Falcon, Director, Office of Federal Housing and Enterprise Oversight; and William C. Apgar, Assistant Secretary, Housing, Federal Highway Commissioner and Designee to the Federal Housing Finance Board; Thomas J. McCool, Director, Financial Institutions and Markets Issues, GAO; Barbara Miles, Specialist in Financial Institutions, Domestic Social Policy Division, Congressional Research Service, Library of Congress; and a public witness.

OVERSIGHT—HIGH DEFINITION TELEVISION

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection held an oversight hearing on High Definition Television (HDTV) and related matters. Testimony was heard from public witnesses.

DEFRAUDING MEDICARE

Committee on Government Reform: Subcommittee on Government Management, Information and Technology held a hearing on "Defrauding Medicare: How easy is it and what can we do to stop it?" Testimony was heard from Senator Collins; Robert H. Hast, Assistant Comptroller General, Special Investigations, GAO; the following officials of the Department of Health and Human Services: John E. Hartwig, Deputy Inspector General, Investigations; and Penny Thompson, Director, Program Integrity, Health Care Financing Administration; John Krayniak, Deputy Attorney General, Director, Medicaid Fraud Control Unit, State of New Jersey; and public witnesses.

U.S. POSTAL SERVICE AND POSTAL INSPECTION SERVICE

Committee on Government Reform: Subcommittee on Postal Service held a hearing on "The U.S. Postal Service and the Postal Inspection Service: Market Competition and Law Enforcement in Conflict?" Testimony was heard from John Nolan, Deputy Postmaster General, U.S. Postal Service; and public witnesses.

CONGRATULATING PEOPLE OF MEXICO; INTERNATIONAL CRIMINAL COURT

Committee on International Relations: Favorably considered the following resolution and adopted a motion urging the Chairman to request that it be considered on the Suspension Calendar: H. Res. 544, congratulating the people of the United Mexican States on the success of their democratic elections held on July 2, 2000.

The Committee also held a hearing on the International Criminal Court: A Threat to American Military Personnel?-Part 1. Testimony was heard from Lawrence S. Eagleburger, former Secretary of State; and a public witness.

Hearings continue tomorrow.

RESOLUTION—SOUTH KOREA AND NORTH KOREA RECENT SUMMIT

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action, as amended, H. Res. 543, expressing the sense of the House of Representatives regarding the recent

summit held by the Presidents of South Korea and North Korea.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 238, amended, to amend section 274 of the Immigration and Nationality Act to impose mandatory minimum sentences, and increase certain sentences, for bringing in and harboring certain aliens and to amend title 18, United States Code, to provide enhanced penalties for persons committing such offenses while armed; H.R. 2987, amended, Methamphetamine Anti-Proliferation Act of 1999; H.R. 3235, amended, the National Police Athletic League Youth Enrichment Act of 1999; and H.R. 4870, Patent Technical Corrections Act of 2000.

MINERAL RIGHTS, AND FEDERAL EMPLOYEE PAYMENTS

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing to examine laws, policies, practices, and operations of the Department of the Interior and Department of Energy related to payments to their employees (including federal public land oil royalty and valuation policy advisors) from outside sources, (including the Project on Government Oversight); and to examine (a) the source of funds for such payments, (b) the relationship between those managing and overseeing the organization that made the payments and the individuals who received the payments, (c) the effect of the payments on programs, policies, and positions of such departments. Testimony was heard from Mari R. Barr, Deputy Assistant Secretary, Human Resources, Department of the Interior; Eric J. Fygi, General Counsel, Department of Energy; and public witnesses.

MISCELLANEOUS MEASURE; OVERSIGHT—NATIONAL FOREST TIMBER SALE PROGRAM

Committee on Resources: Subcommittee on Forests and Forest Health held a hearing on H.R. 4656, to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site. Testimony was heard from Representative Gibbons; and Jack Craven, Director, Lands, Forest Service, USDA.

