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House of Representatives

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

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DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 25, 2000.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

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MESSAGE FROM THE SENATE

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

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 430) ''An Act to amend the Alaska Native Claims Settlement Act to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.''

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2511. An act to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes.

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MORNING HOUR DEBATES

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

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RECESS

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

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

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AFTER RECESS

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

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PRAYER

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

Divine Wisdom and Eternal Goodness, be with us today as this Congress assembles. Help us to be enthusiastic in accomplishing what is good for Your people and strategic for the future of this Nation.

May our set purpose be rewarded by You alone, God of our salvation and our destiny.

For if we bear Your spirit of peace in our hearts as we go about our work, we will not veer off course or be disappointed.

In the end, we will have accomplished Your holy will by building Your kingdom of justice and lasting peace, now and forever. Amen.

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THE JOURNAL

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

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

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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.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 2000.

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

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 22, 2000 at 1:55 p.m.

That the Senate agreed to Conference Report H.R. 4919.

That the Senate passed without amendment H. Con. Res. 405.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

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

Printed on recycled paper.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 22, 2000.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on September 22, 2000 at 12:42 p.m. and said to contain a message from the President whereby he notifies the Congress that he has extended the national emergency with respect to Angola (UNITA) beyond September 26, 2000, by Notice filed earlier with the Federal Register.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

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CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO UNITA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–294)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the emergency declared with respect to the National Union for the Total Independence of Angola (UNITA) is to continue in effect beyond September 26, 2000, to the *Federal Register* for publication.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA pose a continuing unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolutions 864 (1993), 1127 (1997), 1173 (1998), and 1176 (1998) continue to oblige all member states to maintain sanctions. Discontinuation of the sanctions would have a prejudicial effect on the prospects for peace in Angola. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on UNITA to reduce its ability to pursue its military operations.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 22, 2000.*

RECOGNIZING THE MINING INDUSTRY

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

Mr. GIBBONS. Mr. Speaker, last Tuesday, the Nevada Mining Association and two government agencies began closing the final 8 of 13 abandoned mine sites in Clark County, Nevada.

Six private mining companies are picking up 100 percent of the cost of making these abandoned shafts and caverns inaccessible and safe. The first five abandoned mines were backfilled 2 weeks ago, and these efforts show the willingness and the capability of our Nation's mining companies to work with the Federal and State governments to protect the public from any danger proposed by abandoned mines.

Mr. Speaker, our mining companies are dedicated to working with the government to protect the environment. We should encourage these efforts and support the mining industry in the United States. By supporting our mining industry, we will ensure that all Americans can maintain the quality of life style to which they have become accustomed, including advancements in medical research technology and communications.

Mr. Speaker, mining impacts our lives every day and in every way. And as the old saying goes, ''If it can't be grown, it has to be mined.''

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RUSSIA AND CHINA JOIN FORCES

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

Mr. TRAFICANT. Mr. Speaker, surprise, surprise. A new report says that even though Uncle Sam gave Russia $112 billion over the last 10 years, Russia and China are joining forces. The report says Russia sold missiles and submarines to China knowing full well that China would point those missiles at America. Now, if that is not enough to make you barf right here, the report further says that Russia will support China if Uncle Sam intervenes in Taiwan.

Unbelievable. What is even worse? While all this was going on, Janet Reno was investigating Monica Lewinsky. Beam me up. Congress better wake up and smell the treason around here.

I yield back the fact that Chinagate makes Watergate look like a toilet bowl commercial.

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IT IS TIME FOR HATE CRIMES LEGISLATION

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, last Friday a man named Edward Gay marched into a gay bar, killed a man, and wounded six others. He said he was tired of people making fun of his last name: Gay. No joke. He said he wanted to get rid of faggots.

What happened in that gay bar last Friday was the exact equivalent of lynchings, common in the South in the first half of this century. This House never passed an anti-lynching law. And there was no hate crimes in Texas when James Byrd, a black man, was dragged behind a truck to his death. George W. Bush opposed a hate crimes law in Texas.

James Byrd gave us all the reasons we ever needed for a Federal hate crimes law. Edward Gay's act of murder against gays is a mandate to pass the hate crimes act now. Bring it to the floor, Mr. Speaker.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such record votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

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TWENTY-FIFTH ANNIVERSARY OF EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 399) recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

The Clerk read as follows:

H. CON. RES. 399

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94–142) was signed into law 25 years ago on November 29, 1975, and amended the State grant program under part B of the Education of the Handicapped Act;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal policy of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99–457) to create a preschool grant program for children with disabilities 3 to 5 years of age and an early intervention program for infants and toddlers with disabilities from birth through age 2;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101–476) renamed the statute as the Individuals with Disabilities Education Act (IDEA);

Whereas IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age;

Whereas IDEA has assisted in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families;

Whereas the number of children with disabilities who complete high school has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA has raised the Nation's expectations about the abilities of children with disabilities by requiring access to the general education curriculum;

Whereas improvements to IDEA made in 1997 changed the focus of a child's individualized education program from procedural requirements placed upon teachers and related services personnel to educational results for that child, thus improving academic achievement;

Whereas changes made in 1997 also addressed the need to implement behavioral assessments and intervention strategies for children whose behavior impedes learning to ensure that they receive appropriate supports in order to receive a quality education;

Whereas IDEA ensures full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities;

Whereas IDEA has supported the classrooms of this Nation by providing Federal resources to the States and local schools to help meet their obligation to educate all children with disabilities;

Whereas, while the Federal Government has not yet met its commitment to fund part B of IDEA at 40 percent of the average per pupil expenditure, it has made significant increases in part B funding by increasing the appropriation by 115 percent since 1995, which is an increase of over $2,600,000,000;

Whereas the 1997 amendments to IDEA increased the amount of Federal funds that have a direct impact on students through improvements such as capping allowable State administrative expenses, which ensures that nearly 99 percent of funding increases directly reach local schools, and requiring mediation upon request by parents in order to reduce costly litigation;

Whereas such amendments also ensured that students whose schools cannot serve them appropriately and students who choose to attend private, parochial, and charter schools have greater access to free appropriate services outside of traditional public schools;

Whereas IDEA has supported, through its discretionary programs, more than two decades of research, demonstration, and training in effective practices for educating children with disabilities, enabling teachers, related services personnel, and administrators effectively to meet the instructional needs of children with disabilities of all ages;

Whereas Federal and State governments can support effective practices in the classroom to ensure appropriate and effective services for children with disabilities; and

Whereas IDEA has succeeded in marshalling the resources of this Nation to implement the promise of full participation in society of children with disabilities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142);

(2) acknowledges the many and varied contributions of children with disabilities, their parents, teachers, related services personnel, and administrators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Michigan (Mr. KILDEE) 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 399.

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

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

Today, I am pleased to bring to the floor for consideration House Concurrent Resolution 399, which recognizes and honors the 25th anniversary of the passage of the Individuals with Disabilities Education Act on November 29, 1975. I am pleased so many of my colleagues from both sides of the aisle have joined me in cosponsoring the resolution.

Since 1975, when Congress first authorized the original IDEA law, we have refined and improved the law several times. In 1990, the statute was named the Individuals with Disabilities Education Act. As most everyone knows, this act assists States and local school districts with the excess costs of educating students with disabilities.

In each reconsideration of the law, we have worked to ensure greater access to education for all students with disabilities. We also have worked increasingly to improve the quality of the education that children with disabilities receive. I am especially interested in quality education and am pleased by the progress that children with disabilities are making. For instance, children with disabilities are increasingly completing their high school education and embarking on postsecondary educations.

I believe strongly in the goal of IDEA, that every child should have the opportunity to receive a quality education. I note that teachers and school administrators also support this goal. However, we all realize that schools need additional funds to make this goal a reality. To this end, I have consistently fought for increased funding for IDEA during my years in Congress.

As a matter of fact, for the first 20 years in the minority, my colleague, the gentleman from Michigan (Mr. KILDEE), and I were the only two who were seeking additional funding, yet we all realize what it means to the local school districts to go without that funding, that 40 percent of the excess cost. That 40 percent is based on the per-pupil cost to educate children nationwide, and 1 or 2 years ago that was $6,300, which means we should have been sending $2,500 plus dollars. Instead, local districts have had to make up the money because we have not done the job.

This is why I kept saying to the President, like every other President, ''You do not need some new thing for a legacy; all you have to do is help me get this 40 percent, then the local districts could do everything they want to do because they would have the money to do it locally.''

Just a couple of examples. We have New York, Los Angeles, Chicago, Miami, and Washington, D.C. If Los Angeles had been getting 40 percent, they would be getting an additional $118 million a year. If New York City were getting their 40 percent, they would get $170 million extra every year. Now, imagine what they could have done in all these years to reduce class size, if that is what they wanted to do; or to maintain their buildings or even build new buildings?

These are big dollars we are talking about. Unfortunately, that did not happen. In fact, 2 years in a row the President sent budgets up to the Hill that actually cut the amount of money that would go to special ed. In the last 6 years, I am happy to show, and I am happy to show it because I have been chairman the last 6 years, but I am happy to show that we have doubled the amount of money that has gone back to local school districts, as my colleagues can see on this chart. On this chart we can see the President's request is in yellow and what the Congress has done is in red. So we have been able to double that funding, which means so much to that local school district.

We still have other work to do in relationship to having a perfect IDEA, if there is such a thing as perfect. In our 1997 amendments, we focused the law on the quality education a child with disabilities is to receive rather than upon process and bureaucracy; gave parents greater input in determining the best education for their child; and gave teachers the tools they need to teach all children well.

For instance, these amendments, the Individualized Education Program, is developed with the general curriculum in mind; and students with disabilities are taking district and State-wide assessments in greater numbers. Both of these improvements mean children with disabilities will receive a higher quality education.

□ 1415

We decreased the amount of paperwork required of teachers so that they have more time to spend with their students. We also dealt somewhat with the discipline problem.

So I am happy to say that, on this anniversary, we are now moving in the right direction both in how we present the program and also in the amount of funding that we are providing, getting closer to that 40 percent based on the per-pupil expenditure in each district.

I am also happy to say that during the first 20 years, as I indicated, there were only the gentleman from Michigan (Mr. KILDEE) and myself preaching, I thought, to the choir; but we were not preaching to the choir. I guess we were preaching to the heathen, as a matter of fact. But I am happy to say, in the last 6 years, we have people coming out of the woodwork on all sides of the aisle to get this money.

Why? Because I imagine they are hearing from their local school districts what a burden this is to a local school district to try to meet our mandate. It is not actually a mandate. However, if they do not provide a quality education to all children with disabilities, they are going to be in real trouble. So naturally they are going to take the Federal program because they hope they are going to get some Federal support.

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

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

Mr. Speaker, I join the gentleman from Pennsylvania (Chairman GOODLING) in urging support for H. Con. Res. 399. I want to commend the chairman for bringing this legislation before the House today.

Several years ago when we both sat on the Committee on the Budget, the gentleman from Pennsylvania (Chairman GOODLING) and I had the courage to voice support for full funding of IDEA. We were pretty lonely voices in those days, but we worked very closely together.

Mr. Speaker, the gentleman from Pennsylvania (Mr. GOODLING) is one of the very best friends I have here in the Congress of the United States. For several years, I was his chairman on the subcommittee. But in 1994, I discovered at about 2 in the morning that, for the first time in 40 years, the Republicans had taken control of the Congress of the United States. And I was a survivor, but I was a survivor in Cornwallis' army rather than in Washington's army. And I realized that the gentleman from Pennsylvania (Mr. GOODLING) now was going to be my chairman and not of a subcommittee, he was going to be my chairman of the full committee, of the full Committee on Education and Labor.

So I thought I should give him a call. I called him at 7 o'clock in the morning. And one never calls a politician at 7 o'clock in the morning the day after the election because we are pretty well wiped out from the day before and the night before. But I knew he would be up because the gentleman from Pennsylvania (Mr. GOODLING) is a farmer and he would be up. So I called him at 7 o'clock in the morning. He answered the phone at his home in York, Pennsylvania. I did not identify myself. I said, ''Mr. Chairman.'' And he responded, ''How sweet it is.'' And it was sweet. And I have enjoyed working with him as a member of the committee and he as chairman.

Despite opposition to our early efforts, we have doggedly pursued this goal together; and it has been a joy working with him.

While I am aware that IDEA is presently set to receive a $1.3 billion increase for the coming fiscal year, it is my hope that in the remaining days of this Congress that we can meet the goal of a $2 billion increase that the House established for the passage of the Goodling bill, H.R. 4055.

Clearly, the educational needs of children with disabilities and their access to a free, appropriate public education is a critical issue in ensuring that they become productive members of our society.

The work that we have done on IDEA in the past few years, Mr. Speaker, and the work that we will do in the coming Congresses has been so crucial to ensuring that children with disabilities receive the education to which they are entitled.

All of these efforts started with the passage of Public Law 94–142 on November 29, 1975. Prior to the passage of the Education for All Handicapped Children Act, IDEA's predecessor statute, millions of disabled children received substandard education or no education at all. Some were refused admission into our public schools.

After the passage of 94–142, disabled children were literally brought out of the closets and educated in regular classrooms.

Many individuals have had a role in creating and improving IDEA. I want to especially thank and recognize the parents and advocates of disabled children, for without their tireless efforts, we would not be where we are today.

As a matter of fact, when Michigan passed its Education for the Handicapped, it was passed only because of the advocacy of parents; and their advocacy has persisted to this day. This resolution is a fitting tribute to their many years of work.

In closing, I want to urge Members to support this bipartisan legislation and again commend my very, very dear friend, the gentleman from Pennsylvania (Mr. GOODLING), for constantly, constantly bringing this issue before us.

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

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON), a very important member of the committee.

Mr. UPTON. Mr. Speaker, I know that my good friend, the gentleman from Michigan (Mr. KILDEE), and the gentleman from Pennsylvania (Chairman GOODLING), I was part of that choir that they were preaching to. They had me convinced early on that this bill and funding for IDEA was certainly the right way to go, particularly as I talked to my local school districts, parents, and families back home.

This bill, H. Con. Res. 399, recognizes and honors the 25th anniversary of the passage of IDEA. We strongly believe, everyone I think in this Chamber believes strongly, in the goal of IDEA that every child, every child, should have the opportunity to receive a quality education. We have worked hard to ensure greater access to education for all students with disabilities. We have also worked increasingly to improve the quality of the education that children with disabilities receive.

Over the last 4 fiscal years, IDEA has seen a dramatic increase of $2.6 billion. That is 115 percent increase in the Federal contribution. Prior to that, the Federal contribution was only 7 percent.

Now, in fact, the Federal Government contributes 13 percent of the average per-pupil expenditure to assist with the excess cost of educating a child with a disability. A lot of us would like to see that be increased even beyond 13 percent and get quite a bit closer to the original goal, which is 30 or 40 percent.

During this Congress, the House passed H. Con. Res. 84, the IDEA full-funding resolution that passed 413–2. The resolution stated that IDEA is the highest priority among Federal elementary and secondary education programs and that, in fact, it should provide full funding to school districts as originally promised by the Congress.

The House also passed H.R. 4055, the IDEA Full Funding Act of 2000, by a vote 421–3. This provides an authorization scheduled for reaching the Federal mandate to assist States and local school districts with the excess costs of educating children with disabilities. This bill sets a schedule for meeting the Federal Government's IDEA funding commitment within an achievable time frame.

In the last Congress, we completed the reauthorization of IDEA. The amendments of 1997 brought many improvements to the education that children with disabilities receive. It focused on three things. It focused the law on the education to a child it is to receive rather than upon process and bureaucracy. Amendments gave parents greater input in determining the best education for their children by boosting the role of their parents; and they gave the teachers the tools that they need to teach all children well by reducing the amount of paperwork expected of teachers so that now they will have more time to spend with the students.

This is important legislation. It is an important program, and the Congress should step up to the plate to help our local schools deal with the pressing need that continues to grow in all of our congressional districts.

Again, I compliment Members on both sides of the aisle, particularly the gentleman from Pennsylvania (Chairman GOODLING), for getting this bill to the floor; and I look forward to its passage.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. BURR) who apparently

took one of our basketball prospects from the University of Maryland over the weekend, I am sorry to say.

Mr. BURR of North Carolina. Mr. Speaker, I thank the chairman for yielding me the time. And to steal a recruit from Maryland is an easy thing for those of us in North Carolina.

Mr. Speaker, I was not here 25 years ago; but our good chairman, the gentleman from Pennsylvania (Mr. GOODLING), was. Under his leadership, his commitment, and his determination, he has helped shape education policy for the better. He has been a teacher, a principal, a superintendent. We are lucky to have him fighting not just for disabled children but for all children.

Here we are today celebrating the enactment of the Education for All Handicapped Children Act, otherwise known as the Individuals With Disabilities Education Act, IDEA. As a result, we have more children with disabilities graduating from high school and at least three times the students with disabilities entering college.

When I read over the committee's report and floor proceedings from the 94th Congress for this legislation, I realized that this bill laid a foundation for the proper relationship between States and the Federal Government on the subject of education. Clearly, the right to a free public education is basic to equal opportunity and is vital to secure the future and prosperity of our people. The failure to provide this right was criminal and, thankfully, was corrected 25 years ago.

As we turn to the future, we must fulfill our commitment not just to the States but ultimately to the children. We must not simply vote to fully fund IDEA, but we must make sure that the money gets there.

We have increased funding for this program 115 percent since 1995, well over $2.6 billion. However, we can do better. We should be funding 40 percent of the average per-pupil expenditure to the State and not a penny less.

As leaders of this Nation, we expect so much from our teachers, our administrators, and our children. It is their turn to expect no less of us. We cannot let them down.

As we celebrate the 25th anniversary of this landmark legislation, we must remember its intent and continue to press for full funding.

Mr. Speaker, I commend the gentleman from Pennsylvania (Chairman GOODLING) for his dedication, for his focus, for his commitment not just to disabled children but to all children.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I want to congratulate and commend the gentleman from Pennsylvania (Chairman GOODLING) and the ranking minority member, the gentleman from Michigan (Mr. KILDEE), for their hard work on this very important part of our children's education.

Mr. Speaker, I rise in proud support today of H. Con. Res. 399, to recognize the 25th anniversary of the Education for All Handicapped Children Act, later renamed the Individuals With Disabilities Education Act, or IDEA.

This law currently benefits 200,000 infants and toddlers, as well as 600,000 preschoolers and over 5.4 million school-aged children in the United States.

Mr. Speaker, these numbers are indeed impressive, but we must do more. We must look beyond these numbers to see how IDEA has improved and enriched education in America. IDEA has enabled millions of students with disabilities to stay in public school and receive a quality education. These students have the opportunity to learn and interact with other children in the classroom and on the playground. And these same children grow up and enroll in college and graduate programs, fully recognizing and realizing their potential and making a real difference in their communities and families.

IDEA has also united parents, teachers, and school administrators who work together to develop quality education programs that fully meet the needs of every child. IDEA provides the funds for these accomplishments to occur every day in every school across this country.

Mr. Speaker, as we celebrate this 25th anniversary, it is my hope that we can continue our work to fully fund IDEA so that millions more children will have the opportunity to receive the same quality public education.

☐ 1430

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

Mr. Speaker, we have come a long, long way in the last 6 years toward meeting that goal of helping to fund special education back in the local school districts. Now that the ball is rolling, I will not be here but I hope those Members who will will keep that ball rolling so that we can get an extra $95 million to Los Angeles each year, an extra $76 million to Chicago, an extra $170 million to New York City, an extra $16 million to Dallas, an extra $23 million to Houston, an extra $8 million to San Antonio, an extra $5 million to Fort Worth, an extra $13 million to Tallahassee, an extra $30 million to Jacksonville, an extra $26 million to Orlando, an extra $29 million to Tampa, an extra $12 million to Washington, D.C., an extra $8 million to St. Louis, and yes, an extra $1 million to the little city of York of 49,000 people.

My colleagues have a big job ahead of them; and I know that those who will be left behind, I do not know whether that is being left behind because they are still here or not but those of them who will remain in the Congress have a big job to make sure that we get to that 40 percent.