The Subcommittee also held an oversight hearing on the Once and Future National Forest Timber Sale Program. Testimony was heard from Ann M. Bartuska, Director, Forest Management, Forest Service, USDA; and public witnesses.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a modified open rule providing one hour of general debate on H.R. 4942, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, to be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule waives clause 2 of rule XXI (prohibiting unauthorized appropriations, legislative provisions or re-appropriations in a general appropriations bill) against provisions in the bill, except as specified by the rule. The rule makes in order only those amendments that have been pre-printed in the Congressional Record and amendments printed in the report of the Committee on Rules accompanying the resolution. The rule waives all points of order against the amendments printed in the Rules Committee report, which shall be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, 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. 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 five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Istook, Tiahrt, Davis of Virginia, Bilbray, Moran of Virginia, and Norton.

NUCLEAR ENERGY'S ROLE: IMPROVING U.S. ENERGY SECURITY AND REDUCING EMISSIONS

Committee on Science: Subcommittee on Energy and Environment held a hearing on Nuclear's Energy Role: Improving U.S. Energy Security and Reducing Emissions. Testimony was heard from Representative Knollenberg; James J. Duderstadt, Chair, Nuclear Energy Research Advisory Committee to the Department of Energy; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation approved for full Committee action the following: GSA's Fiscal Year 2001 Courthouse Construction Program; Out of Cycle Lease-San Francisco/Oakland, California (IRS); S. 1794, to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse"; and H.R. 4806, to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building".

SHORT LINE RAIL INFRASTRUCTURE NEEDS

Committee on Transportation: Subcommittee on Ground Transportation held a hearing on Short Line Rail Infrastructure Needs. Testimony was heard from Jolene Molitoris, Administrator, Federal Railroad Administration, Department of Transportation; and public witnesses.

VA PHARMACEUTICAL PROCURE POLICY

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on VA pharmaceutical procurement policy. Testimony was heard from William Flynn, Director, Retirement and Insurance Programs, OPM; Edward A. Powell, Assistant Secretary, Management, Department of Veterans Affairs; a representative of a veterans organization; and a public witness.

RAILROAD RETIREMENT AND SURVIVORS' IMPROVEMENT ACT

Committee on Ways and Means: Ordered reported, as amended, H.R. 4844, Railroad Retirement and Survivors' Improvement Act of 2000.

BALANCED BUDGET ACT—ADDITIONAL MEDICARE REFINEMENTS

Committee on Ways and Means: Subcommittee on Health held a hearing on Additional Medicare Refinements to the Balanced Budget Act of 1997. Testimony was heard from Robert A. Berenson, M.D., Director, Center for Health Plans and Providers, Health Care Financing Administration, Department of Health and Human Services; and public witnesses.

TRANSPORTATION INFRASTRUCTURE—TAX TREATMENT

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Tax Treatment of Transportation Infrastructure. Testimony was heard from Representative Oberstar; Tommy G. Thompson, Governor, State of Wisconsin and Chairman, Amtrak Reform Board, National Railroad Passenger Corporation (AMTRAK); Catherine L. Ross, Executive Director, Regional Transportation Authority, State of Georgia; and public witnesses.

BRIEFING—GLOBAL HOT SPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Global Hot Spots. The Committee was briefed by departmental officials.

Joint Meetings

APPROPRIATIONS—LABOR, HEALTH, HUMAN SERVICES, AND EDUCATION

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, but did not complete action thereon, and recessed subject to call.

APPROPRIATIONS—LEGISLATIVE BRANCH

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D749)*

S. 148, to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds. Signed July 20, 2000. (P.L. 106–247)

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 26, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to review the federal sugar program, 8:30 a.m., SH–216.

Committee on Armed Services: to hold hearings on the nomination of Donald Mancuso, of Virginia, to be Inspector General, Department of Defense; Roger W. Kallock, of Ohio, to be Deputy Under Secretary of Defense for Logistics and Material Readiness; and James Edgar Baker, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces, 9:30 a.m., SR–222.