All of those who spoke today, I would encourage them to lead that fight. It will be the greatest thing they can do, bar none, to help a local school district.

Mr. LANTOS. Mr. Speaker, I rise today to join my colleagues in honoring the 25th anniversary of the enactment of the Education for All Handicapped Children Act. This legislation was a great achievement in the fight for equality of education for all American children. For too long, children with special educational needs were neglected, ignored, or even confined to institutions. Congress made necessary and appropriate revisions to the law in 1997, renaming it the Individuals with Disabilities Education Act or IDEA. These amendments to the law kept the spirit of the original Education for All Handicapped Children Act, by reaffirming that handicapped and special needs children have the opportunity to the free public education that is available to other American children.

Unfortunately, Mr. Speaker, Congress has not lived up to its end of the agreement to provide an important part of the funds necessary to carry out the provisions of the legislation. As you know, Mr. Speaker, on May 2nd of this year, the House overwhelmingly adopted H.R. 4055, which authorized Congressional appropriators to increase fiscal year 2001 funding for IDEA by two billion dollars, and to continue to increase the funding for IDEA in each subsequent year until the year 2010 when the federal government should fund IDEA at 40% of the cost of the program. As you are aware, this is level of funding that is required by the 1997 revisions to the Education for All Handicapped Children Act.

Sadly, Mr. Speaker, my colleagues on the other side of the aisle have ignored the overwhelming support for meeting the federal obligation set under IDEA and instead offered a lower amount in the appropriations legislation being considered this year. The budgets of our school districts are being decimated because Congress is not funding IDEA at the mandated level. In California the budget gap state-wide is estimated to be 1.2 billion dollars. The San Mateo County School district has had to cover the 19 million dollars that full IDEA funding would have provided.

Mr. Speaker, I cannot fathom why Congress would want to make local school districts chose between education children with special needs or eliminating music and art programs, yet this is the path we are following. I urge my colleagues who are working on the Labor, Health and Human Services appropriations legislation to accept the funding levels established in H.R. 4055 and add the necessary 2 billion dollars to IDEA funding this year, and to ensure that IDEA is funded at the mandated level by 2010.

Mr. BEREUTER. Mr. Speaker, as a longtime supporter of fulfilling the Federal Government's commitment to fund the Individuals with Disabilities Education Act (IDEA) at 40 percent, this Member rises in strong support of H. Con. Res. 399, recognizing the 25th Anniversary of the enactment of the Education for All Handicapped Children Act of 1975.

According to the Committee for Education Funding, before enactment of the Education for All Handicapped Children Act into law, more than one million children with disabilities were denied an education in America's public schools. This law incorporated all levels of government to ensure that children with disabilities had access to a ''free appropriate public education'' that requires special education and related services. Currently, more

than 6.2 million children, ages 3–21, with disabilities ranging from speech and language impediments to emotional disturbances, have benefitted from these services.

Within the State Grant Program of the IDEA, approximately $240 million is sent to 407 Nebraska school districts or approved cooperatives that serve children with disabilities, ages birth to five years. About $4.3 million supports discretionary projects to help meet IDEA requirements for children with disabilities, ages birth to 21 years, and approximately $800,000 is available for school improvement projects. In the 1999–2000 school year alone, 43,531 children and youth in the State of Nebraska benefitted from the IDEA State Grant program.

Mr. Speaker, while this improvement is good news, this Member will continue full funding of the Federal Government's forth percent commitment to IDEA. Meeting the IDEA requirements set by Congress 25 years ago will provide relief to our local school districts and will ensure the continued success of IDEA and its goal of creating productive members of society within the disability community.

Mr. FRELINGHUYSEN. Mr. Speaker, I am pleased to rise today as cosponsor and supporter of H. Con. Res. 399, which recognizes the 25th anniversary of the Education for All Handicapped Children Act, now know as the Individuals with Disabilities Education Act, or IDEA.

When the Education for All handicapped Children Act was first signed into law on November 29, 1975, it marked an historic milestone for children with disabilities. For the first time, special needs children were guaranteed access to a free and appropriate education.

Unfortunately, since this legislation was first signed into law, the Federal government has been remiss in paying for its full share of the costs associated with educating special needs children. The original act set forth a framework whereby 40 percent of the average costs of educating a special needs child would be paid by the Federal government. To date, that level has never been reached. As a result, state and local school districts have been forced to divert money from other needed services, including school construction and teacher training, to pay for the government's share of IDEA.

Congress, over the past six years, has done incredible work to provide additional funding for IDEA over and above the Administration's requested level, doubling the amount of money the Federal government is providing to state and local school districts to pay for the costs associated with this program. Unfortunately, the funding still falls short of the 40 percent the Federal government committed to paying for IDEA.

I am pleased that the House of Representatives passed H.R. 4055, the IDEA Full Funding Act, earlier this year. However, despite the importance of fully funding our obligation under IDEA, H.R. 4055 is still pending in the Senate.

I would hope that my colleagues in the other body will take the opportunity of the 25th Anniversary of this critical education program to pass H.R. 4055, and once and for all meet the Federal government's funding obligation to IDEA.

I thank the gentleman from Pennsylvania, Mr. GOODLING, for introducing this legislation, and for all his hard work toward ensuring the Federal government honors its commitment to special needs children. I urge my colleagues to support this bill.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to explain why I must oppose H. Con. Res. 399, which celebrates the 25th Anniversary of the Individuals with Disabilities Education Act (IDEA). My opposition to H. Con. Res. 399 is based on the simple fact that there is a better way to achieve the laudable goal of educating children with disabilities than through an unconstitutional program and thrusts children, parents, and schools into an administrative quagmire. Under the IDEA law celebrated by this resolution, parents and schools often become advisories and important decisions regarding a child's future are made via litigation. I have received complaints from a special education administrator in my district that unscrupulous trial lawyers are manipulating the IDEA process to line their pockets at the expenses of local school districts. Of course, every dollar a local school district has to spend on litigation is a dollar the district cannot spend educating children.

IDEA may also force local schools to deny children access to the education that best suits their unique needs in order to fulfill the federal command that disabled children be educated ''in the least restrictive setting,'' which in practice means mainstreaming. Many children may thrive in a mainstream classroom environment, however, some children may be mainstreamed solely because school officials believe it is required by federal law, even though the mainstream environment is not the most appropriate for that child.

On May 10, 1994, Dr. Mary Wagner testified before the Education Committee that disabled children who are not placed in a mainstream classroom graduate from high school at a much higher rate than disabled children who are mainstreamed. Dr. Wagner quite properly accused Congress of sacrificing children to ideology.

IDEA also provides school personal with incentives to over-identify children as learning disabled, thus unfairly stigmatizing many children and, in a vicious cycle, leading to more demands for increased federal spending on IDEA also IDEA encourages the use of the dangerous drug Retalin for the purpose of getting education subsidies. Instead of celebrating and increasing spending on a federal program that may actually damage the children it claims to help, Congress should return control over education to those who best know the child's needs: parents. In order to restore parental control to education, I have introduced the Family Education Freedom Act (HR 935), which provides parents with a $3,000 per child tax credit to pay for K–12 education expenses. My tax credit would be of greatest benefit to parents of children with learning disabilities because it would allow them to devote more of their resources to ensure their children get an education that meets the child's unique needs.

In conclusion, I would remind my colleagues that parents and local communities know their children so much better than any federal bureaucrat, and they can do a better job of meeting a child's needs than we in Washington. There is no way that my grandchildren, and some young boy or girl in Los Angeles, CA or New York City can be educated by some sort of ''Cookie Cutter'' approach. Thus, the best means of helping disabled children is to empower their parents with the resources to make sure their children receives an education suited to that child's special needs, instead of an education that scarifies that child's best interest on the altar of the ''Washington-knows-best'' ideology.

I therefore urge my colleagues to join with me in helping parents of special needs children provide their children with a quality education that meets the child's needs by repealing federal mandates that divert resources away from helping children and, instead, embrace my Family Education Freedom Act.

Mrs. KELLY. Mr. Speaker, in anticipation of the 25th Anniversary of the Individuals with Disabilities Education Act, I rise today to urge my colleagues to join with me in acknowledging the good this program has done for our children and their future.

Almost twenty-five years ago, Congress passed the Education for All Handicapped Children Act. This landmark legislation established the federal policy of ensuring that all children, regardless of nature or severity of their disability, have the right to a free appropriate public education in the least restrictive environment. Throughout the years, Congress has seen fit to update this legislation, first to create a preschool grant program and an early intervention program to serve the needs of children starting at birth and going through the age of five. Since 1990, this program has been known as the Individuals with Disabilities Education Act (IDEA). Improvements made to IDEA in 1997 changed the focus of the educational process of disabled children from the procedural requirements to individualized education programs to better serve our children. In 1997, we also implemented behavioral and intervention strategies for those children whose behavior impedes the learning process.

Today, IDEA serves approximately 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children from 6 to 21 years old. It is through efforts of this program that we have seen a substantial increase in the numbers of disabled students graduate high school, and the number of disabled students who enroll in college.

However, much still needs to be done to make this program reach its potential. Almost twenty-five years after its enactment, this program is only being funded at 13% of the federal share. Originally Congress committed itself to covering 40% of the costs of this program. Since 1995, the funding for this program has increased by almost 115%, which is an increase of over $2.6 billion. Yet, even after this sustained funding increase, this program is still grossly underfunded.

When I arrived in Congress in 1995, I began working with Chairman GOODLING to fight for increased funding for this program. Throughout the past six years, full funding for this program has remained one of my top education priorities. If the federal government fully funded its share of the costs of this program, my own state of New York would have received $1.087 billion for fiscal year 2000, instead of the $344.3 million it did get. Fully funding our part would help to ease the burdens on our local taxpayers who bear the brunt of education costs.

Mr. Speaker, I greatly appreciate the opportunity to have worked with Chairman GOODLING over the past several years. His commitment to education is clear through his long history as a school teacher, principal and superintendent and his efforts on behalf of our

children and our nation will not soon be forgotten.

Mr. Speaker, I urge my colleagues to support this resolution and continue to make full funding of IDEA a priority in the future. Our children deserve no less.

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

The SPEAKER pro tempore (Mr. LAHOOD). 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, House Concurrent Resolution 399.

The question was taken.

Mr. GOODLING. 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.

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COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 1999

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1455) to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

The Clerk read as follows:

S. 1455

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 ''College Scholarship Fraud Prevention Act of 1999''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) A substantial amount of fraud occurs in the offering of college education financial assistance services to consumers.

(2) Such fraud includes the following:

(A) Misrepresentations regarding the provision of sources from which consumers may obtain financial assistance (including scholarships, grants, loans, tuition, awards, and other assistance) for purposes of financing a college education.

(B) Misrepresentations regarding the provision of portfolios of such assistance tailored to the needs of specific consumers.

(C) Misrepresentations regarding the preselection of students as eligible to receive such assistance.

(D) Misrepresentations that such assistance will be provided to consumers who purchase specified services from specified entities.

(E) Misrepresentations regarding the business relationships between particular entities and entities that award or may award such assistance.

(F) Misrepresentations regarding refunds of processing fees if consumers are not provided specified amounts of such assistance, and other misrepresentations regarding refunds.

(3) In 1996, the Federal Trade Commission launched ''Project Scholarscam'', a joint law enforcement and consumer education campaign directed at fraudulent purveyors of so-called ''scholarship services''.

(4) Despite the efforts of the Federal Trade Commission, colleges and universities, and nongovernmental organizations, the continued lack of awareness about scholarship fraud permits a significant amount of fraudulent activity to occur.

SEC. 3. SENTENCING ENHANCEMENT FOR HIGHER EDUCATION FINANCIAL ASSISTANCE FRAUD.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines in order to provide for enhanced penalties for any offense involving fraud or misrepresentation in connection with the obtaining or providing of, or the furnishing of information to a consumer on, any scholarship, grant, loan, tuition, discount, award, or other financial assistance for purposes of financing an education at an institution of higher education, such that those penalties are comparable to the base offense level for misrepresentation that the defendant was acting on behalf of a charitable, educational, religious, or political organization, or a government agency.

SEC. 4. EXCLUSION OF DEBTS RELATING TO COLLEGE FINANCIAL ASSISTANCE SERVICES FRAUD FROM PERMISSIBLE EXEMPTIONS OF PROPERTY FROM ESTATES IN BANKRUPTCY.

Section 522(c) of title 11, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; or''; and

(3) by adding at the end the following:

''(4) a debt in connection with fraud in the obtaining or providing of any scholarship, grant, loan, tuition, discount, award, or other financial assistance for purposes of financing an education at an institution of higher education (as that term is defined in section 101 of the Higher Education Act of 1954 (20 U.S.C. 1001)).''.

SEC. 5. SCHOLARSHIP FRAUD ASSESSMENT AND AWARENESS ACTIVITIES.

(a) ANNUAL REPORT ON SCHOLARSHIP FRAUD.—

(1) REQUIREMENT.—The Attorney General and the Secretary of Education, in conjunction with the Federal Trade Commission, shall jointly submit to Congress each year a report on fraud in the offering of financial assistance for purposes of financing an education at an institution of higher education. Each report shall contain an assessment of the nature and quantity of incidents of such fraud during the one-year period ending on the date of such report.

(2) INITIAL REPORT.—The first report under paragraph (1) shall be submitted not later than 18 months after the date of the enactment of this Act.

(b) NATIONAL AWARENESS ACTIVITIES.—The Secretary of Education shall, in conjunction with the Federal Trade Commission, maintain a scholarship fraud awareness site on the Internet web site of the Department of Education. The scholarship fraud awareness site may include the following:

(1) Appropriate materials from the Project Scholarscam awareness campaign of the Commission, including examples of common fraudulent schemes.

(2) A list of companies and individuals who have been convicted of scholarship fraud in Federal or State court.

(3) An Internet-based message board to provide a forum for public complaints and experiences with scholarship fraud.

(4) An electronic comment form for individuals who have experienced scholarship fraud or have questions about scholarship fraud, with appropriate mechanisms for the transfer of comments received through such forms to the Department and the Commission.

(5) Internet links to other sources of information on scholarship fraud, including Internet web sites of appropriate nongovernmental organizations, colleges and universities, and government agencies.

(6) An Internet link to the Better Business Bureau in order to assist individuals in assessing the business practices of other persons and entities.

(7) Information on means of communicating with the Federal Student Aid Information Center, including telephone and Internet contact information.

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

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1455.

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

There was no objection.

Mr. UPTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I rise today in support of S. 1455 which mirrors the provisions of H.R. 3210 introduced by my friend and as I said earlier a very important colleague on the Committee on Education and the Workforce the gentleman from Michigan (Mr. UPTON).

Scholarships, grant aid, student loans and other forms of financial assistance have long assisted our Nation's college students in pursuing a postsecondary education. The College Board in its Trends in Student Aid for 1999 estimated that $64.1 billion was awarded to students in the form of scholarships, grants, loans, and other student aid for the 1998–99 academic year. Student aid comes from various sources, including the Federal Government, States, private and public entities and postsecondary institutions.

Unfortunately, not all scholarship offers are legitimate. Phony scholarship offerings, scams and other fraudulent offerings do great harm to our Nation's students who are searching for ways to help pay the ever-increasing costs of a college education. This bill addresses this issue and allows for enhanced criminal penalties for offenses involving scholarship scams.

In addition, this bill directs the Secretary of Education, working with the Federal Trade Commission, to maintain a scholarship fraud awareness site on the department's Internet Web site. This Web site will provide valuable information with respect to scholarship fraud so students will have a source of information for verifying whether they are being offered legitimate scholarship aid.

Again, I congratulate and thank the gentleman from Michigan (Mr. UPTON) for presenting this legislation.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume. I rise in support of S. 1455.

Mr. Speaker, as we are all aware, the cost of a college education is becoming increasingly high, causing more and more students to seek some type of financial assistance. Fortunately there are a number of private and Federal scholarship opportunities available to needy and deserving students. However, some unscrupulous companies are making money off unsuspecting students and their families by imitating legitimate government agencies and grant-giving foundations.

Often these fraudulent companies guarantee scholarships in exchange for an advanced fee. Other times they trick students into divulging their checking account numbers and access their accounts without their consent. Whatever the particular scheme, more than 350,000 students and their families lose over $5 million to scholarship fraud every year.

To address this growing problem, in 1996 the Federal Trade Commission launched Project Scholarscam, a joint law enforcement and consumer education effort aimed at purveyors of fraudulent scholarship services. While the FTC should be commended for its efforts to educate and prevent the exploitation of students and their families, the agency lacks the authority to prosecute scholarship scam artists to the fullest extent of the law.

S. 1455 not only increases the criminal penalties for fraud in connection with the provision of scholarship services, it removes the shield of bankruptcy that many financial assistance services hide behind when prosecuted. In addition, S. 1455 requires the Department of Education, in conjunction with the FTC, to create a Web site of legitimate sources of scholarship information.

I urge Members to support this legislation.

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

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

Mr. Speaker, I commend the speakers that have spoken on this bill and those who helped lead the way in the Senate as well. Again we have seen bipartisan cooperation.

I rise today in support of S. 1455, the College Scholarship Fraud Prevention Act of 1999. This bill will prevent unscrupulous businesses from defrauding vulnerable students and their families seeking to finance their education. In essence we identified a scam that needs to be corrected and we have done it with common sense, bipartisan legislation. I urge my colleagues to follow the lead of the other body and pass this legislation this afternoon.

Students in Michigan and across the Nation are targeted by corrupt companies who prey on their hopes and dreams for a college education. A college education is one of the most important investments a person will ever make. College is not only a place where students decide what professions to follow but, more importantly, a place that begins their journey into adulthood. While education is central to students, it is even more vital to our Nation. Our political system depends on an educated citizenry who are able to make informed decisions. Also in light of the continual technological advances, businesses require an educated workforce. Thus, we want to encourage more students to in fact pursue a college education.

But each year crooked companies send literally thousands of letters out to hopeful students offering bogus scholarships. Scam artists target some of the most vulnerable members of our society. They collect millions of dollars, not thousands but millions of dollars, by preying on the hopes and dreams of students who desire to improve their life through higher education.

The FTC, the Federal Trade Commission, has been aware of this growing problem. In fact, in 1996 the FTC initiated Project Scholarship Scam, a nationwide crackdown on fraudulent scholarship search services. Though the FTC is dedicated to stopping these con artists, the FTC can only file civil charges that include redress to defrauded consumers and injunctions prohibiting or restricting future market activity. In most cases, the defendants settle with the FTC because evidence of their fraudulent conduct is so overwhelming. For example, in one case Student Assistance Services paid $300,000 to defrauded consumers and agreed not to offer further scholarship services and to pose, in fact, a $75 bond before telemarketing. Reluctantly, the FTC can only use injunctions to deter these con artists from their activities because they lack the authority to prosecute them on criminal charges.

It is clear that what this bill will do is in fact provide more protection for the most vulnerable members of our community, needy students and their families, than ever before. I urge my colleagues to support this bipartisan legislation and commend the remarks of my previous colleagues who spoke in support of this bill.

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

Mr. KILDEE. 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 Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 1455.

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.

CORRECTING TECHNICAL ERRORS IN THE ENROLLMENT OF S. 1455, COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 1999

Mr. UPTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 407) to direct the Secretary of the Senate to correct technical errors in the enrollment of S. 1455, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

Mr. KILDEE. Mr. Speaker, reserving the right to object, and I do not intend to object, I yield to the gentleman from Michigan for an explanation of his request.

Mr. UPTON. I thank the gentleman from the great State of Michigan for yielding.

Mr. Speaker, this concurrent resolution allows the enrolling clerk to make technical corrections and citation changes.

Mr. KILDEE. I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 407

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (S. 1455), to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1, strike ''of 1999'' and insert ''of 2000''.

(2) In section 3, strike ''base level offense for'' and insert ''enhanced penalty the guidelines establish for a''.

(3) In section 522(c)(4) of title 11, United States Code, as amended by section 4(3) of the bill—

(A) strike ''obtaining or''; and

(B) strike ''Higher Education Act of 1954'' and insert ''Higher Education Act of 1965''.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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HMONG VETERANS' NATURALIZATION ACT AMENDMENTS OF 2000

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5234) to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

The Clerk read as follows:

H.R. 5234

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

SECTION 1. EXTENSION OF HMONG VETERANS' NATURALIZATION ACT OF 2000 TO CERTAIN FORMER SPOUSES OF DECEASED HMONG VETERANS.

(a) IN GENERAL.—Section 2 of the Hmong Veterans' Naturalization Act of 2000 (Public Law 106–207; 114 Stat. 316; 8 U.S.C. 1423 note) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

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

''(3) who—

''(A) satisfies the requirement of paragraph (1)(A); and

''(B) is the surviving spouse of a person described in paragraph (1)(B) which described person was killed or died in Laos, Thailand, or Vietnam.''.

(b) CONFORMING AMENDMENT.—Section 3 of such Act is amended by striking ''or (2)'' and inserting '', (2), or (3)''.

(c) DEADLINE FOR APPLICATION.—Section 6 of such Act is amended by adding at the end the following new sentence: ''In the case of a person described in section 2(3), the application referred to in the preceding sentence, and appropriate fees, shall be filed not later than 18 months after the date of the enactment of this sentence.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. 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 under consideration.

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

There was no objection.

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

Mr. Speaker, earlier this year Congress enacted legislation facilitating naturalization for Hmong veterans who were admitted to the United States as refugees. Recruited to assist our combat effort in Indochina, the Hmong had made great sacrifices on our behalf and faced persecution because of their association with us.

Many Hmong in the United States today continue to face unique language problems that can be traced to the fact that they grew up in a predominantly preliterate society without educational opportunities. By enacting Public Law 106–207, the Hmong Veterans Naturalization Act of 2000, this Congress very appropriately sought to remove insurmountable obstacles to citizenship by providing an exemption from the English language requirement and authorizing special consideration relating to the civics requirement. The potential beneficiaries, Hmong veterans and spouses who came to the United States as refugees, were limited to 45,000.

The bill before us today corrects an omission in Public Law 106–207's description of spouses without raising the ceiling on total potential beneficiaries. Under H.R. 5234, surviving spouses of Hmong who served with special guerrilla units or irregular forces and were killed or died in Laos, Thailand or Vietnam can qualify for facilitated naturalization.

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The equities in favor of helping these widows certainly are as great as the equities in favor of helping widows who already benefit from Public Law 106–207, namely, those whose husbands were able to apply for refugee status and make it to the United States. The widows in both groups are living permanently in this country after having been admitted as refugees.

The surviving spouses we seek to help now, like the widows who benefitted from Public Law 106–207, are survivors of those who made common cause with us at great personal peril to themselves and their families.

I commend the gentleman from California (Mr. RADANOVICH) for introducing this important bill and the gentleman from Minnesota (Mr. VENTO), the author of the bill that became Public Law 106–207 and the cosponsor of H.R. 5234, who also deserves great credit for his tireless efforts on behalf of the Hmong over the years.

This is a humane measure that merits the support of my colleagues.

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

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

(Mr. KILDEE asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. KILDEE. Mr. Speaker, as is his custom, the gentleman from Illinois (Mr. HYDE) has given a very, very thorough explanation of this bill, and I concur with what the gentleman has said.

Mr. Speaker, this is an important bill because the Hmong have stood by the U.S. at a crucial time in our history and now is the time to repay and honor the loyalty of Hmong veterans. The Hmong were a pre-literate society. They had no written language in use when the United States recruited them during the Vietnam War. The best symbol of why H.R. 5234 is necessary is the Hmong ''story cloth,'' the Pandau cloth, that is their embroidered cloth record of important historical events and oral traditions.

Mr. Speaker, I approve of the new correction language which allows the spouses of the Hmong veterans who made it to the United States, but for whatever reason their husbands did not and remained in Laos. This additional correction which is being initiated by the House will waive the language and civics requirements for these widows who have been granted legal permanent residency.

I join Chairman SMITH and the Ranking Member of the Subcommittee on Immigration and Claims in commending the Lao Veterans of America for its tireless efforts for the Hmong. I too also commend our colleague, the gentleman from Minnesota, Mr. VENTO, for his sponsorship of this legislation.

The Hmong were critical to the American war strategy in S.E. Asia—especially the U.S. air strategy. Mr. Speaker, this legislation provides for the expedited naturalization of Hmong veterans of the U.S. Secret Army currently residing in the United States (as legal aliens) who served with U.S. clandestine and special forces during the Vietnam War by allowing them to take the citizenship test with a translator since the Hmong are a tribal people with no written language, thus relying solely on the ''story cloths''.

The bill is capped at 45,000, in terms of the total of number of Hmong veterans, their widows and orphans who currently reside in the United States who would fall under the legislation. This correction legislation will not count against the cap. This cap is supported by the Hmong veterans in the United States and is considered to be a generous cap. I support this legislation to provide relief to the Hmong heroes.

Mr. GILMAN. Mr. Speaker, I rise in strong support for H.R. 5234, the Hmong Veterans Naturalization Act. I commend Representative RADANOVICH, the gentleman from California, for crafting this important bill.

The spouses of the brave Hmong freedom fighters who were our allies during the Vietnam War deserve to be given special consideration for naturalization. The Hmong Veterans Naturalization Act, H.R. 371 was signed into law on May 26 of this year. That historic legislation assists Hmong and Laotian veterans of the U.S. secret army that fought in Laos. Currently, however, several thousand Laotian and Hmong widows living in the United States whose husbands died in Southeast Asia during the Vietnam War were excluded under the new law. H.R. 5234 would rectify this problem.

It is the very least that we can do for these people who had to flee their homeland because they protected our downed fighter pilots and fought by the sides of our soldiers.

Accordingly, I urge our colleagues to support H.R. 5234.

Mr. KIND. Mr. Speaker, I rise today in support of H.R. 5234, legislation to amend The Hmong Veterans' Naturalization Act of 2000.

I am pleased with the passage of H.R. 5234, the Hmong Veterans' Naturalization Act, and the president signing it into law. It was a necessary step in assisting the Hmong, a special group of legal immigrants who served with the U.S. Armed Forces and now require help in obtaining U.S. citizenship. It waives the residency requirement for those Hmong and their spouses. Additionally, it waives the English language test and residency requirement for attainment of U.S. citizenship.

The Hmong Veterans' Naturalization was an important piece of legislation that will impact thousands of people in the United States, including the large Lao-Hmong community in my home district of western Wisconsin. H.R. 5234, however, extends the applicability of the Hmong Veterans' Naturalization Act to widows of the veterans covered by that law. They were inadvertently left out under the original legislation. Under this measure, therefore, the widows of those veterans would be exempt from certain citizenship requirements. This bill will help many more Hmong families and that is why I support this legislation.

Mr. Speaker, the Hmong people need our help. It is wrong to abandon these men and women who served as valuable allies to us

during the Southeastern Asian conflict. I urge all my colleagues to support this legislation. And I want to especially commend and thank Representative BRUCE VENTO for his leadership and hard work on behalf of the Hmong and this legislation. I'm sure all my colleagues join me in wishing him a speedy recovery and a happy retirement.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is an important bill because the Hmong have stood by the U.S. at a crucial time in our history and now is the time to repay and honor the loyalty of Hmong veterans. The Hmong were a pre-literate society. They had no written language in use when the United States recruited them during the Vietnam War. The best symbol of why H.R. 5234 is necessary is the Hmong ''story cloth,'' the Pandau cloth, that is their embroidered cloth record of important historical events and oral traditions.

Mr. Speaker, I approve of the new correction language which allows the spouses of the Hmong veterans who made it to the United States, but for whatever reason their husbands did not and they remained in Laos. This additional correction which is being initiated by the House will waive the language and civics requirements for these widows who have been granted legal permanent residency.

I join Chairman SMITH in commending the Lao Veterans of America for its tireless efforts for the Hmong. I too also commend our colleague, the gentleman from Minnesota, Mr. VENTO, for his sponsorship of this legislation.

The Hmong were critical to the American war strategy in S.E. Asia—especially the U.S. air strategy. Mr. Speaker, this legislation provides for the expedited naturalization of Hmong veterans of the U.S. Secret Army currently residing in the United States (as legal aliens) who served with U.S. clandestine and special forces during the Vietnam War by allowing them to take the citizenship test with a translator since the Hmong are a tribal people with no written language, thus relying solely on the ''story cloths.'' The bill is capped at 45,000, in terms of the total of number of Hmong veterans, their widows and orphans who currently reside in the United States who would fall under this legislation. This correction legislation will not count against the cap. This cap is supported by the Hmong veterans in the United States and is considered to be a generous cap. I support this legislation to provide relief to the Hmong heroes.

Mr. VENTO. Mr. Speaker, I support H.R. 5234, a measure that would extend the applicability of the Hmong Veteran's Naturalization Act (PL 106–207) to widows of the veterans covered by that law.

As I've stated in the past, the Lao-Hmong people stood honorably by the United States at a critical time in our nation's history. Approximately 60,000 Lao-Hmong know the Minnesota region as their new home and I have long championed efforts to help ease their adjustment into our society. Many of the older Lao-Hmong patriots who made it to the U.S. are separated from their family members and have had a difficult time adjusting to many aspects of life and culture in the U.S., including passing aspects of the required citizenship test.

I appreciate the efforts of those in my district and nationwide to clarify an unintended oversight of the Hmong Veteran's Naturalization Act. Clearly, this Congress did not intend to exclude the widows of those veterans who sacrificed for our country. It is my hope that this technical bill will clear the confusion, and that the Immigration and Naturalization Service (INS) and Department of Justice (DOJ) will work to ensure full and proper implementation of the language and spirit of this law.

I was greatly heartened when my colleagues joined me earlier this year to stand with the Lao-Hmong in their struggle to become U.S. citizens and to live a good life in the United States. We were right to recognize their dedication and service. Now we must guarantee that no one is inadvertently left out. I strongly urge your support of this bill.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 5234.

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.

□

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for approximately 10 minutes.

Accordingly (at 2 o'clock and 55 minutes p.m.), the House stood in recess for approximately 10 minutes.

□

□ 1458

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 2 o'clock and 58 minutes p.m.

□

SMALL BUSINESS INNOVATION RESEARCH PROGRAM REAUTHORIZATION ACT OF 2000

Mrs. KELLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 590) providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2392.

The Clerk read as follows:

H. RES. 590

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 2392, with the amendment of the Senate thereto, and to have concurred in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM
Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Extension of SBIR program.
Sec. 104. Annual report.
Sec. 105. Third phase assistance.
Sec. 106. Report on programs for annual performance plan.
Sec. 107. Output and outcome data.
Sec. 108. National Research Council reports.
Sec. 109. Federal agency expenditures for the SBIR program.
Sec. 110. Policy directive modifications.
Sec. 111. Federal and State technology partnership program.
Sec. 112. Mentoring networks.
Sec. 113. Simplified reporting requirements.
Sec. 114. Rural outreach program extension.
TITLE II—GENERAL BUSINESS LOAN PROGRAM
Sec. 201. Short title.
Sec. 202. Levels of participation.
Sec. 203. Loan amounts.
Sec. 204. Interest on defaulted loans.
Sec. 205. Prepayment of loans.
Sec. 206. Guarantee fees.
Sec. 207. Lease terms.
TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM
Sec. 301. Short title.
Sec. 302. Women-owned businesses.
Sec. 303. Maximum debenture size.
Sec. 304. Fees.
Sec. 305. Premier certified lenders program.
Sec. 306. Sale of certain defaulted loans.
Sec. 307. Loan liquidation.
TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958
Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Investment in small business investment companies.
Sec. 404. Subsidy fees.
Sec. 405. Distributions.
Sec. 406. Conforming amendment.
TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS
Sec. 501. Short title.
Sec. 502. Reauthorization of small business programs.
Sec. 503. Additional reauthorizations.
TITLE VI—MISCELLANEOUS PROVISIONS
Sec. 601. Loan application processing.
Sec. 602. Application of ownership requirements.
Sec. 603. Eligibility for HUBZone program.
Sec. 604. Subcontracting preference for veterans.
Sec. 605. Small business development center program funding.
Sec. 606. Surety bonds.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

SECTION 101. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Small Business Innovation Research Program Reauthorization Act of 2000''.

SEC. 102. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this Act referred to as the ''SBIR program'') is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one

of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 103. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

''(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.''.

SEC. 104. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking ''and the Committee on Small Business of the House of Representatives'' and inserting '', and to the Committee on Science and the Committee on Small Business of the House of Representatives,''.

SEC. 105. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking ''; and'' and inserting ''; or''.

SEC. 106. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

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

''(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and''.

SEC. 107. OUTPUT AND OUTCOME DATA.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding at the end the following new paragraph:

''(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).''.

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end '', including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)''.

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

''(k) DATABASE.—

''(1) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

''(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

''(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

''(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

''(ii) the Federal agency making the award; and

''(iii) the date and amount of the award;

''(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

''(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

''(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

''(A) contains for each second phase award made by a Federal agency—

''(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

''(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

''(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

''(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

''(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

''(i) the name, size, and location, and an identifying number assigned by the Administration;

''(ii) an abstract of the project; and

''(iii) the Federal agency to which the application was made;

''(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

''(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

''(3) UPDATING INFORMATION FOR DATABASE.—

''(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

''(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

''(i) update information in the database concerning that award at the termination of the award period; and

''(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

''(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

''(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.''.

SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.—

(1) IN GENERAL.—In a manner consistent with law and with National Research Council

study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of enactment, an update of such report.

SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking ''(i) Each Federal'' and inserting the following:

''(i) ANNUAL REPORTING.—

''(1) IN GENERAL.—Each Federal''; and

(2) by adding at the end the following:

''(2) CALCULATION OF EXTRAMURAL BUDGET.—

''(A) METHODOLOGY.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

''(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).''.

SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

''(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

''(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

''(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

''(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

''(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

''(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

''(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).''.

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following new section:

''SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

''(a) DEFINITIONS.—In this section and section 35, the following definitions apply:

''(1) APPLICANT.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

''(2) BUSINESS ADVICE AND COUNSELING.—The term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

''(3) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this section.

''(4) MENTOR.—The term 'mentor' means an individual described in section 35(c)(2).

''(5) MENTORING NETWORK.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

''(6) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

''(7) SBIR PROGRAM.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

''(8) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

''(9) STTR PROGRAM.—The term 'STTR program' has the same meaning as in section 9(e)(6).

''(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

''(c) GRANTS AND COOPERATIVE AGREEMENTS.—

''(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

''(A) technology research and development by small business concerns;

''(B) technology transfer from university research to technology-based small business concerns;

''(C) technology deployment and diffusion benefiting small business concerns;

''(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

''(i) State and local development agencies and entities;

''(ii) representatives of technology-based small business concerns;

''(iii) industries and emerging companies;

''(iv) universities; and

''(v) small business development centers; and

''(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

''(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

''(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

''(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

''(iv) to encourage the commercialization of technology developed through SBIR program funding.

''(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

''(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

''(B) shall consider, at a minimum—

''(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

''(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

''(iii) whether the projected costs of the proposed activities are reasonable;

''(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

''(v) the manner in which the applicant will measure the results of the activities to be conducted.

''(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

''(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

''(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

''(1) Federal agencies required by section 9 to have an SBIR program; and

''(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

''(A) State and local development agencies and entities;

''(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

''(C) State science and technology councils; and

''(D) representatives of technology-based small business concerns.

''(e) ADMINISTRATIVE REQUIREMENTS.—

''(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

''(2) MATCHING REQUIREMENTS.—

''(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

''(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

''(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

''(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

''(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

''(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

''(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

''(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

''(f) REPORTS.—

''(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

''(A) a description of the structure and procedures of the program;

''(B) a management plan for the program; and

''(C) a description of the merit-based review process to be used in the program.

''(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

''(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

''(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

''(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

''(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

''(ii) the status of the implementation and description of the usage of the Mentoring Networks.

''(g) REVIEWS BY INSPECTOR GENERAL.—

''(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

''(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

''(B) the overall management and effectiveness of the FAST program.

''(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

''(h) PROGRAM LEVELS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

''(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

''(i) TERMINATION.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.''.

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

''(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

''(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

''(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

''(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

''(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

''(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

''(F) the Institutional Development Award Program of the National Institutes of Health; and

''(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

''(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

''(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

''(i) a State that is eligible to participate in that program; or

''(ii) a State described in paragraph (3); or

''(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

''(i) a State that is eligible to participate in a technology development program; or

''(ii) a State described in paragraph (3).

''(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.''.

SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 111(b)(2) of this Act, the following new section:

"SEC. 35. MENTORING NETWORKS.

''(a) FINDINGS.—Congress finds that—

''(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

''(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

''(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

''(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

''(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

''(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

''(2) identify volunteer mentors who—

''(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

''(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

''(i) proposal writing;

''(ii) marketing;

''(iii) Government accounting;

''(iv) Government audits;

''(v) project facilities and equipment;

''(vi) human resources;

''(vii) third phase partners;

''(viii) commercialization;

''(ix) venture capital networking; and

''(x) other matters relevant to the SBIR and STTR programs;

''(3) have experience working with small business concerns participating in the SBIR and STTR programs;

''(4) contribute information to the national database referred to in subsection (d); and

''(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

''(d) MENTORING DATABASE.—The Administrator shall—

''(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

''(2) work cooperatively with Mentoring Networks to maintain and update the database;

''(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

''(4) fulfill the requirements of this subsection either directly or by contract.''.

SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following new subsection:

''(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.''.

SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking ''2001'' and inserting ''2005''.

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking ''for fiscal year 1998, 1999, 2000, or 2001'' and inserting ''for each of the fiscal years 2000 through 2005,''.

TITLE II—GENERAL BUSINESS LOAN PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the ''Small Business General Business Loan Improvement Act of 2000''.

SEC. 202. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking ''$100,000'' and inserting ''$150,000''; and

(2) in paragraph (ii)—

(A) by striking ''80 percent'' and inserting ''85 percent''; and

(B) by striking ''$100,000'' and inserting ''$150,000''.

SEC. 203. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking ''$750,000,'' and inserting, ''$1,000,000 (or if the gross loan amount would exceed $2,000,000),''.

SEC. 204. INTEREST ON DEFAULTED LOANS.

Subparagraph (B) of section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is amended by adding at the end the following:

''(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2000.''.

SEC. 205. PREPAYMENT OF LOANS.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is further amended—

(1) by striking ''(4) INTEREST RATES AND FEES.—'' and inserting ''(4) INTEREST RATES AND PREPAYMENT CHARGES.—''; and

(2) by adding at the end the following:

''(C) PREPAYMENT CHARGES.—

''(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

''(I) the loan is for a term of not less than 15 years;

''(II) the prepayment is voluntary;

''(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

''(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

''(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—

''(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;

''(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and

''(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.''.

SEC. 206. GUARANTEE FEES.

Section 7(a)(18)(B) of the Small Business Act (15 U.S.C. 636(a)(18)(B)) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LOANS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), if the total deferred participation share of a loan guaranteed under this subsection is less than or equal to $150,000, the guarantee fee collected under subparagraph (A) shall be in an amount equal to 2 percent of the total deferred participation share of the loan.

''(ii) RETENTION OF FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of the fee collected in accordance with this subparagraph with respect to any loan not exceeding $150,000 in gross loan amount.''.

SEC. 207. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

''(28) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies and uses not less than 60 percent of the total business space in the property.''.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the ''Certified Development Company Program Improvements Act of 2000''.

SEC. 302. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma ''or women-owned business development''.

SEC. 303. 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) Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, except 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. 304. 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 financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.''.

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Reauthorization and Amendments Act of 1994 (relating to section 508 of the Small Business Investment Act) is repealed.

SEC. 306. 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) though (i) as subsections (e) though (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.—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, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records 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 shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

''(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

''(B) provides the notice required by paragraph (1).''.