Committee on Commerce, Science, and Transportation: to hold hearings on S. 2902, to revise the definition of advanced service, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold oversight hearings on Natural Gas Supply, 9:30 a.m., SD–366.

Subcommittee on Forests and Public Land Management, to hold oversight hearings on the Draft Environmental Impact Statement implementing the October 1999 announcement by the President to review approximately 40 million acres of national forest for increased protection, 2:30 p.m., SD–366.

Committee on Environment and Public Works: business meeting to consider pending calendar business, 9 a.m., SD–406.

Committee on Finance: to hold hearings on the nomination of Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade; the nomination of Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury; the nomination of Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury; and the nomination of Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury, 10 a.m., SD–215.

Committee on Foreign Relations: business meeting to consider pending calendar business, 11 a.m., SD–419.

Committee on Governmental Affairs: to hold hearings on S. 1801, to provide for the identification, collection, and review for declassification of records and materials that

are of extraordinary public interest to the people of the United States, 10 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Public Health, to hold hearings on bridging the gap between health disparities, 9:30 a.m., SD–430.

Full Committee, to hold hearings to examine the Americans with Disabilities Act, 2 p.m., SH–216.

Committee on Indian Affairs: to hold hearings on S. 2526, to amend the Indian Health Care Improvement Act to revise and extend such Act, 2:30 p.m., SR–485.

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold hearings on the interim report to the Attorney General concerning the 1993 confrontation at the Mt. Carmel Complex, 2 p.m., SD–106.

Committee on Small Business: business meeting to mark up S. 1594, to amend the Small Business Act and Small Business Investment Act of 1958, 9 a.m., SR–428A.

House

Committee on Agriculture, to continue hearings to review federal farm policy, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Interior, hearing on National Energy Strategy, 10 a.m., B–308 Rayburn.

Committee on Commerce, to mark up the following bills: H.R. 2641, to make technical corrections to title X of the Energy Policy Act of 1992; H.R. 4541, Commodity Futures Modernization Act of 2000; and H.R. 3250, Health Care Fairness Act of 1999, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Early Childhood, Youth, and Families, to mark up H.R. 4875, Scientifically Based Education Research, Statistics, Evaluation, and Information Act of 2000, 10:30 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on Government Management, Information and Technology, oversight hearing on Computer Security: Cyber Attacks-War Without Borders, 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Veterans Affairs and International Relations, hearing on Combating Terrorism: Assessing Threats, Risk Management and Establishing Priorities, 10 a.m., 2247 Rayburn.

Committee on International Relations, to continue hearings on The International Criminal Court: Recent Developments, Part 11, 10 a.m., 2172 Rayburn.

Subcommittee on Western Hemisphere, hearing on U.S. Relations with Brazil: Strategic Partners or Regional Competitors? 1:30 p.m., 2200 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 4640, DNA Analysis Backlog Elimination Act of 2000; H.R. 4292, the Born-Alive Infants Protection Act of 2000''; and H.R. 2883, Adopted Orphans Citizenship Act, 10 a.m., 2141 Rayburn..