SEC. 307. 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) 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 promulgation 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 less 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 section (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 the Administration's management 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 foreclosures, 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 plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice 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 routine actions 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 within such period provide in accordance with subparagraph (E) notice 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 within such period provide in accordance with subparagraph (E) notice 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 subparagraphs (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

''(i) shall be in writing;

''(ii) shall state the specific reason for the Administration's inability to act on a 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, 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 law; or

''(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (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 of the Senate a report on the results of delegation of authority under this section.

''(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

''(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.

''(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration's failure and any delays 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.—Beginning on the date which the 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 effect.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 401. SHORT TITLE.

This title may be cited as the ''Small Business Investment Corrections Act of 2000''.

SEC. 402. DEFINITIONS.

(a) SMALL BUSINESS CONCERN.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting ''regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment'' before the semicolon at the end.

(b) LONG TERM.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (15), by striking ''and'' at the end;

(2) in paragraph (16), by striking the period at the end and inserting ''; and''; and

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

''(17) the term 'long term', when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.''.

SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended—

(1) by striking ''(b) Notwithstanding'' and inserting the following:

''(b) FINANCIAL INSTITUTION INVESTMENTS.—

''(1) CERTAIN BANKS.—Notwithstanding''; and

(2) by adding at the end the following:

''(2) CERTAIN SAVINGS ASSOCIATIONS.—Notwithstanding any other provision of law, any Federal savings association may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by any such Federal savings association exceed 5 percent of the capital and surplus of the Federal savings association.''.

SEC. 404. SUBSIDY FEES.

(a) DEBENTURES.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking ''plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration'' and inserting ''plus, for debentures issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration''.

(b) PARTICIPATING SECURITIES.—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking ''plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration'' and inserting ''plus, for participating securities issued after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration''.

SEC. 405. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

(1) by striking ''subchapter s corporation'' and inserting ''subchapter S corporation'';

(2) by striking ''the end of any calendar quarter based on a quarterly'' and inserting ''any time during any calendar quarter based on an''; and

(3) by striking ''quarterly distributions for a calendar year,'' and inserting ''interim distributions for a calendar year,''.

SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking ''five years'' and inserting ''1 year''.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Small Business Reauthorization Act of 2000''.

SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

''(g) FISCAL YEAR 2001.—

''(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2001:

''(A) For the programs authorized by this Act, the Administration is authorized to make—

''(i) $45,000,000 in technical assistance grants as provided in section 7(m); and

''(ii) $60,000,000 in direct loans, as provided in 7(m).

''(B) For the programs authorized by this Act, the Administration is authorized to make $19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

''(i) $14,500,000,000 in general business loans as provided in section 7(a);

''(ii) $4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

''(iii) $500,000,000 in loans as provided in section 7(a)(21); and

''(iv) $50,000,000 in loans as provided in section 7(m).

''(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

''(i) $2,500,000,000 in purchases of participating securities; and

''(ii) $1,500,000,000 in guarantees of debentures.

''(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $4,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

''(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

''(2) ADDITIONAL AUTHORIZATIONS.—

''(A) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

''(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

''(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

''(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

''(h) FISCAL YEAR 2002.—

''(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2002:

''(A) For the programs authorized by this Act, the Administration is authorized to make—

''(i) $60,000,000 in technical assistance grants as provided in section 7(m); and

''(ii) $80,000,000 in direct loans, as provided in 7(m).

''(B) For the programs authorized by this Act, the Administration is authorized to make $20,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

''(i) $15,000,000,000 in general business loans as provided in section 7(a);

''(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

''(iii) $500,000,000 in loans as provided in section 7(a)(21); and

''(iv) $50,000,000 in loans as provided in section 7(m).

''(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

''(i) $3,500,000,000 in purchases of participating securities; and

''(ii) $2,500,000,000 in guarantees of debentures.

''(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

''(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

''(2) ADDITIONAL AUTHORIZATIONS.—

''(A) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

''(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

''(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

''(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

''(i) FISCAL YEAR 2003.—

''(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2003:

''(A) For the programs authorized by this Act, the Administration is authorized to make—

''(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

''(ii) $100,000,000 in direct loans, as provided in 7(m).

''(B) For the programs authorized by this Act, the Administration is authorized to make $21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

''(i) $16,000,000,000 in general business loans as provided in section 7(a);

''(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

''(iii) $500,000,000 in loans as provided in section 7(a)(21); and

''(iv) $50,000,000 in loans as provided in section 7(m).

''(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

''(i) $4,000,000,000 in purchases of participating securities; and

''(ii) $3,000,000,000 in guarantees of debentures.

''(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

''(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

''(2) ADDITIONAL AUTHORIZATIONS.—

''(A) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

''(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

''(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

''(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.''.

SEC. 503. ADDITIONAL REAUTHORIZATIONS.

(a) SMALL BUSINESS DEVELOPMENT CENTERS PROGRAM.—Section 21(a)(4)(C)(iii)(III) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(iii)(III)) is amended by striking ''$95,000,000'' and inserting ''$125,000,000''.

(b) DRUG-FREE WORKPLACE PROGRAM.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

(1) in the section heading, by striking ''**DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM**'' and inserting ''**PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM**''; and

(2) in subsection (g)(1), by striking ''$10,000,000 for fiscal years 1999 and 2000'' and inserting ''$5,000,000 for each of fiscal years 2001 through 2003''.

(c) HUBZONE PROGRAM.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following new subsection:

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the program established by this section $10,000,000 for each of fiscal years 2001 through 2003.''.

(d) WOMEN'S BUSINESS ENTERPRISE DEVELOPMENT PROGRAMS.—Section 411 of the Women's Business Ownership Act (Public Law 105–135; 15 U.S.C. 631 note) is amended by striking ''$600,000, for each of fiscal years 1998 through 2000,'' and inserting ''$1,000,000 for each of fiscal years 2001 through 2003,''.

(e) VERY SMALL BUSINESS CONCERNS PROGRAM.—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403; 15 U.S.C. 644 note) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2003''.

(f) SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESSES PROGRAM.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 15 U.S.C. 644 note) is amended by striking ''September 30, 2000'' and inserting ''September 30, 2003''.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. LOAN APPLICATION PROCESSING.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of the enactment of this title, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 602. APPLICATION OF OWNERSHIP REQUIREMENTS.

Section 2 of the Small Business Act (15 U.S.C. 631) is amended by adding at the end the following new subsection:

''(k) APPLICATION OF OWNERSHIP REQUIREMENTS.—Each ownership requirement established under this Act or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) shall be applied without regard to any possible future ownership interest of a spouse arising from the application of any State community property law established for the purpose of determining marital interest.''.

SEC. 603. ELIGIBILITY FOR HUBZONE PROGRAM.

Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended by adding at the end the following new subparagraph:

''(E) EXTENSION OF ELIGIBILITY.—If a geographic area that qualified as a HUBZone under this subsection ceases to qualify as a result of a change in official government data or boundary designations, each small business concern certified as HUBZone small business concern in connection with such geographic area shall remain certified as such for a period of 1 year after the effective date of the change in HUBZone status, if the small business concern continues to meet each of the other qualifications applicable to a HUBZone small business concern.''.

SEC. 604. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1), by inserting ''small business concerns owned and controlled by veterans,'' after ''small business concerns,'' the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting ''small business concerns owned and controlled by service-disabled veterans,'' after ''small business concerns owned and controlled by veterans,'' in each of the first and second sentences; and

(B) in subparagraph (F), by inserting ''small business concern owned and controlled by service-disabled veterans,'' after ''small business concern owned and controlled by veterans,''; and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting ''small business concern owned and controlled by service-disabled veterans,'' after ''small business concerns owned and controlled by veterans,''.

SEC. 605. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking ''For fiscal year 1985'' and all that follows through ''expended.'' and inserting the following: ''For fiscal year 2000 and each fiscal year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

''(A) to carry out the Small Business Development Center Program under section 21, but not to exceed the annual funding level, as specified in section 21(a);

''(B) to pay the expenses of the National Small Business Development Center Advisory Board, as provided in section 21(i);

''(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

''(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the certification program, as provided in section 21(k)(2); and

''(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the certification program conducted by the association referred to in section 21(a)(3)(A).''.

(2) TECHNICAL AMENDMENT.—Section 20(a) of the Small Business Act (15 U.S.C. 631 note) is further amended by moving paragraphs (3) and (4), including subparagraphs (A) and (B) of paragraph (4), 2 ems to the left.

(b) FUNDING FORMULA.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended to read as follows:

''(C) FUNDING FORMULA.—

''(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

''(I) The annual amount made available under section 20(a) for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

''(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

''(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

''(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

''(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

''(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

''(I) If the amount made available is not less than $81,500,000 and not more than $90,000,000, the minimum funding level shall be $500,000.

''(II) If the amount made available is less than $81,500,000, the minimum funding level shall be the remainder of $500,000 minus a percentage of $500,000 equal to the percentage amount by which the amount made available is less than $81,500,000.

''(III) If the amount made available is more than $90,000,000, the minimum funding level shall be the sum of $500,000 plus a percentage of $500,000 equal to the percentage amount by which the amount made available exceeds $90,000,000.

''(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

''(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in 2000, or until such funds are exhausted, whichever first occurs.

''(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

''(v) USE OF AMOUNTS.—

''(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

''(aa) not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

''(bb) not more than $500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).

''(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) to less than $85,000,000 (after excluding any amounts provided in appropriations Acts for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

''(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (c)(3)(G) or (a)(6) or supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $125,000,000 for each of fiscal years 2001, 2002, and 2003.

''(viii) STATE DEFINED.—In this subparagraph, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.''.

SEC. 606. SURETY BONDS.

(a) CONTRACT AMOUNTS.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a)(1), by striking ''$1,250,000'' and inserting ''$2,000,000''; and

(2) in subsection (e)(2), by striking ''$1,250,000'' and inserting ''$2,000,000''.

(b) EXTENSION OF CERTAIN AUTHORITY.—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking ''2000'' and inserting ''2003''.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentlewoman from New York (Mrs. KELLY) and the gentlewoman from New York (Ms. VELAZQUEZ) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution before us combines the reauthorization of the Small Business Innovation and Research Program with overall Small Business Administration authorizations and technical amendments passed by the House earlier this Congress.

The purpose of this is quite simple, to provide a vehicle for the reauthorization of the Small Business Administration and its programs before the fiscal year ends on September 30.

Mr. Speaker, this is a noncontroversial piece of legislation. Its components are bills that already passed this House by overwhelming margins. We are simply acting now to fulfill our responsibility to keep the Small Business Administration and its programs authorized for the next 3 years.

Mr. Speaker, let me briefly describe to my colleagues the provisions in the bill before us. The base legislation for this bill is reauthorization of the Small Business Innovation and Research Program. Established in 1982, SBIR serves as a vehicle for helping small business, the most dynamic and innovative segment of our economy, gain access to millions of dollars of Federal research and development funds.

The SBIR program operates at every Federal agency with an extramural research budget of more than $100 million and offers funding to small businesses in three phases. Phase one is initial research and development; phase two, continuing research for the most promising projects; and, phase three, final assistance moving new technologies to the Federal procurement marketplace and the private sector. The result has been an unqualified success.

Small businesses given access to these Federal dollars have created exciting new technologies, created new jobs along with them, and helped expand their business and the economy. The bill before us expresses the sense of Congress regarding the overwhelming success of the SBIR program and reauthorizes the SBIR program for 8 years.

H.R. 2392 also includes the Committee on Science in reporting requirements for the SBIR program, clarifies the funding requirements for third-phase participation in the SBIR program, and the rights in technical data granted to SBIR awardees.

H.R. 2392 will also add new provisions to the program requiring agencies participating in SBIR to include the program in their annual performance plans, creating a database to compile information on the projects funded through the SBIR program, and technical corrections to improve the data collection currently required by the program.

Finally, the bill contains a program added by the Senate to establish technical assistance programs at the State level to assist small businesses in working with the SBIR program.

Mr. Speaker these are all simple, common sense improvements to a successful program with strong congressional support. The additions to this bill concerning SBA reauthorization are also simple and common sense. The first and most important is the language from H.R. 3843, the 3-year reauthorization for the Small Business Administration and its programs.

This is a straight, numbers-only reauthorization. There are no modifications to the programs, no new programs, just the authorization levels for the next 3 years and extensions of existing programs. We passed this very measure in March of this year by a vote of 410 to 11.

In addition to the reauthorization language of H.R. 3843, the amendment to H.R. 2392 will include the language from H.R. 2614, H.R. 2615, and H.R. 3845.

These bills will respectively make technical corrections to the section 504 loan program, the 7(a) loan program, and the Small Business Investment Company program. All three of these bills passed the House under suspension in the beginning of this year and were supported overwhelmingly by my colleagues. These technical corrections are matters that will improve the function of the programs and assist the SBA in continuing to provide financial support to the small business community.

Mr. Speaker, I believe this legislation represents a good package for small business. It is simple, straightforward, and uncomplicated. In essence, it represents good government. The resolution contains what we need to do in order to fulfill our responsibility to the small business community, and I urge its passage.

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

Ms. VELAZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2392, which includes the Small Business Reauthorization Act of 2000. The passage of this bipartisan legislation will reconfirm this Nation's commitment to the present and future of our economic foundation: America's small businesses.

As many in this Chamber are well aware, we are currently experiencing the greatest period of economic growth in our history. But I will go one step farther. I say the best of America is still to come.

Mr. Speaker, as we stand here today to pass this critical legislation, we have taken one more giant step forward toward ensuring our small businesses remain the engine of our Nation's economic prosperity.

America's small companies and entrepreneurs are providing 51 percent of the gross domestic product, contributing 47 percent of all sales, while at the same time leading the Nation to all-time highs in job creation and business growth.

Because as we all know, if small business has been the engine of America's prosperity, then the Small Business Administration with its loan and technical assistance programs has been the fuel feeding this powerful engine.

The legislation before us today also provides record levels of funding for many of the SBA programs that have helped launch millions of businesses throughout America.

To help provide those opportunities, SBA has built several loan and technical assistance programs aimed at helping entrepreneurs establishing their businesses and provide a solid foundation for the future. Through programs such as the 7(a), SBIR, the 504 and Microloans, this bill is providing hundreds of billions in dollars for new and existing businesses. Because as any business owner knows, access to capital is access to opportunity.

While providing capital is crucial to business success, we are also preparing businesses to plant the seeds for long-term success through technical assistance loans. The revised funding formula in this legislation will allow America's network of Small Business Development Centers to assist small companies and entrepreneurs with expert advice on developing strong business and accounting plans. This assistance will prove to be the deciding factor in future business success.

And speaking of the future, this legislation also recognizes the changing face of the world marketplace. From new business technologies to the expansion of e-commerce, we are looking to bridge the frontiers of this brave new world. To help meet these new challenges, the Small Business Innovation Research Program will give small businesses an unrivaled opportunity to produce cutting-edge research and development products for the wider marketplace. And whether that marketplace is in the private sector or in the Federal Government, small businesses will always have a place at the table.

By working together on this bill, we have also provided critical funding for the National Women's Business Council, ensured valuable minority development tools like the 8(a) program are secure for the next generation of minority business owners and entrepreneurs, and reiterated our continued support for the success of the HUBZone program.

However, in the end, this reauthorization program focuses on one thing: the ability of small businesses to concur the new frontier of the 21st century new economy with all the new opportunities the future will surely bring to our business owners and entrepreneurs. Because we do not need to read the Wall Street Journal to know that the business world has changed dramatically over the last decade. With the passage of this bill, we are helping to guarantee that our small businesses will be fully capable of conquering the challenges of tomorrow.

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

Mrs. KELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would like to thank the gentlewoman from New York (MS. VELAZQUEZ), my colleague and fellow New Yorker, the ranking member of the committee, for her assistance. This is an excellent and much-needed piece of legislation, and we appreciate her assistance and the assistance of her staff.

This legislation is an important effort to finish the business of Congress and reauthorize programs vital to the small business community. The staff has worked hard on this. I urge my colleagues to support the resolution.

Mr. HALL of Texas. Mr. Speaker, I am pleased that we finally have an opportunity to consider the reauthorization of the Small Business Innovation Research [SBIR] program. It is a shame that we have waited until the very week the program is scheduled to expire to bring a compromise text here for our consideration. This is a program that has done a great deal of good over the past 18 years. There are numerous companies, both large and small, in my State of Texas and throughout the Nation, that got their first big breaks through this program. There are many more emerging high technology companies around the country that need a helping hand today. They have the ideas that will lead to tomorrow's prosperity, and we need to give them the chance to get started.

A lot of hard work went into developing the SBIR portion of H.R. 2392. We carefully debated our ideas over the last year and a half in Committees, on the House and Senate floors, and in negotiations between House and Senate. We have come up with a revitalized program that builds on the SBIR program's historic strengths while attempting to address a number of recommendations for improvement. We have a good work product—one that should lead to even more successful small businesses over the next 8 years.

There is just one cloud on the horizon. Despite time being short, other small business provisions have been added to the bill. While in principle, there is nothing wrong with considering related bills together, the more complicated a bill is, the more chance we have to slip up. I therefore urge my colleagues, who are in negotiations with the Senate Small Business Committee, to do all in their power

to work out the final details. We need to make every effort to submit this important legislation to the President promptly enough that the SBIR program and the small businesses that are depending on it are not disrupted.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 2392, the Small Business Innovation Research [SBIR] Program Reauthorization, and urge its adoption.

Mr. Speaker, Colorado is home to many cutting-edge small businesses. As creative as these companies are, they often struggle to come up with the funds necessary to refine their ideas, turn them into products, and to take those products to the commercial marketplace. Along the Front Range of Colorado we have experienced tremendous growth in high-tech businesses during the last decade. I feel that the tremendous high-tech growth we have enjoyed can be directly traced to the hundreds of SBIR recipients working in our region.

The Small Business Innovation Research Program has filed a real need for these companies over the years. Although the main purpose of the program remains meeting the Federal Government's research and development needs, small businesses have turned SBIR-inspired research into commercial products that have improved our economy and scientific advances that have helped to improve the health of people everywhere.

Mr. Speaker, the SBIR program simply seeks to level the playing field for small businesses. Small businesses might not have the colossal R and D departments that some larger businesses have, but they do have the colossal ideas. SBIR makes sure those ideas are looked at and funded.

In addition to SBIR, this bill reauthorizes funding for the Small Business Administration [SBA]. The SBA reauthorization contains funding for primary lending programs, such as the 7(a), 504 and microloan programs. It also includes provisions to authorize and fund disaster loan surety bond guarantees, Small Business Development Centers (SBDCs), the Historically Underutilized Business Zone [HUBZone] program, the National Women's Business Council, the Service Corps of Retired Executives [SCORE] program, and the Drug Free Workplace program. These important programs have played a large role in creating and maintaining this country's unprecedented economic growth.

I urge my colleagues to vote yes on extending these important programs.

Mr. WAMP. Mr. Speaker, I am pleased to rise today in support of H.R. 2392, the Small Business Innovation Research Program Reauthorization Act of 2000. H.R. 2392 would reauthorize and expand the successful Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs. The SBIR and STTR program provides over a billion dollars annually in grants and contracts for research and development.

Since the establishment of the SBIR program in 1982, many small, innovative companies have helped change the way we live. While producing everything from medicines and computer applications to toothbrushes and the guardrails on our highways these companies have developed products for the Departments of Defense, Energy, Health and Human Services and National Science Foundation and NASA. Other agencies that participate include the Departments of Transportation, Education, Agriculture, Commerce and the Environmental Protection Agency.

With the reauthorization of the SBIR program, we encourage other agencies to fully use the SBIR and STTR concepts. In the Third District of Tennessee, SBIR is a very important program. The Oak Ridge National Laboratory monitors and works with these SBIR and STTR companies and I congratulate these hard-working federal employees on getting these products out of the lab and into the marketplace. Twenty-five companies have been funded in my home district and nearly one thousand people have been put to work developing these innovative technologies.

The Tennessee Tibbetts Awards honor excellence in technical achievement. The SBA has awarded 4 of the 6 of these awards to small businesses in my home district. These companies include: iPIX, Cryomagnetics, Inc., Atom Sciences, and Accurate Automation Corporation.

One of these companies, iPIX, formerly known as Telerobotics International, went public last year. They took camera technology from robots and are now applying this to everything from real estate to 360 degree views of the Super Bowl.

Another company, Accurate Automation, has developed a technology for reducing drag on aircraft. This technology will revolutionize future commercial and military aircraft as well as space transportation.

This year's Tibbetts Award winner from Tennessee is Cryomagnetics, Inc. The company is developing a super-conducting magnet that will enable biotechnological researchers to achieve higher resolution measurements.

The General Accounting Office has done extensive studies on the SBIR and STTR programs over the years. Their many reports have found this to be one of the best programs in the country's technology portfolio. Many of these companies are now practically household names like Optiva, Qualcomm and Symantec. All of these companies started out as SBIR technologies.

This reauthorization will have the National Academy of Science examine how the SBIR gets these American-made technologies out of our laboratories and the commercial market place. The National Academy of Science will be looking at an excellent tool for keeping America's edge on the forefront of the emerging global marketplace.

Mr. Speaker, I urge adoption of H.R. 2392.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. KELLY) that the House suspend the rules and agree to the resolution, H. Res. 590.

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

A motion to reconsider was laid on the table.

□

GENERAL LEAVE

Mrs. KELLY. 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. Res. 590.

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

There was no objection.

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FREDERICK L. DEWBERRY, JR. POST OFFICE BUILDING

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4451) to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the ''Frederick L. Dewberry, Jr. Post Office Building''.

The Clerk read as follows:

H.R. 4451

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

SECTION 1. FREDERICK L. DEWBERRY, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, shall be known and designated as the ''Frederick L. Dewberry, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Frederick L. Dewberry, Jr. Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4451.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 4451, was introduced by the gentleman from Maryland (Mr. CUMMINGS). This legislation designates the post office located at 1001 Frederick Road in Baltimore, Maryland, as the Frederick L. Dewberry Post Office. H.R. 4451 is cosponsored by the entire House delegation of the State of Maryland.

Frederick L. Dewberry, Jr. was born and raised in the City of Baltimore. He received his undergraduate degree from Loyola College and his law degree from the University of Baltimore.

Mr. Dewberry served with distinction during World War II. He became the chairman of the Baltimore County Council from 1964 and was appointed deputy secretary of the Maryland Department of Transportation from 1979 to 1984.

Mr. Speaker, I urge our colleagues to support H.R. 4451 and commend the gentleman from Maryland for introducing this legislation. Mr. Dewberry is most deserving of being honored by having a post office named after him in the city which he grew up in and spent much of his life.

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

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

Mr. Speaker, I would like to thank the gentlewoman from Illinois (Mrs. BIGGERT), and I want to thank the gentleman from New York (Mr. MCHUGH), our subcommittee chairman, and the gentleman from Pennsylvania (Mr. FATTAH), our ranking member of the Committee on Government Reform, Subcommittee on the Postal Service, for their support in bringing this bill to the floor.

Mr. Speaker, I believe that persons who have made meaningful contributions to society should be recognized. The naming of a postal building in one's honor is truly a salute to the accomplishments and public service of an individual. H.R. 4451 designates the United States Post Office building located at 1001 Frederick Road in Baltimore, Maryland, as the Frederick L. Dewberry, Jr. Post Office Building.

Frederick L. Dewberry, Jr., was born and raised in Baltimore City. He is a graduate of Loyola College and received a law degree from the University of Baltimore.

A lieutenant in World War II, Dewberry served courageously in the United States Navy on small ships and destroyers in the Pacific Ocean.

After returning from this war, Mr. Dewberry returned to Catonsville, Maryland, where he and his wife, Anne, raised their five children. The Baltimore County resident held the post of chairman of the Baltimore County Council from 1964 to 1966. He was also Baltimore county executive in 1974. From 1979 to 1984, he was the deputy secretary of the Maryland Department of Transportation; and he served as secretary of the Maryland Department of Licensing and Regulation from 1984 to 1986.

In addition to his government service, he was also involved in health care, serving on the advisory board of St. Agnes Hospital for 20 years from 1970 to 1990. He also served as president of Blind Industries and Services of Maryland from 1986 to 1989 and held positions on the various boards and commissions far too numerous to mention at this time.

Frederick Dewberry was a tremendous administrator. People loved to work for him because he was fair. He also used to tell his employees that he wanted no surprises and all work needed to be done above board. This philosophy stemmed from his days in the service. In the Navy, where he was given the name ''Ping,'' he was a sonar operator checking for submarines in the water.

He served this country with valor and with the expectation that all work would be done with pride and excellence. In fact, his son, Delegate Tom Dewberry, who, by the way, is speaker pro tem of the Maryland House of Delegates, said that his father always told his brothers and his sister that ''if you do what is right, then you will be all right.'' He certainly lived by this motto.

□ 1515

This veteran and public servant died on July 9, 1990. Service to the Nation and community is to be commended. Without such service, many would be left without a voice or advocate and our Nation would not be the world leader it is today.

Citizens like Frederick Dewberry, who give such service by giving of their time and talents, should be saluted. I urge my colleagues to support this postal naming bill that salutes a person from my district who has spent his life giving service to others and lifting up his neighbors and lifting up his country.

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

Mrs. BIGGERT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. MCHUGH), the chairman of the Subcommittee on Postal Service, of the Committee on Government Reform.

Mr. MCHUGH. Mr. Speaker, I thank the gentlewoman from Illinois (Mrs. BIGGERT) for yielding the time to me.

Mr. Speaker, I want to begin by expressing my appreciation to her for being here for filling in so capably in my absence, and we certainly want to thank her for the very eloquent job she did in speaking about this very deserving individual.

Mr. Speaker, I also wanted to rise and express my appreciation to the gentleman from Maryland (Mr. CUMMINGS) for bringing this bill to our attention, for bringing this man and his wonderful life to our attention. This is a rare honor. It is one that we try to protect and we try to preserve in a way that when it is extended, it is bestowed upon those individuals who in their lives have made a difference and who have by example helped us all to learn a little bit more about our lives and our proper perspective and role in those lives.

I think Mr. Dewberry, as was so very thoroughly and eloquently expressed by the gentleman from Maryland (Mr. CUMMINGS), has lived that life; that kind of example, starting with his service to his country during World War II and spanning decades and decades of service to his neighbors, to his community, to his county and State, not just in an official capacity, but in those kinds of organizations and those kinds of efforts we heard about just a few moments ago.

I think most significantly in this kind of an endeavor, we find the primary good of someone's existence in one of the comments the gentleman made in speaking about their father, how a son says he, or it certainly could have been a daughter, she learned to do the right thing, to be a good citizen. It is those kinds of perhaps less publicized but so very important ways that this country becomes a better place.

Again, I want to thank the gentleman from Maryland (Mr. CUMMINGS) for bringing us such a deserving individual, and I certainly want to add my words of encouragement to all of our colleagues here on both sides of the aisle in urging their acceptance and vote in favor of this very, very worthy designation, and also a final word of appreciation, again, to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I urge our colleagues to vote and pass this bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 4451.

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.

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RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4:30 p.m.

Accordingly (at 3 o'clock and 18 minutes p.m.), the House stood in recess until approximately 4:30 p.m.

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□ 1705

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RYAN of Wisconsin) at 5 o'clock and 5 minutes p.m.

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MESSAGES FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

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INTERNATIONAL FOOD RELIEF PARTNERSHIP ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5224) to amend the Agricultural Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries, as amended.

The Clerk read as follows:

H.R. 5224

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 Food Relief Partnership Act of 2000''.

SEC. 2. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF STABLE PREPACKAGED FOODS.

Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end the following:

''SEC. 208. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF STABLE PREPACKAGED FOODS.

''(a) AUTHORIZATION.—The Administrator is authorized to provide grants to—

''(1) United States nonprofit organizations (described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of the Internal Revenue Code of 1986) for the preparation of shelf stable prepackaged foods requested by eligible organizations and the establishment and maintenance of stockpiles of such foods in the United States; and

''(2) private voluntary organizations and international organizations for the rapid transportation, delivery, and distribution of such shelf stable prepackaged foods to needy individuals in foreign countries.

''(b) GRANTS FOR ESTABLISHMENT OF STOCKPILES.—

''(1) IN GENERAL.—Not more than 70 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(1).

''(2) PRIORITY.—In providing grants under subsection (a)(1), the Administrator shall give preference to a United States nonprofit organization that agrees to provide non-Federal funds in an amount equal to 50 percent of the funds received under a grant under subsection (a)(1), an in kind contribution equal to such percent, or a combination thereof, for the preparation of shelf stable prepackaged foods and the establishment and maintenance of stockpiles of such foods in the United States in accordance with such subsection.

''(c) GRANTS FOR RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION.—Not less than 20 percent of the amount made available to carry out this section shall be used to provide grants under subsection (a)(2).

''(d) ADMINISTRATION.—Not more than 10 percent of the amount made available to carry out this section may be used by the Administrator for the administration of grants under subsection (a).

''(e) REGULATIONS OR GUIDELINES.—Not later than 180 days after the date of the enactment of this section, the Administrator, in consultation with the Secretary of Agriculture, shall issue such regulations or guidelines as the Administrator determines to be necessary to carry out this section, including regulations or guidelines that provide to United States nonprofit organizations eligible to receive grants under subsection (a)(1) guidance with respect to the requirements for qualified shelf stable prepackaged foods and the amount of such foods to be stockpiled by such organizations.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Administrator for the purpose of carrying out this section, in addition to amounts otherwise available for such purposes, $3,000,000 for each of the fiscal years 2001 and 2002.

''(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.''.

SEC. 3. PREPOSITIONING OF COMMODITIES.

Section 407(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)) is amended by adding at the end the following new paragraph:

''(4) PREPOSITIONING.—Funds made available for fiscal years 2001 and 2002 to carry out titles II and III of this Act may be used by the Administrator to procure, transport, and store agricultural commodities for prepositioning within the United States and in foreign countries, except that for each such fiscal year not more than $2,000,000 of such funds may be used to store agricultural commodities for prepositioning in foreign countries.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5224, as amended.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise today to urge my colleagues to support the International Food Relief Partnership Act, H.R. 5224, a bill that I introduced to authorize the stockpiling and rapid transportation, delivery and distribution of shelf stable prepackaged goods to needy individuals in foreign nations.

This bill serves to create a public-private partnership to leverage the donation of nutritious food by volunteers to needy families around the globe at times of famine, disaster and critical needs.

H.R. 5224 was cosponsored by the gentleman from Texas (Mr. COMBEST), Chairman of the Committee on Agriculture; the gentleman from Nebraska (Mr. BEREUTER), Chairman of the Subcommittee on Asia and the Pacific; and the gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture. I am pleased that the gentleman from Ohio (Mr. HALL) has also lent his support for this important measure.

Mr. Speaker, there is a gap in the United States' traditional international food relief effort and food reserve program that makes participation by nonprofit organizations that want to contribute donated food more difficult than it should be. The major barrier to these volunteer contributions is the high cost of providing these donated food products to international relief organizations that transport and distribute these foods overseas.

It is unquestionable that agri-business efficiently and effectively provides assistance at times of greatest need through international food relief organizations that work through the Agency for International Development.

However, nonprofits have a much more difficult time reaching international relief organizations to provide food assistance because of the high cost of processing, packaging, maintaining and shipping donated food. Consequently, food donated by nonprofits is often delayed from reaching affected populations or is simply not used for that purpose.

The International Food Relief Partnership Act will fill this gap by providing grant assistance outside the traditional food relief program to nonprofits that should be matched by 50 cents on the dollar by funds raised by nonprofits.

These grant monies will be used by nonprofits to ensure that food donated by farmers can be processed, packaged, stored and transported overseas at the time of need.

AID would be responsible for the administration of this program, and although funding for it would be made available through the U.S. Department of Agriculture's Food for Peace Program.

Nonprofits such as Breedlove, Child Life International, Feed the Starving Children provide direct hunger assistance at times of disaster, famine or other critical needs. Organizations such as these are located throughout the United States. These organizations accept gleaned crops donated by regional farmers, and they help to transport them and distribute this food overseas. And once the donated food is processed, it can be stored for years for use in food emergencies.

Donated food reduces the cost of famine and disaster assistance, because these products cost only pennies to process and ship and supplement the traditional food basket. We need to encourage more volunteer efforts from nonprofits.

Mr. Speaker, the International Food Relief Partnership Act accomplishes this objective by providing a means for nonprofits to accept donated food and to process it into a product for use in times of disaster, famine or other critical needs.

Mr. Speaker, through the enactment of this bill we create an inexpensive mechanism that provides more food relief for less money. The 50 percent matching preference included in this legislation also makes certain that viable and deserving organizations earn the grant funds that they seek.

Accordingly, Mr. Speaker, I urge our colleagues to support the spirit of volunteerism and goodwill by passage of this bill.

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

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

Mr. Speaker, I rise in support of this bill. I want to commend the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, my friend; and also the gentleman from Nebraska (Mr. BEREUTER), chairman of the Subcommittee on Asia and the Pacific; as well as the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture; and the gentleman from Texas (Mr. STENHOLM), the ranking member of the Committee on Agriculture, for introducing the International Food Relief Partnership Act of 2000.

The International Food Relief Partnership Act of 2000 authorizes, as was

described by the gentleman from New York (Chairman GILMAN), the stockpiling, rapid transportation, delivery and distribution of shelf stabled prepackaged foods to needy individuals in foreign countries.

Mr. Speaker, this bill creates a public-private partnership to leverage the donation of nutritious food by volunteers to needy families around the globe at times of famine, disaster, and other critical needs.

The bill also seeks to increase participation by nonprofit organizations in the provision of donated food to populations in need around the world.

Finally, I want to take this opportunity, although not specifically on point with the matter before us, to reiterate my concern about the funding source for our food relief, title II of the fiscal year 2001 Agriculture Appropriations bill passed by the House.

This bill now is in conference committee, but it is important to note that House funding is not adequate to meet our commitment to countries during famines, droughts and other disasters.

Mr. Speaker, I hope my colleagues on the Committee on Appropriations will follow the example set by the Senate and that we ultimately will end up fully funding the administration's requests for PL–480 Title II at $837 million, ultimately, that relates directly to the bill before us.

Mr. Speaker, I urge my colleagues to support H.R. 5224.

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

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture.

□ 1715

Mr. COMBEST. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I rise today in strong support as an original cosponsor of H.R. 5224, the International Food Relief Partnership Act of 2000. Because of our agricultural productivity, the United States is able to aid the victims of famine, drought, and natural disasters all around the world.

Many of the groups that assist in feeding hungry people around the world are faith based and private nonprofit organizations that donate their services. For years, these groups, who want to contribute food aid to victims of international disasters, have been prevented from fully participating in these efforts.

H.R. 5224 would authorize the administrator of the U.S. Agency for International Development to provide grants to private, nonprofit, and private voluntary organizations for the stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods to needy individuals in foreign countries.

This legislation also provides an incentive for farmers and ranchers to donate their surplus. Preference is given to U.S. nonprofit organizations that can provide 50 percent matching funds. This will improve our food relief efforts by enabling nonprofit organizations to contribute more food to international disaster sites, decrease the cost of the Federal Government, and increase the public participation.

One example of a nonprofit organization that provides food assistance in the United States and around the world is Breedlove Dehydrated Foods. Breedlove Dehydrated Foods, an unusually committed group of people, have energized my home community and are simply looking for a way to help the needy around the world. This organization accepts food donations from farmers and then dehydrates the food and packages it. The product Breedlove creates is a nutritious blend of vegetables and legumes that serve as a great source of protein. This product has been used before by private voluntary organizations in North Korea, Iraq, Kosovo, Turkey, Russia, Belarus, and Iran.

Several other nonprofit organizations support this legislation. I ask my colleagues to support H.R. 5224.

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

Mr. Speaker, I want to at this point extend my congratulations to the gentleman from Texas (Chairman COMBEST). As a member of the House Committee on Agriculture, I believe that he has had a very distinguished term in leading that committee and is personally responsible for the restoration of a constructive bipartisan spirit in that committee. His other major ally in achieving that progress has been the gentleman from Texas (Mr. STENHOLM), the ranking member.

Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from North Dakota (Mr. POMEROY) for yielding me the time. I, too, commend the gentleman from New York (Chairman GILMAN) and the gentleman from Texas (Chairman COMBEST) for their leadership in bringing this legislation to the floor today.

Mr. Speaker, I rise in support of the International Food Relief Partnership Act because it fundamentally addresses the long-term and long-standing desire among farmers and ranchers in our country to provide food directly to those overseas that need it most.

For years now, many farmers and ranchers have wanted to donate agricultural products to feed the hungry, both here and abroad. Yet, there is currently no mechanism in place in our food aid programs to accommodate a farmer who wants to donate a truckload of produce and no means to get that produce overseas to those in need.

That was true until a nonprofit organization named Breedlove began testing the concept of accepting donated vegetables from local farmers for dehydration and shipment overseas. These dehydrated vegetable packages are lightweight enough to be efficiently shipped and provide a nutritious and cost-efficient meal. The Breedlove product has been used successfully for private voluntary organizations in seven countries around the world.

This bill will provide incentives to further test the use of prepackaged shelf-stable food and will also provide limited authority to test the concept of prepositioning commodities overseas for use in emergencies.

With this authority, we hope to provide the Agency for International Development with incentives it can use to encourage more farmers and ranchers to make donations that will leverage scarce Federal resources and improve the diets of food aid recipients around the world.

I urge my colleagues to support H.R. 5224, the International Food Relief Partnership Act.

Mr. GILMAN. Mr. Speaker, I have no further requests for time.

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

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 5224, 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.

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EXPORT ADMINISTRATION MODIFICATION AND CLARIFICATION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5239) to provide for increased penalties for violations of the Export Administration Act of 1979 and for other purposes, as amended.

The Clerk read as follows:

H.R. 5239

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 ''Export Administration Modification and Clarification Act of 2000''.

SEC. 2. CONTINUATION OF THE EXPORT CONTROL REGULATIONS UNDER IEEPA.

To the extent that the President exercises the authorities of the International Emergency Economic Powers Act to carry out the provisions of the Export Administration Act of 1979 in order to continue in full force and effect the export control system maintained by the Export Administration Regulations issued under that Act, including regulations issued under section 8 of that Act, the following shall apply:

(1)(A) Subject to subparagraph (B), the penalties for violations of the regulations continued pursuant to the International Emergency Economic Powers Act shall be the same as the penalties for violations under section 11 of the Export Administration Act of 1979, as if that section were amended—

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

''(a) IN GENERAL.—Except as provided in subsection (b), whoever knowingly violates or conspires to or attempts to violate any provision of this Act or any license, order, or regulation issued under this Act—

''(1) except in the case of an individual, shall be fined not more than $500,000 or 5 times the value of any exports involved, whichever is greater; and

''(2) in the case of an individual, shall be fined not more than $250,000 or 5 times the value of any exports involved, whichever is greater, or imprisoned not more than 5 years, or both.'';

(ii) in subsection (b)—

(I) in paragraphs (1)(A) and (2)(A), by striking ''five times'' and inserting ''10 times'';

(II) in paragraph (1)(B), by striking ''$250,000'' and inserting ''$500,000''; and

(III) in paragraph (2)(B), by striking ''$250,000, or imprisoned not more than 5 years'' and inserting ''$500,000, or imprisoned not more than 10 years'';

(iii) in subsection (c)(1)—

(I) by striking ''$10,000'' and inserting ''$250,000''; and

(II) by striking ''except that the civil penalty'' and all that follows through the end of the paragraph and inserting ''except that the civil penalty for a violation of the regulations issued pursuant to section 8 may not exceed $50,000.''; and

(iv) in subsection (h)(1), by striking ''or section 38 of the Arms Export Control Act (22 U.S.C. 2778)'' and inserting ''section 38 of the Arms Export Control Act (22 U.S.C. 2778), section 16 of the Trading with the enemy Act (50 U.S.C. 16), or, to the extent the violation involves the export of goods or technology controlled under this or any other Act or defense articles or defense services controlled under the Arms Export Control Act, section 371 of title 18, United States Code,''.