Committee on Resources, to consider the following measures: H. Con. Res. 345, expressing the sense of the Congress regarding the need for cataloging and maintaining public memorials commemorating military conflicts of the United States and the service of individuals in the Armed Forces; S. 624, Fort Peck Reservation Rural Water System Act of 1999; S. 1027, Deschutes Resources Conservancy Reauthorization Act of 1999; H.R. 1124, Fort Peck Reservation Rural Water System Act of 1999; S. 1288, Community Forest Restoration Act; H.R. 1460, to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe; S. 1694; Hawaii Water Resources Reclamation Act of 2000; H.R. 1751, Carrizo Plain National Conservation Area Act of 1999; H.R. 2090, Exploration of the Seas Act; H.R. 2267, Willing Seller Amendments of 1999 to the National Trails System Act; H.R. 2674, Palmetto Bend Conveyance Act; H.R. 2752, Lincoln County Land Act of 1999; H.R. 2798, Pacific Salmon Recovery Act of 1999; H.R. 3118, to direct the Secretary of the Interior to issue regulations under the Migratory Bird Treaty Act that authorize States to establish hunting seasons for double-crested cormorants; H.R. 3241, to direct the Secretary of the Interior to recalculate the franchise fee owed by Fort Sumter Tours, Inc., a concessioner providing service to Fort Sumter National Monument in South Carolina; H.R. 3388, Lake Tahoe Restoration Act; H.R. 3520, White Clay Creek Wild and Scenic Rivers System Act; H.R. 3632, Golden Gate National Recreation Area Boundary Adjustment Act of 2000; H.R. 3745, Effigy Mounds National Monument Additions Act; H.R. 4125, to provide a grant under the urban park and recreation recovery program to assist in the development of a Millennium Cultural Cooperative Park in Youngstown, Ohio; H.R. 4144, Coal Accountability and Retired Employee Act of the 21st Century; H.R. 4226, Black Hills National Forest and Rocky Mountain Research Station Improvement Act; H.R. 4318, Red River National Wildlife Refuge Act; H.R. 4521, to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park; H.R. 4643, Torres-Martinez Desert Cahuilla Indians Claims Settlement Act; H.R. 4725, to amend the Zuni Land Conservation Act of 1990 to provide for the expenditure of Zuni funds by that tribe; H.R. 4790, Hunting Heritage Protection Act; H.R. 4828, Steens Mountain Wilderness Act of 2000; H.R. 4840, Atlantic Coastal Fisheries Act of 2000; and H.R. 4847, to direct the Secretary of the Interior to refund certain amounts received by the United States pursuant to the Reclamation Reform Act of 1982, 11 a.m., 1324 Longworth.

Committee on Rules, to consider the following: H.R. 4844, Railroad Retirement and Survivors' Improvement Act of 2000; and H.R. 4865, Social Security Benefits Tax Relief Act of 2000, 3 p.m., H–313 Capitol.

Committee on Science, to mark up the following bills: H.R. 2413, Computer Security Enhancement Act of 1999; H.R. 4901, National Science Foundation Authorization Act of 2000; H.R. 4429, Electronic Commerce Enhancement Act of 2000; and H.R. 4271, National Science Education Act, 2 p.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, to mark up the following: GSA Fiscal Year Courthouse Construction Program; Out-of-cycle Lease-San Francisco, California (IRS) l Out-of-cycle Amendment-Kansas City, Missouri (Courthouse); 11 (b) Resolution, John Hopkins University, Baltimore, Maryland; S. 1794, to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the ''Clifford P. Hansen Federal Courthouse''; H.R. 2163, to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the ''Ted Weiss United States Courthouse''; and Corps of Engineers Survey Resolutions, 10 a.m., 2167 Rayburn.

Next Meeting of the **SENATE**

9:30 a.m., Wednesday, July 26

Senate Chamber

Program for Wednesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 10:15 a.m.), Senate will proceed to a cloture vote on the motion to proceed to H.R. 4871, Treasury/Postal Service Appropriations. Also, Senate will proceed to a cloture vote on the motion to proceed to S. 2507, Intelligence Authorization.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Wednesday, July 26

House Chamber

Program for Wednesday: Consideration of H.J. Res. 99, disapproving the extension of the waiver authority contained in section 402(c) of the Trade Act of 1974 with respect to Vietnam. (subject to unanimous consent agreement); and

Consideration of H.R. 4942, District of Columbia Appropriations for Fiscal Year 2001 (modified open rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Berry, Marion, Ark., E1313
DeLauro, Rosa L., Conn., E1313, E1317
Hilleary, Van, Tenn., E1314
Kucinich, Dennis J., Ohio, E1314
Larson, John B., Conn., E1314
Manzullo, Donald A., Ill., E1313
Radanovich, George, Calif., E1317
Rogan, James E., Calif., E1314
Slaughter, Louise McIntosh, N.Y., E1317

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