(B) The penalties in effect on the day before the date of enactment of this Act for violations of the Export Administration Regulations, as continued in effect under the International Emergency Economic Powers Act, shall continue to apply in the case of any penalty assessed for, or violations based on, voluntary disclosures of information made by a person before such date of enactment.

(2) The authorities set forth in section 12(a) of the Export Administration Act of 1979 may be exercised in carrying out the regulations continued pursuant to the International Emergency Economic Powers Act.

(3) The provisions of sections 12(c) and 13 of the Export Administration Act of 1979 shall apply in carrying out the regulations continued pursuant to the International Emergency Economic Powers Act.

(4) The continuation of the provisions of the Export Administration Regulations pursuant to the International Emergency Economic Powers Act shall not be construed as not having satisfied the requirements of that Act.

SEC. 3. APPLICABILITY.

Paragraphs (2), (3), and (4) of section 2 shall be applied as if enacted on August 20, 1994.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Commerce to carry out the Export Administration Act of 1979, as continued in effect under the International Emergency Economic Powers Act, $72,000,000 for fiscal year 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5239, as amended.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 5239, the Export Administration Modification and Clarification Act of 2000, that will strengthen the enforcement of our export control system by increasing the penalties against those who would knowingly violate its regulations and provisions.

This bipartisan measure was approved by voice vote last week by the Committee on International Relations.

H.R. 5239 is virtually identical to a provision, H.R. 973, a security assistance bill, which passed the House in June of last year also with bipartisan support. Since the Export Administration Act, or EAA, lapsed in August of 1994, the Administration has used the authorities in the International Emergency Economic Powers Act to administer our export control system. But in some key areas, the administration has less authority under HEEPA than under the EAA of 1979.

For example, the penalties for violations of the Export Administration Regulations that occur under IEEPA, both criminal and civil, are substantially lower than those available for violations that occur under the EAA. Even these penalties are too low, having been eroded by inflation over the last 20 years.

This measure that we are introducing today significantly increases the penalties available to our enforcement authorities at the Bureau of Export Administration in the Department of Commerce. It also ensures that the Department can maintain its ability to protect from public disclosure information concerning export license applications, the licenses themselves, and related export enforcement information.

In view of the lapse of the EAA over the past 5½ years, the Department is coming under mounting legal challenges and is currently defending against two separate lawsuits seeking public release of export licensing information subject to the confidentiality provisions of section 12(c) of the EAA.

The text includes a technical and perfecting amendment which, one, adds a reference to the Department of Commerce's authority to deny export privileges for those persons providing false statements and export control cases; and, two, removes a provision providing for the retroactive application of higher penalties in certain instances.

Accordingly, I urge my colleagues to support the passage of this bill.

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

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

Mr. Speaker, we see this matter very much as the gentleman from New York (Chairman GILMAN) has outlined. The Export Administration Act has been the principle authority for the regulation in the export of dual-use items from the United States. When this bill lapsed in August of 1994, the President invoked the International Emergency Economic Powers Act and other authorities to continue the export control system, including the Export Administration Regulations.

Now, there has been a recent court ruling that calls into question whether or not the government can essentially hide behind emergency powers to revive an expired law. This calls into question the Commerce Department's ability to keep sensitive export information provided by exporters from public disclosure using the EAA's confidentiality provision.

We have got to pass this law to make sure that they can keep the information confidential so that the exporters will fully use the Commerce Department's assistance in exporting our products.

We have got a record trade-in balance. We need to export more. We need to pass this law as an important part of making certain that the Commerce Department is there to provide as much assistance as possible in moving products overseas.

For that reason, we fully concur that this is passed.

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

Mr. GILMAN. 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 New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 5239, 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.

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SERBIA DEMOCRATIZATION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1064) to authorize a coordinated program to promote the development of democracy in Serbia and Montenegro, as amended.

The Clerk read as follows:

H.R. 1064

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 ''Serbia Democratization Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SUPPORT FOR THE DEMOCRATIC FORCES

Sec. 101. Findings and policy.
Sec. 102. Assistance to promote democracy and civil society in Yugoslavia.
Sec. 103. Authority for radio and television broadcasting.
Sec. 104. Development of political contacts relating to the Republic of Serbia and the Republic of Montenegro.

TITLE II—ASSISTANCE TO THE VICTIMS OF OPPRESSION

Sec. 201. Findings.
Sec. 202. Sense of Congress.
Sec. 203. Assistance.

TITLE III—''OUTER WALL'' SANCTIONS

Sec. 301. ''Outer Wall'' sanctions.
Sec. 302. International financial institutions not in compliance with ''Outer Wall'' sanctions.

TITLE IV—OTHER MEASURES AGAINST YUGOSLAVIA

Sec. 401. Blocking assets in the United States.
Sec. 402. Suspension of entry into the United States.
Sec. 403. Prohibition on strategic exports to Yugoslavia.
Sec. 404. Prohibition on loans and investment.
Sec. 405. Prohibition of military-to-military cooperation.
Sec. 406. Multilateral sanctions.
Sec. 407. Exemptions.
Sec. 408. Waiver; termination of measures against Yugoslavia.
Sec. 409. Statutory construction.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. International Criminal Tribunal for the former Yugoslavia.
Sec. 502. Sense of Congress with respect to ethnic Hungarians of Vojvodina.
Sec. 503. Ownership and use of diplomatic and consular properties.
Sec. 504. Transition assistance.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) COMMERCIAL EXPORT.—The term ''commercial export'' means the sale of an agricultural commodity, medicine, or medical equipment by a United States seller to a foreign buyer in exchange for cash payment on market terms without benefit of concessionary financing, export subsidies, government or government-backed credits or other nonmarket financing arrangements.

(3) INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA OR TRIBUNAL.—The term ''International Criminal Tribunal for the former Yugoslavia'' or the ''Tribunal'' means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(4) YUGOSLAVIA.—The term ''Yugoslavia'' means the so-called Federal Republic of Yugoslavia (Serbia and Montenegro), and the term ''Government of Yugoslavia'' means the central government of Yugoslavia.

TITLE I—SUPPORT FOR THE DEMOCRATIC FORCES

SEC. 101. FINDINGS AND POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The President of Yugoslavia, Slobodan Milosevic, has consistently engaged in undemocratic methods of governing.

(2) Yugoslavia has passed and implemented a law strictly limiting freedom of the press and has acted to intimidate and prevent independent media from operating inside Yugoslavia.

(3) Although the Yugoslav and Serbian constitutions provide for the right of citizens to change their government, citizens of Serbia in practice are prevented from exercising that right by the Milosevic regime's domination of the mass media and manipulation of the electoral process.

(4) The Yugoslav and Serbian governments have orchestrated attacks on academics at institutes and universities throughout the country in an effort to prevent the dissemination of opinions that differ from official state propaganda.

(5) The Yugoslav and Serbian governments hinder the formation of nonviolent, democratic opposition through restrictions on freedom of assembly and association.

(6) The Yugoslav and Serbian governments use control and intimidation to control the judiciary and manipulate the country's legal framework to suit the regime's immediate political interests.

(7) The Government of Serbia and the Government of Yugoslavia, under the direction of President Milosevic, have obstructed the efforts of the Government of Montenegro to pursue democratic and free-market policies.

(8) At great risk, the Government of Montenegro has withstood efforts by President Milosevic to interfere with its government.

(9) The people of Serbia who do not endorse the undemocratic actions of the Milosevic government should not be the target of criticism that is rightly directed at the Milosevic regime.

(b) POLICY; SENSE OF CONGRESS.—

(1) POLICY.—It is the policy of the United States to encourage the development of a government in Yugoslavia based on democratic principles and the rule of law and that respects internationally recognized human rights.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should actively support the democratic forces in Yugoslavia, including political parties and independent trade unions, to develop a legitimate and viable alternative to the Milosevic regime;

(B) all United States Government officials, including individuals from the private sector acting on behalf of the United States Government, should meet regularly with representatives of democratic forces in Yugoslavia and minimize to the extent practicable any direct contacts with officials of the Yugoslav or Serbian governments, and not meet with any individual indicted by the International Criminal Tribunal for the former Yugoslavia, particularly President Slobodan Milosevic; and

(C) the United States should emphasize to all political leaders in Yugoslavia the importance of respecting internationally recognized human rights for all individuals residing in Yugoslavia.

SEC. 102. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN YUGOSLAVIA.

(a) ASSISTANCE FOR THE SERBIAN DEMOCRATIC FORCES.—

(1) PURPOSE OF ASSISTANCE.—The purpose of assistance under this subsection is to promote and strengthen institutions of democratic government and the growth of an independent civil society in Serbia, including ethnic tolerance and respect for internationally recognized human rights.

(2) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of paragraph (1), the President is authorized to furnish assistance and other support for the activities described in paragraph (3).

(3) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under paragraph (2) include the following:

(A) Democracy building.

(B) The development of nongovernmental organizations.

(C) The development of independent Serbian media.

(D) The development of the rule of law, to include a strong, independent judiciary, the impartial administration of justice, and transparency in political practices.

(E) International exchanges and advanced professional training programs in skill areas central to the development of civil society and a market economy.

(F) The development of all elements of the democratic process, including political parties and the ability to administer free and fair elections.

(G) The development of local governance.

(H) The development of a free-market economy.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the President $50,000,000 for the period beginning October 1, 2000, and ending September 30, 2001, to be made available for activities in support of the democratization of the Republic of Serbia (excluding Kosovo) pursuant to this subsection.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(b) PROHIBITION ON ASSISTANCE TO GOVERNMENT OF YUGOSLAVIA OR OF SERBIA.—In carrying out subsection (a), the President should take all necessary steps to ensure that no funds or other assistance is provided to the Government of Yugoslavia or to the Government of Serbia, except for purposes permitted under this title.

(c) ASSISTANCE TO GOVERNMENT OF MONTENEGRO.—

(1) IN GENERAL.—The President may provide assistance to the Government of Montenegro, unless the President determines, and so reports to the appropriate congressional committees, that the leadership of the Government of Montenegro is not committed to, or is not taking steps to promote, democratic principles, the rule of law, or respect for internationally recognized human rights.

(2) AUTHORIZATION OF APPROPRIATIONS.—Unless the President makes the determination, and so reports to the appropriate congressional committees, under paragraph (1), there is authorized to be appropriated to the President $55,000,000 for the period beginning October 1, 2000, and ending September 30, 2001, to be made available for activities for or in the Republic of Montenegro for purposes described in subsection (a), as well as to support ongoing political and economic reforms, and economic stabilization in support of democratization.

SEC. 103. AUTHORITY FOR RADIO AND TELEVISION BROADCASTING.

(a) IN GENERAL.—The Broadcasting Board of Governors shall further the open communication of information and ideas through the increased use of radio and television broadcasting to Yugoslavia in both the Serbo-Croatian and Albanian languages.

(b) IMPLEMENTATION.—Radio and television broadcasting under subsection (a) shall be carried out by the Voice of America and, in

addition, radio broadcasting under that subsection shall be carried out by RFE/RL, Incorporated. Subsection (a) shall be carried out in accordance with all the respective Voice of America and RFE/RL, Incorporated, standards to ensure that radio and television broadcasting to Yugoslavia serves as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

(c) STATUTORY CONSTRUCTION.—The implementation of subsection (a) may not be construed as a replacement for the strengthening of indigenous independent media called for in section 102(a)(3)(C). To the maximum extent practicable, the two efforts (strengthening independent media and increasing broadcasts into Serbia) shall be carried out in such a way that they mutually support each other.

SEC. 104. DEVELOPMENT OF POLITICAL CONTACTS RELATING TO THE REPUBLIC OF SERBIA AND THE REPUBLIC OF MONTENEGRO.

(a) SENSE OF CONGRESS.—It is the sense of Congress that political contacts between United States officials and those individuals who, in an official or unofficial capacity, represent a genuine desire for democratic governance in the Republic of Serbia and the Republic of Montenegro should be developed through regular and well publicized meetings.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $350,000 for fiscal year 2001 for a voluntary contribution to the Organization for Security and Cooperation in Europe (OSCE) and the OSCE Parliamentary Assembly—

(1) to facilitate contacts by those who, in an official or unofficial capacity, represent a genuine desire for democratic governance in the Republic of Serbia and the Republic of Montenegro, with their counterparts in other countries; and

(2) to encourage the development of a multilateral effort to promote democracy in the Republic of Serbia and the Republic of Montenegro.

TITLE II—ASSISTANCE TO THE VICTIMS OF OPPRESSION

SEC. 201. FINDINGS.

Congress finds the following:

(1) Beginning in February 1998 and ending in June 1999, the armed forces of Yugoslavia and the Serbian Interior Ministry police force engaged in a brutal crackdown against the ethnic Albanian population in Kosovo.

(2) As a result of the attack by Yugoslav and Serbian forces against the Albanian population of Kosovo, more than 10,000 individuals were killed and 1,500,000 individuals were displaced from their homes.

(3) The majority of the individuals displaced by the conflict in Kosovo was left homeless or was forced to find temporary shelter in Kosovo or outside the country.

(4) The activities of the Yugoslav armed forces and the police force of the Serbian Interior Ministry resulted in the widespread destruction of agricultural crops, livestock, and property, as well as the poisoning of wells and water supplies, and the looting of humanitarian goods provided by the international community.

SEC. 202. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Government of Yugoslavia and the Government of Serbia bear responsibility to the victims of the conflict in Kosovo, including refugees and internally displaced persons, and for property damage in Kosovo;

(2) under the direction of President Milosevic, neither the Government of Yugoslavia nor the Government of Serbia provided the resources to assist innocent, civilian victims of oppression in Kosovo; and

(3) because neither the Government of Yugoslavia nor the Government of Serbia fulfilled the responsibilities of a sovereign government toward the people in Kosovo, the international community offers the only recourse for humanitarian assistance to victims of oppression in Kosovo.

SEC. 203. ASSISTANCE.

(a) AUTHORITY.—The President is authorized to furnish assistance under section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292) and the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601 et seq.), as appropriate, for—

(1) relief, rehabilitation, and reconstruction in Kosovo; and

(2) refugees and persons displaced by the conflict in Kosovo.

(b) PROHIBITION.—No assistance may be provided under this section to any organization that has been designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(c) USE OF ECONOMIC SUPPORT FUNDS.—Any funds that have been allocated under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) for assistance described in subsection (a) may be used in accordance with the authority of that subsection.

TITLE III—"OUTER WALL" SANCTIONS

SEC. 301. "OUTER WALL" SANCTIONS.

(a) APPLICATION OF MEASURES.—The sanctions described in subsections (c) through (g) shall apply with respect to Yugoslavia until the President determines and certifies to the appropriate congressional committees that the Government of Yugoslavia has made significant progress in meeting the conditions described in subsection (b).

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

(1) Agreement on a lasting settlement in Kosovo.

(2) Compliance with the General Framework Agreement for Peace in Bosnia and Herzegovina.

(3) Implementation of internal democratic reform.

(4) Settlement of all succession issues with the other republics that emerged from the break-up of the Socialist Federal Republic of Yugoslavia.

(5) Cooperation with the International Criminal Tribunal for the former Yugoslavia, including the transfer to The Hague of all individuals in Yugoslavia indicted by the Tribunal.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to oppose, and vote against, any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Yugoslavia.

(d) ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE.—The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to oppose and block any consensus to allow the participation of Yugoslavia in the OSCE or any organization affiliated with the OSCE.

(e) UNITED NATIONS.—The Secretary of State should instruct the United States Permanent Representative to the United Nations—

(1) to oppose and vote against any resolution in the United Nations Security Council to admit Yugoslavia to the United Nations or any organization affiliated with the United Nations; and

(2) to actively oppose and, if necessary, veto any proposal to allow Yugoslavia to assume the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations General Assembly or any other organization affiliated with the United Nations.

(f) NATO.—The Secretary of State should instruct the United States Permanent Representative to the North Atlantic Council to oppose and vote against the extension to Yugoslavia of membership or participation in the Partnership for Peace program or any other organization affiliated with NATO.

(g) SOUTHEAST EUROPEAN COOPERATION INITIATIVE.—The Secretary of State should instruct the United States Representatives to the Southeast European Cooperation Initiative (SECI) to actively oppose the participation of Yugoslavia in SECI.

(h) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should not restore full diplomatic relations with Yugoslavia until the President has determined and so reported to the appropriate congressional committees that the Government of Yugoslavia has met the conditions described in subsection (b); and

(2) the President should encourage all other European countries to diminish their level of diplomatic relations with Yugoslavia.

(i) INTERNATIONAL FINANCIAL INSTITUTION DEFINED.—In this section, the term ''international financial institution'' includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

SEC. 302. INTERNATIONAL FINANCIAL INSTITUTIONS NOT IN COMPLIANCE WITH "OUTER WALL" SANCTIONS.

It is the sense of Congress that, if any international financial institution (as defined in section 301(i)) approves a loan or other financial assistance to the Government of Yugoslavia over the opposition of the United States, then the Secretary of the Treasury should withhold from payment of the United States share of any increase in the paid-in capital of such institution an amount equal to the amount of the loan or other assistance.

TITLE IV—OTHER MEASURES AGAINST YUGOSLAVIA

SEC. 401. BLOCKING ASSETS IN THE UNITED STATES.

(a) BLOCKING OF ASSETS.—All property and interests in property, including all commercial, industrial, or public utility undertakings or entities, of or in the name of the Government of Serbia or the Government of Yugoslavia that are in the United States, that come within the United States, or that are or come within the possession or control of United States persons, including their overseas branches, are blocked.

(b) PROHIBITED TRANSFERS.—Payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Serbia, the Government of Yugoslavia, or any person or entity acting for or on behalf of, or owned or controlled, directly or indirectly, by any of those governments, persons, or entities, are prohibited.

(c) EXERCISE OF AUTHORITIES.—The Secretary of the Treasury, in consultation with the Secretary of State, shall take such actions, including the promulgation of regulations, orders, directives, rulings, instructions, and licenses, and employ all powers granted to the President by the International Emergency Economic Powers Act,

as may be necessary to carry out the purposes of this section, including, but not limited to, taking such steps as may be necessary to continue in effect the measures contained in Executive Order No. 13088 of June 9, 1998, and Executive Order No. 13121 of April 30, 1999, and any rule, regulation, license, or order issued thereunder.

(d) PAYMENT OF EXPENSES.—All expenses incident to the blocking and maintenance of property blocked under subsection (a) shall be charged to the owners or operators of such property, and expenses shall not be paid for from blocked funds.

(e) PROHIBITIONS.—The following are prohibited:

(1) Any transaction within the United States or by a United States person relating to any vessel in which a majority or controlling interest is held by a person or entity in, or operating from, Serbia, regardless of the flag under which the vessel sails.

(2)(A) The exportation to Serbia or to any entity operated from Serbia or owned and controlled by the Government of Serbia or the Government of Yugoslavia, directly or indirectly, of any goods, software technology, or services, either—

(i) from the United States;

(ii) requiring the issuance of a license by a Federal agency; or

(iii) involving the use of United States registered vessels or aircraft.

(B) Any activity that promotes or is intended to promote exportation described in subparagraph (A).

(3)(A) Any dealing by a United States person in—

(i) property exported from Serbia; or

(ii) property intended for exportation from Serbia to any country or exportation to Serbia from any country.

(B) Any activity of any kind that promotes or is intended to promote any dealing described in subparagraph (A).

(4) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Serbia.

(f) EXCEPTIONS.—Nothing in this section shall apply to—

(1) assistance provided under section 102 or section 203 of this Act; or

(2) information or informational materials described in section 203(b)(3) of the International Emergency Economic Powers Act.

(g) DEFINITION.—In this section, the term ''United States person'' means any United States citizen, any alien lawfully admitted for permanent residence within the United States, any entity organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 402. SUSPENSION OF ENTRY INTO THE UNITED STATES.

(a) PROHIBITION.—The President shall use his authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to suspend the entry into the United States of any alien who—

(1) holds a position in the senior leadership of the Government of Yugoslavia or the Government of Serbia; or

(2) is a spouse, minor child, or agent of a person inadmissible under paragraph (1).

(b) SENIOR LEADERSHIP DEFINED.—In subsection (a)(1), the term ''senior leadership''—

(1) includes—

(A) the President, Prime Minister, Deputy Prime Ministers, and government ministers of Yugoslavia;

(B) the Governor of the National Bank of Yugoslavia; and

(C) the President, Prime Minister, Deputy Prime Ministers, and government ministers of the Republic of Serbia; and

(2) does not include the President, Prime Minister, Deputy Prime Ministers, and government ministers of the Republic of Montenegro.

SEC. 403. PROHIBITION ON STRATEGIC EXPORTS TO YUGOSLAVIA.

(a) PROHIBITION.—No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use by the Government of Yugoslavia or by the Government of Serbia, or by any of the following entities of either government:

(1) The military.

(2) The police.

(3) The prison system.

(4) The national security agencies.

(b) STATUTORY CONSTRUCTION.—Nothing in this section shall prevent the issuance of licenses to ensure the safety of civil aviation and safe operation of United States-origin commercial passenger aircraft and to ensure the safety of ocean-going maritime traffic in international waters.

SEC. 404. PROHIBITION ON LOANS AND INVESTMENT.

(a) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance may be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Yugoslavia or the Government of Serbia.

(b) TRADE AND DEVELOPMENT AGENCY.—No funds made available by law may be available for activities of the Trade and Development Agency in or for Serbia.

(c) THIRD COUNTRY ACTION.—The Secretary of State is urged to encourage all other countries, particularly European countries, to suspend any of their own programs providing support similar to that described in subsection (a) or (b) to the Government of Yugoslavia or the Government of Serbia, including by rescheduling repayment of the indebtedness of either government under more favorable conditions.

(d) PROHIBITION ON PRIVATE CREDITS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no national of the United States may make or approve any loan or other extension of credit, directly or indirectly, to the Government of Yugoslavia or to the Government of Serbia or to any corporation, partnership, or other organization that is owned or controlled by either the Government of Yugoslavia or the Government of Serbia.

(2) EXCEPTION.—Paragraph (1) shall not apply to a loan or extension of credit for any housing, education, or humanitarian benefit to assist the victims of oppression in Kosovo.

SEC. 405. PROHIBITION OF MILITARY-TO-MILITARY COOPERATION.

The United States Government (including any agency or entity of the United States) shall not provide assistance under the Foreign Assistance Act of 1961 or the Arms Export Control Act (including the provision of Foreign Military Financing under section 23 of the Arms Export Control Act or international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961) or provide any defense articles or defense services under those Acts, to the armed forces of the Government of Yugoslavia or of the Government of Serbia.

SEC. 406. MULTILATERAL SANCTIONS.

It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this title, including, as appropriate, encouraging other countries to take measures similar to those described in this title.

SEC. 407. EXEMPTIONS.

(a) EXEMPTION FOR KOSOVO.—None of the restrictions imposed by this Act shall apply with respect to Kosovo, including with respect to governmental entities or administering authorities or the people of Kosovo.

(b) EXEMPTION FOR MONTENEGRO.—None of the restrictions imposed by this Act shall apply with respect to Montenegro, including with respect to governmental entities of Montenegro, unless the President determines and so certifies to the appropriate congressional committees that the leadership of the Government of Montenegro is not committed to, or is not taking steps to promote, democratic principles, the rule of law, or respect for internationally recognized human rights.

SEC. 408. WAIVER; TERMINATION OF MEASURES AGAINST YUGOSLAVIA.

(a) GENERAL WAIVER AUTHORITY.—Except as provided in subsection (b), the requirement to impose any measure under this Act may be waived for successive periods not to exceed 12 months each, and the President may provide assistance in furtherance of this Act notwithstanding any other provision of law, if the President determines and so certifies to the appropriate congressional committees in writing 15 days in advance of the implementation of any such waiver that—

(1) it is important to the national interest of the United States; or

(2) significant progress has been made in Yugoslavia in establishing a government based on democratic principles and the rule of law, and that respects internationally recognized human rights.

(b) EXCEPTION.—The President may implement the waiver under subsection (a) for successive periods not to exceed 3 months each without the 15 day advance notification under that subsection—

(1) if the President determines that exceptional circumstances require the implementation of such waiver; and

(2) the President immediately notifies the appropriate congressional committees of his determination.

(c) TERMINATION OF RESTRICTIONS.—The restrictions imposed by this title shall be terminated if the President determines and so certifies to the appropriate congressional committees that the Government of Yugoslavia is a government that is committed to democratic principles and the rule of law, and that respects internationally recognized human rights.

SEC. 409. STATUTORY CONSTRUCTION.

(a) IN GENERAL.—None of the restrictions or prohibitions contained in this Act shall be construed to limit humanitarian assistance (including the provision of food and medicine), or the commercial export of agricultural commodities or medicine and medical equipment, to Yugoslavia.

(b) SPECIAL RULE.—Nothing in subsection (a) shall be construed to permit the export of an agricultural commodity or medicine that could contribute to the development of a chemical or biological weapon.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA.

(a) FINDINGS.—Congress finds the following:

(1) United Nations Security Council Resolution 827, which was adopted May 25, 1993, established the International Criminal Tribunal for the former Yugoslavia to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since January 1, 1991.

(2) United Nations Security Council Resolution 827 requires full cooperation by all countries with the Tribunal, including the obligation of countries to comply with requests of the Tribunal for assistance or orders.

(3) The Government of Yugoslavia has disregarded its international obligations with regard to the Tribunal, including its obligation to transfer or facilitate the transfer to the Tribunal of any person on the territory of Yugoslavia who has been indicted for war crimes or other crimes against humanity under the jurisdiction of the Tribunal.

(4) The Government of Yugoslavia publicly rejected the Tribunal's jurisdiction over events in Kosovo and has impeded the investigation of representatives from the Tribunal, including denying those representatives visas for entry into Yugoslavia, in their efforts to gather information about alleged crimes against humanity in Kosovo under the jurisdiction of the Tribunal.

(5) The Tribunal has indicted President Slobodan Milosevic for—

(A) crimes against humanity, specifically murder, deportations, and persecutions; and

(B) violations of the laws and customs of war.

(b) POLICY.—It shall be the policy of the United States to support fully and completely the investigation of President Slobodan Milosevic by the International Criminal Tribunal for the former Yugoslavia for genocide, crimes against humanity, war crimes, and grave breaches of the Geneva Convention.

(c) SENSE OF CONGRESS.—Subject to subsection (b), it is the sense of Congress that the United States Government should gather all information that the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) collects or has collected to support an investigation of President Slobodan Milosevic for genocide, crimes against humanity, war crimes, and grave breaches of the Geneva Convention by the International Criminal Tribunal for the former Yugoslavia (ICTY) and that the Department of State should provide all appropriate information to the Office of the Prosecutor of the ICTY under procedures established by the Director of Central Intelligence that are necessary to ensure adequate protection of intelligence sources and methods.

(d) REPORT TO CONGRESS.—Not less than 180 days after the date of enactment of this Act, and every 180 days thereafter for the succeeding 5-year period, the President shall submit a report, in classified form if necessary, to the appropriate congressional committees that describes the information that was provided by the Department of State to the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia for the purposes of subsection (c).

SEC. 502. SENSE OF CONGRESS WITH RESPECT TO ETHNIC HUNGARIANS OF VOJVODINA.

(a) FINDINGS.—Congress finds that—

(1) approximately 350,000 ethnic Hungarians, as well as several other minority populations, reside in the province of Vojvodina, part of Serbia, in traditional settlements in existence for centuries;

(2) this community has taken no side in any of the Balkan conflicts since 1990, but has maintained a consistent position of nonviolence, while seeking to protect its existence through the meager opportunities afforded under the existing political system;

(3) the Serbian leadership deprived Vojvodina of its autonomous status at the same time as it did the same to the province of Kosovo;

(4) this population is subject to continuous harassment, intimidation, and threatening suggestions that they leave the land of their ancestors; and

(5) during the past 10 years this form of ethnic cleansing has already driven 50,000 ethnic Hungarians and members of other minority communities out of the province of Vojvodina.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) condemn harassment, threats, and intimidation against any ethnic group in Yugoslavia as the usual precursor of violent ethnic cleansing;

(2) express deep concern over the reports on recent threats, intimidation, and even violent incidents against the ethnic Hungarian inhabitants of the province of Vojvodina;

(3) call on the Secretary of State to regularly monitor the situation of the Hungarian ethnic group in Vojvodina; and

(4) call on the NATO allies of the United States, during any negotiation on the future status of Kosovo, also to pay substantial attention to establishing satisfactory guarantees for the rights of the people of Vojvodina, and, in particular, of the ethnic minorities in the province.

SEC. 503. OWNERSHIP AND USE OF DIPLOMATIC AND CONSULAR PROPERTIES.

(a) FINDINGS.—Congress finds the following:

(1) The international judicial system, as currently structured, lacks fully effective remedies for the wrongful confiscation of property and for unjust enrichment from the use of wrongfully confiscated property by governments and private entities at the expense of the rightful owners of the property.

(2) Since the dissolution of the Socialist Federal Republic of Yugoslavia until March and June 1999, when the United States Government took custody, the Government of Yugoslavia exclusively used, and benefited from the use of, properties located in the United States that were owned by the Socialist Federal Republic of Yugoslavia.

(3) Until the United States Government took custody, the Governments of Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Slovenia were blocked by the Government of Yugoslavia from using, or benefiting from the use of, any property located in the United States that was previously owned by the Socialist Federal Republic of Yugoslavia.

(4) The occupation and use by officials of Yugoslavia of that property without prompt, adequate, and effective compensation under the applicable principles of international law to the Governments of Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Slovenia is unjust and unreasonable.

(b) POLICY ON NEGOTIATIONS REGARDING PROPERTIES.—It is the policy of the United States to insist that the Government of Yugoslavia has a responsibility to, and should, actively and cooperatively engage in good faith negotiations with the Governments of Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Slovenia for resolution of the outstanding property issues resulting from the dissolution of the Socialist Federal Republic of Yugoslavia, including the disposition of the following properties located in the United States:

(1) 2222 Decatur Street, NW, Washington, DC.

(2) 2410 California Street, NW, Washington, DC.

(3) 1907 Quincy Street, NW, Washington, DC.

(4) 3600 Edmonds Street, NW, Washington, DC.

(5) 2221 R Street, NW, Washington, DC.

(6) 854 Fifth Avenue, New York, NY.

(7) 730 Park Avenue, New York, NY.

(c) SENSE OF CONGRESS ON RETURN OF PROPERTIES.—It is the sense of Congress that, if the Government of Yugoslavia refuses to engage in good faith negotiations on the status of the properties listed in subsection (b), the President should take steps to ensure that the interests of the Governments of Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Slovenia are protected in accordance with international law.

SEC. 504. TRANSITION ASSISTANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that once the regime of President Slobodan Milosevic has been replaced by a government that is committed to democratic principles and the rule of law, and that respects internationally recognized human rights, the President of the United States should support the transition to democracy in Yugoslavia by providing immediate and substantial assistance, including facilitating its integration into international organizations.

(b) AUTHORIZATION OF ASSISTANCE.—The President is authorized to furnish assistance to Yugoslavia if he determines, and so certifies to the appropriate congressional committees that the Government of Yugoslavia is committed to democratic principles and the rule of law and respects internationally recognized human rights.

(c) REPORT TO CONGRESS.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan for providing assistance to Yugoslavia in accordance with this section. Such assistance would be provided at such time as the President determines that the Government of Yugoslavia is committed to democratic principles and the rule of law and respects internationally recognized human rights.

(2) STRATEGY.—The plan developed under paragraph (1) shall include a strategy for distributing assistance to Yugoslavia under the plan.

(3) DIPLOMATIC EFFORTS.—The President shall take the necessary steps—

(A) to seek to obtain the agreement of other countries and international financial institutions and other multilateral organizations to provide assistance to Yugoslavia after the President determines that the Government of Yugoslavia is committed to democratic principles, the rule of law, and that respects internationally recognized human rights; and

(B) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(4) COMMUNICATION OF PLAN.—The President shall take the necessary steps to communicate to the people of Yugoslavia the plan for assistance developed under this section.

(5) REPORT.—Not later than 120 days after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a report describing in detail the plan required to be developed by paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from North Dakota (Mr. POMEROY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1064, as amended.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I am pleased to rise in strong support of H.R. 1064, a bill introduced by the gentleman from New Jersey (Mr. SMITH). It is intended to ensure that the democratic opposition in Serbia continues to have the active support of the United States, regardless of the outcome of the election held in that country yesterday.

The people of Serbia need to know that our Nation does not wish to have antagonistic relations with their country. They need to know, instead, that our Nation is simply opposed to the kinds of policies that their nation has pursued under the leadership of Slobodan Milosevic.

They also need to know that the United States supports the cause of true democracy in Serbia, just as it does in the rest of Europe, and that Serbia is a European nation, a European country, and deserves a place at the European table once it has started down the road of real democracy, real reform, and real respect for human rights.

Regrettably, Yugoslav President Milosevic has proven himself a master of manipulation of Serbian patriotism and of Serbian nationalist fears.

Mr. Milosevic employed the ethnic distrust and unrest that surrounded the break-up of the former Communist Yugoslav Federation in the early years of the last decade to portray himself as a protector of Serbian rights.

Today Serbia lies in shambles, and its people face a future that promises nothing better. Milosevic lingers on, surrounded by a web of corruption, mysterious murders, political manipulation, and state repression.

After yet another series of manipulative steps, Mr. Milosevic set the groundwork for holding onto his power for another term as Yugoslav president in the election held yesterday, an election it is feared he has rigged to ensure an outcome in his favor.

Mr. Speaker, our Nation is closely monitoring this election. It will shine a spotlight on any evidence of election fraud carried out by Mr. Milosevic and his supporters.

This bill makes it clear that, regardless of the outcome of yesterday's election, our Nation has not given up on and will not give up on the freedom of the nation of Serbia and the effort to create a real and true democracy in Serbia. Mr. Speaker, this bill's passage should make that clear to the Serbian people.

Accordingly, I urge our colleagues to join in supporting this measure.

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

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

Mr. Speaker, I rise in strong support of this bill. I want to commend the gentleman from New York (Chairman GILMAN); the gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights, for moving this legislation forward.

It is clear that Slobodan Milosevic is not part of the solution in the Balkans but, rather, is the problem. Milosevic has started, and lost, four wars this past decade, with Slovenia, with Croatia, Bosnia and Herzegovina, and finally with NATO over Kosovo.

He may now be preparing his fifth war, this time against Montenegro and its democratic reformist government.

Milosevic has run an authoritarian state, suppressing dissent, threatening his opponents, purging the army and police, and manipulating the electronic media to misinform the Serbian public.

But in spite of all of that, yesterday's dramatic election results from Belgrade show the Serbian people have had quite enough of Slobodan Milosevic. It is clear from the independent and opposition sources that the democratic opposition of Serbia has won a decisive victory.

The Center for Free Election and Democracy has reported that Serbia's democratic opposition has won 58 percent of the votes cast as compared to 32 percent for Milosevic.

Milosevic should respect the wishes of the Serbian people and step down; no manipulating or manufacturing of ballots from Kosovo or Montenegro, no fiddling with the constitution to stay in power through next summer, no desperate moves of violence against Montenegro, Kosovo, or citizens of Serbia.

□ 1730

In order to bring stability to southeast Europe and unlock the economic potential of the region, Milosevic must relinquish power to a new democratic government in Serbia. I spent a summer in Serbia when I was in college. I lived with a family, and I care about these people and look forward to them moving to the post-Milosevic nightmare period into hope for the future.

This act supports the democratic opposition by authorizing $50 million for promoting democracy and civil society in Serbia and $55 million for assisting the government of Montenegro. It also authorizes increased broadcasting to Yugoslavia by the Voice of America and by Radio Free Europe and Radio Liberty.

The act's strength is that it follows the strong and effective policy crafted by the administration and the demonstrated will of the Serbian people themselves as evidenced by yesterday's vote.

The legislation codifies the so-called outer wall of sanctions against Yugoslavia by multilateral organizations, including international financial institutions. It also authorizes other measures against Yugoslavia, including blocking Yugoslavia's assets in the United States; prohibiting the issuance of visas and admission to the United States; and prohibiting strategic exports to Yugoslavia, loans and investment, and military-to-military cooperation.

It is important to note that yesterday's encouraging election results from Serbia do not negate the need for this legislation. Milosevic may not relinquish control, making support for democratic forces, nongovernmental organizations, and free media even more vital.

Even if a peaceful transition were to somehow occur, as one recently took place in neighboring Croatia, a new government and independent media would desperately need international support in a nation that has known authoritarianism and corruption for far too long. And so, Mr. Speaker, I urge my colleagues to support H.R. 1064.

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

Mr. GILMAN. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. SMITH), chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from New York for yielding me this time and for his work in helping to bring this legislation to the floor today.

Mr. Speaker, as we wait to see if opposition candidate Vojislav Kostunica will be allowed to secure the election, which by all accounts he seems to have secured and won, it is important for this Congress to support those seeking democratic change in Serbia as well as those undertaking democratic change in Montenegro. This bill does just that.

Introduced by myself and several other cosponsors in February of 1999, and updated in light of events since that time, the bill before us today includes language to which the Senate has already agreed by unanimous consent. The State Department has been thoroughly consulted, and its requested changes as well have been incorporated into the text. Throughout there has been a bipartisan effort to craft this legislation.

In short, the bill authorizes the provision of democratic assistance to those in Serbia who are struggling for change. It also calls for maintaining sanctions on Serbia until such time that democratic change is indeed underway, allowing at the same time the flexibility to respond quickly to positive developments if and when they occur. Reflective of another resolution, H. Con. Res. 118, which I introduced last year, the bill supports the efforts of the International Criminal Tribunal for the former Yugoslavia to bring those responsible for war crimes and crimes against humanity, including Slobodan Milosevic, to justice.

The reasons for this bill are clear, Mr. Speaker. In addition to news accounts and presentations in other committees and other venues, the Helsinki Commission, which I chair, has held numerous hearings on the efforts of the regime of Slobodan Milosevic to stomp out democracy and to stay in power.

The Commission has held three hearings specifically on this issue and one additional hearing specifically on the threat Milosevic presents to Montenegro. Of course, in the many, many hearings the commission has held on Bosnia and Kosovo over the years, witnesses testify to the role of Milosevic in instigating, if not orchestrating, conflict and war.

Mr. Speaker, the regime of Milosevic has resorted to increasingly repressive measures, as we all know, to stay in power in light of the elections that were held yesterday in the Yugoslav Federation, of which Serbia and Montenegro are a part. Journalist Miroslav Filipovic received, for example, a 7-year sentence for reporting the truth about Yugoslav and Serbian atrocities in Kosovo. The very courageous Natasa Kandic, of the Humanitarian Law Fund, faces similar charges for documenting these atrocities. Ivan Stambolic, an early mentor but now a leading and credible critic of Slobodon Milosevic, was literally abducted from the streets of Belgrade. Authorities have raided the headquarters of the Center For Free Elections and Democracy, a civic, domestic monitoring organization; and members of the student movement Otpor regularly face arrest, detention and physical harassment. Political opposition candidates have been similarly threatened, harassed, and physically attacked.

As news reports regularly indicate, Milosevic may also be considering violent action to bring Montenegro, which has embarked on a democratic path and distanced itself from Belgrade, back under his control. Signs that he is instigating trouble there are certainly evident.

It is too early for the results of the elections to be known fully. However, this bill allows us the flexibility to react to those results. Assistance for transition is authorized, allowing a quick reaction to positive developments. Sanctions can also be eased, if needed. On the other hand, few hold hope that Milosevic will simply relinquish power. A struggle for democracy may only now just be starting and not ending.

The human rights violations I have highlighted, Mr. Speaker, are also mere examples of deeply rooted institutionalized repression. Universities and the media are restricted by Draconian laws from encouraging the free debate of ideas upon which societies thrive. National laws and the federal constitution have been drafted and redrafted to orchestrate the continued power of Slobodan Milosevic. The military has been purged, as we all know, of many high-ranking professionals unwilling to do Milosevic's dirty work, and the place is a virtual military force of its own designed to tackle internal enemies who are in fact trying to save Serbia from this tyrant.

Paramilitary groups merge with criminal gangs in the pervasive corruption which now exists. Sophisticated and constant propaganda has been designed over the last decade to warp the minds of the people into believing this regime has defended the interests of Serbs in Serbia and throughout former Yugoslavia. As a result, even if a democratic change were to begin in Serbia, which we all hope and pray for, the assistance authorized in this bill is needed to overcome the legacy of Milosevic. His influence over the decade has been so strong that it will take considerable effort to bring Serbia back to where it should be.

Bringing democratic change to Serbia and supporting the change already taking place in Montenegro is without question in the U.S. national interest. We may differ in our positions regarding the decision to use American forces in the Balkans either for peacekeeping or peacemaking. Nothing, however, could better create the conditions for regional stability which would allow our forces to come home with their mission accomplished than a Serbia on the road to democratic recovery.

There is, however, an even stronger interest. Indeed, there is a fundamental right of the people of Serbia themselves to democratic governance. They deserve to have the same rights and freedoms, as well as the opportunity for a prosperous future, that is enjoyed by so many other Europeans and by our fellow Americans.

The people of America, of Europe, the people of Serbia all have a strong mutual interest in ending Milosevic's reign of hatred and thuggery. This bill advances that cause.

Mr. POMEROY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in strong support of this legislation offered by my colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maryland (Mr. HOYER). I salute them both.

The findings contained in this legislation are historic and astonishing. Last year, many of us in this House went to Macedonia and Albania and saw the refugee camps. I carry with me in my pocket at all times, along with my copy of the Constitution, I might add, a picture of a young boy, Valdrin Ferizaj, 8 years old, who tugged at my pants in a refugee camp where there were 35,000 refugees, which was only supposed to hold 10,000. He spoke to me in a language I could not understand. And someone translated, ''He is asking you, Mr. Congressman, where is his mother and father.'' I have tried to find them since coming back, and I will continue.

It is a landmark day in Yugoslavia. Early results from that election are showing that opposition candidate Vojislav Kostunica will win the first round elections against Slobodan Milosevic. Not surprisingly, Mr. Milosevic's camp is disputing the claims. But we have been through this, have we not?

The Milosevic camp is disputing these preliminary results and are calling for a second round. But we who are witnesses to the death, to the destruction, to the displacement, and to the deception caused by this man, which is documented and well-known, can only hope that this murderous leader is indeed defeated.

As was earlier stated by both leaders, and soon to be the other sponsor of the bill, because of America's involvement in the Balkans, we will have a vested interest in helping democratic change, in all of Yugoslav. And in the parts of Yugoslav, this region in southeastern Europe, is in critical need of security and stability.

There is a ray of hope here today, Mr. Speaker, and I stand in hope that we will really understand healthy results this evening and tomorrow morning.

Mr. POMEROY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), and just wish to additionally commend the gentleman from New Jersey (Mr. PASCRELL) for his impassioned and very insightful comments.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from New York (Mr. GILMAN) for bringing this resolution, along with the minority, to the floor.

Mr. Speaker, I rise in strong support of H.R. 1064 and urge my colleagues to support it. I am an original cosponsor of this bill, offered by my friend, the gentleman from New Jersey (Mr. SMITH), the chairman of the Helsinki Commission. As he has noted, whatever our views on the American involvement in the Balkans, we all have a common interest in bringing democratic change to Serbia, which will enhance long-term stability in the region, allow our troops in Kosovo and Bosnia to return home sooner, with their mission accomplished, and preclude the need for further intervention to thwart Slobodan Milosevic's aggression.

Clearly, democratic change in Serbia is the single most critically needed development in southeast Europe today. First and foremost, the people of Serbia deserve the same ability to exercise their human rights and fundamental freedoms that so many other Europeans enjoy. Secondly, it, more than anything else, would contribute to security in the region. Indeed, it would increase tremendously the chances for resolving conflicts and encouraging social reconciliation.

The gentleman from New Jersey (Mr. SMITH) and I have served together on the Helsinki Commission for a long time, over a decade and a half, and we have worked together to promote human rights in Europe and in other parts of the world, I might add.

☐ 1745

Our efforts have been especially relevant in the Balkans, where Milosevic

and his regime have instigated conflict and orchestrated genocide to perpetuate their rule and enhance their power and privilege. The international community, Mr. Speaker, has been slow to respond and sometimes ineffective in the face of this threat to European stability. Only with the intervention of the United States has action been taken.

Since Kosovo, however, there is a more united view than ever between the United States, Europe and the international community as a whole that democratic change must come to Serbia. There is also a greater realization that the threat Serbia poses comes not from the Serb people. Let me repeat that. The threat comes not from the Serb people but from Milosevic and his henchmen. Indeed, the people of Serbia, and the people of Montenegro, who are in a Yugoslav federation with Serbia, have suffered far too long under Milosevic's repression. They, the Serbians, the Montenegrans, deserve to take their rightful place in the democratic community of Europe.

Mr. Speaker, national elections were held in Yugoslavia yesterday, as many have said. We do not yet know the final results and there are, as predicted, widespread allegations of fraud. Early reports indicate that the opposition is claiming first round victory with more than 50 percent of the vote. That in my opinion would be an extraordinarily happy circumstance. The Milosevic camp, not committed to democracy, committed to authoritarian rule, committed to attaining their ends by whatever means are necessary, are claiming that they are ahead 44 percent to 41 percent, indicating a need for a second round runoff. Nobody in the international community believes that representation.

It is widely believed that Milosevic simply will not concede. He has hinted that, as he has said, his term does not formally end until next year, giving him another 9 months or so entrenched in power and in perversion. Alternatively, he may simply turn up the level of fraud to ensure a second-round victory and crack down on whatever opposition might exist.

At this point, Mr. Speaker, we do not know what Serbia will be like, even in the near future, other than the fact that it will not be the same. It might change, we pray, drastically for the better or tragically for the worse. Either way, this bill sends the message that we are there for the people of Serbia. The alternative, to send no message at all, Mr. Speaker, is the message that Milosevic wants to hear.

I urge my colleagues to vote for H.R. 1064.

Mr. POMEROY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I want to thank the gentleman from New York (Mr. GILMAN), the gentleman from New Jersey (Mr. SMITH), the gentleman from Maryland (Mr. HOYER), and the gentleman from Connecticut (Mr. GEJDENSON) for bringing this measure before us this afternoon.

Mr. Speaker, the people of Serbia have spoken. They want change for their country and for their people. Our patience has certainly paid off. We have waited a long time for this.

Mr. Milosevic has declared war over and over again against his own people, in Serbia, in Croatia, in Bosnia, in Herzegovina, in Kosovo, and I have seen firsthand what Mr. Milosevic and his regime has done to his own people. It is time for the bloodshed to end, Mr. Speaker. It is time for Mr. Milosevic to relinquish power before more blood is shed.

Mr. Milosevic, your people are telling you they want no more persecution. They want no more refugees. Mr. Milosevic, they want no more death. Your people, Mr. Milosevic, have voted, and they have voted for life. Give them that life and relinquish power now.

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

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 1064, 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.

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PACIFIC CHARTER COMMISSION ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4899) to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4899

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 ''Pacific Charter Commission Act of 2000''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to combat terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Pacific Charter Commission (hereafter in this Act referred to as the ''Commission'').

SEC. 4. DUTIES OF COMMISSION.

(a) DUTIES.—The Commission shall establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 2, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) MONITORING OF DEVELOPMENTS.—The Commission shall monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission shall evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission shall, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

(e) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and the Congress a report that contains the findings of the Commission during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c); and

(2) a description of programs, projects, and activities of the Commission for the prior year; and

(3) a complete accounting of the expenditures made by the Commission during the prior year.

(f) CONGRESSIONAL HEARINGS ON ANNUAL REPORT.—The Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, shall, not later than 45 days after the receipt by the Congress of the report referred to in subsection (c), hold hearings on the report, including any recommendations contained therein.

(g) ADVISORY COMMITTEES.—The Commission may establish such advisory committees as the Commission determines to be necessary to advise the Commission on policy matters relating to the Asia-Pacific region and to otherwise carry out this Act.

SEC. 5. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—The Commission shall be composed of 7 members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) POLITICAL AFFILIATION.—Not more than 4 of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 4.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of any such department agency shall furnish such information to the Commission as expeditiously as possible.

(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 7. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission after consultation with the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. The executive director shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this Act.

(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 9. TERMINATION.

The Commission shall terminate not later than 5 years after the date of the enactment of this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $2,500,000 for each of the fiscal years 2001 and 2002.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect on February 1, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, shortly after World War II, the great American soldier and statesman George Marshall said that a safe and free America depends on a safe and free Europe. Marshall, of course, was emphasizing the importance of Europe to the United States at that time. Permit me to suggest that Marshall's paradigm has changed. Today, he could have stated that a safe and free America depends upon a democratic, safe and free Asia.

Before the summer recess, I introduced H.R. 4899, legislation to establish a Pacific Charter Commission. The purpose of the commission would be to create a charter that would promote a consistent and coordinated foreign policy which would ensure economic and military security in the Pacific region of Asia.

The charter would attempt to obtain those goals through the promotion of democracy, human rights, the rule of law, free trade, and open markets. Obviously, this region is vital to the future of our Nation. Over the past 50 years, Asia has become a significant center of international economic and military power. Our Nation has seen the blood of its sons and daughters shed on Asian soil in defense of our national interests and in fighting tyranny. America has fought three wars in Asia since 1941 and American military personnel, our soldiers, our sailors, our airmen and Marines, have been engaged in ensuring peace across the Pacific.

In 1941, our Nation and Great Britain laid down a set of principles of foreign policy conduct. That was called the Atlantic Charter. Similarly, I propose that we establish a Pacific Charter Commission that would assist our government in laying out the principles for our policies in Asia in the 21st century.

Such a Pacific Charter would articulate America's long-term goals and objectives in the Pacific and link them with the means for implementation. It would be a comprehensive model for our involvement in that region supporting our national interests and assuring others of our intention to remain a Pacific power. Further, it would demonstrate that our Nation is placing its relations with Asia in the 21st century on a par comparable to that which has informed its relations with Europe over the latter half of the 20th century.

The time has come to lay out an architecture of policy that will establish our intention to remain engaged in Asia and the terms of our continued engagement. A commission to establish a Pacific Charter for the 21st century would provide the framework for such a policy and would ensure the entire region, allies and otherwise, of the continuation of a leadership that is consistent, coherent and coordinated.

Accordingly, I urge my colleagues to vote for H.R. 4899.

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

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of this resolution.

I would first like to commend the gentleman from New York (Mr. GILMAN) for introducing the legislation before the House today. The U.S. is facing many foreign policy challenges in the Asia-Pacific region, challenges which are certain to grow in importance in the years ahead.

On the human rights side, political dissidents and religious minorities continue to be persecuted in China. Burma has tightened its control on political dissidents, and East Timorese refugees are living under horrible conditions in camps ruled by armed militias.

On the security side, North Korea missile and nuclear programs continue to pose a threat to the U.S.; managing the defense relationship with Japan requires high level attention; Taiwan's

security is under increasing threat from the PRC; and we must decide whether to cover certain Asian countries under a theater missile defense.

On the economic side, our trade deficit with China continues to grow to unprecedented levels; U.S. firms continue to face great difficulties operating in the Japanese market; and we must decide how the U.S. will deal with calls for greater economic integration among the Asian nations.

The Pacific Charter Commission created by the legislation before the House today could help the administration and Congress get the information and analysis needed to craft effective and informed foreign policy in that region.

The commission will also closely review U.S. policy toward the Asia-Pacific region and make recommendations to increase its effectiveness. Given the complexity of the political, security and economic problems facing U.S. policymakers in the region, the commission can help give voice to Asia-Pacific experts outside of the executive and congressional branches of government as well.

Obviously, the commission will only be as effective as its chairman and commissioners, but with strong leadership, the commission could help the U.S. pursue human rights, democracy, trade and security matters in Asia.

I urge my colleagues to support H.R. 4889.

Mr. HALL of Texas. Mr. Speaker, in the Extension of remarks accompanying the introduction of H.R. 4899, there seems to be a desire for the proposed Commission to prefer one nation to another. India over China.

There is always a danger that we will codify a temporary mindset so as to put ourselves in a policy box where the principles and boundaries of our foreign policy becomes rigid; where a future Congress and chief Executive will be unable to alter course as our national interest compels; and where we may surrender our freedom of choice.

Lastly, I question the good that this nation can derived by so explicitly preferring India over China, whereby prompted by our affection for India, we may withhold criticism of India's actions and policies in the regional conflicts of South Asia. This can be seen as hostile to the people of Pakistan.

Mr. UNDERWOOD. Mr. Speaker, I rise today in support of H.R. 4899, The Asian Pacific Charter Commission Act of 2000. This legislation will establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets.

I would first like to thank the gentleman from New York, Chairman BEN GILMAN, for his leadership in introducing this measure. I don't need to remind my Colleagues about Congressman GILMAN's courageous service in World War II in the Pacific theater. Serving as a Staff Sergeant in the 19th Bomb Group of the 20th Army Air Force, Congressman GILMAN flew 35 missions over Japan and earned the Distinguished Flying Cross and the Air Medal with Oak Leaf Clusters. Furthermore, I want to commend Chairman GILMAN's dedication to promoting democracy and the rule of law in the Pacific region throughout his entire career.

As the proud Representative from Guam, which is located only 1,600 miles away from the Philippines, I strongly believe that H.R. 4899 is a step in the right direction in bringing together a commission which is designed to reinforce the United States commitment to a stable Pacific Region. Such a commission must clearly focus on human rights, the promotion of free and fair elections, constructive military partnerships, and basic coordination and communication between the United States and our friends and allies in the Pacific. Given Guam's strategic location within the Pacific Basin, I would like to contribute and play a constructive role in this new commission.

Congress must promote a consistent foreign policy which seeks to spread democracy through peaceful and constructive means. H.R. 4899 clearly serves this purpose. I encourage all Members to support this important resolution.

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

Mr. GILMAN. 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 New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4899, as amended.

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

The title of the bill was amended so as to read: ''A bill to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region through the promotion of democracy, human rights, the rule of law, and for other purposes.''.

A motion to reconsider was laid on the table.

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TWENTY-FIFTH ANNIVERSARY OF EDUCATION FOR ALL HANDICAPPED CHILDREN ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 399.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. 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, House Concurrent Resolution 399, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 359, nays 2, not voting 72, as follows:

[Roll No. 487]

YEAS—359

Abercrombie	Emerson	Leach
Ackerman	Eshoo	Levin
Aderholt	Etheridge	Lewis (CA)
Allen	Evans	Lewis (GA)
Andrews	Everett	Lewis (KY)
Archer	Ewing	Linder
Armey	Farr	Lipinski
Baca	Fattah	LoBiondo
Bachus	Filner	Lofgren
Baird	Fletcher	Lowey
Baldacci	Foley	Lucas (KY)
Baldwin	Forbes	Lucas (OK)
Barcia	Ford	Luther
Barrett (NE)	Fowler	Maloney (NY)
Barrett (WI)	Frank (MA)	Manzullo
Bartlett	Frelinghuysen	Markey
Barton	Frost	Martinez
Bass	Gallegly	Mascara
Becerra	Ganske	McCarthy (MO)
Bentsen	Gejdenson	McCarthy (NY)
Bereuter	Gekas	McDermott
Berkley	Gephardt	McGovern
Berman	Gibbons	McHugh
Berry	Gilchrest	McInnis
Biggert	Gilman	McIntyre
Bilbray	Gonzalez	McKeon
Bilirakis	Goode	Meehan
Bishop	Goodlatte	Meek (FL)
Blagojevich	Goodling	Menendez
Blumenauer	Gordon	Metcalf
Boehlert	Goss	Millender-McDonald
Boehner	Granger	Miller (FL)
Bonilla	Green (TX)	Minge
Bonior	Green (WI)	Moakley
Bono	Greenwood	Mollohan
Borski	Gutknecht	Moore
Boswell	Hall (OH)	Moran (KS)
Boucher	Hall (TX)	Moran (VA)
Boyd	Hansen	Morella
Brady (PA)	Hastings (FL)	Nadler
Brady (TX)	Hastings (WA)	Napolitano
Brown (OH)	Hayes	Ney
Bryant	Hayworth	Norwood
Burr	Hefley	Nussle
Buyer	Herger	Oberstar
Callahan	Hill (MT)	Obey
Calvert	Hilleary	Olver
Camp	Hinojosa	Ortiz
Canady	Hobson	Ose
Cannon	Hoeffel	Owens
Capuano	Hoekstra	Packard
Cardin	Holden	Pallone
Carson	Holt	Pascrell
Castle	Hooley	Pastor
Chabot	Horn	Payne
Chambliss	Hostettler	Pease
Chenoweth-Hage	Houghton	Peterson (MN)
Clay	Hoyer	Peterson (PA)
Clayton	Hulshof	Petri
Clyburn	Hunter	Phelps
Coble	Hutchinson	Pickering
Collins	Hyde	Pickett
Combest	Inslee	Pitts
Condit	Istook	Pomeroy
Conyers	Jackson (IL)	Porter
Cooksey	Jackson-Lee (TX)	Portman
Costello	Jefferson	Price (NC)
Cox	Jenkins	Radanovich
Coyne	John	Rahall
Cramer	Johnson (CT)	Ramstad
Crane	Johnson, E. B.	Rangel
Crowley	Johnson, Sam	Regula
Cummings	Jones (NC)	Reyes
Cunningham	Kanjorski	Reynolds
Davis (FL)	Kaptur	Riley
Davis (IL)	Kasich	Rivers
Davis (VA)	Kelly	Rodriguez
Deal	Kennedy	Roemer
DeGette	Kildee	Rogan
DeLay	Kilpatrick	Rogers
DeMint	Kind (WI)	Rohrabacher
Deutsch	King (NY)	Ros-Lehtinen
Diaz-Balart	Kingston	Rothman
Dicks	Kleczka	Roukema
Dingell	Knollenberg	Roybal-Allard
Dixon	Kolbe	Royce
Doggett	Kucinich	Rush
Dooley	Kuykendall	Ryan (WI)
Doolittle	LaFalce	Ryun (KS)
Doyle	LaHood	Sabo
Dreier	Lampson	Salmon
Duncan	Largent	Sanchez
Dunn	Larson	Sandlin
Edwards	Latham	Sawyer
Ehlers	LaTourette	Saxton
Ehrlich		

Scarborough	Stark	Upton
Schaffer	Stearns	Velazquez
Schakowsky	Stenholm	Visclosky
Scott	Strickland	Walden
Sensenbrenner	Stump	Walsh
Sessions	Stupak	Wamp
Shadegg	Sununu	Waters
Shaw	Tancredo	Watkins
Shays	Tanner	Watt (NC)
Sherman	Tauscher	Watts (OK)
Sherwood	Tauzin	Weiner
Shimkus	Taylor (MS)	Weldon (FL)
Shuster	Terry	Weldon (PA)
Simpson	Thomas	Weller
Sisisky	Thompson (CA)	Wexler
Skeen	Thompson (MS)	Weygand
Skelton	Thornberry	Whitfield
Slaughter	Thune	Wilson
Smith (NJ)	Thurman	Wolf
Smith (TX)	Tiahrt	Wu
Smith (WA)	Toomey	Wynn
Snyder	Towns	Young (AK)
Spence	Traficant	Young (FL)
Spratt	Turner	
Stabenow	Udall (CO)	

NAYS—2

Paul	Sanford

NOT VOTING—72

Baker	Gutierrez	Neal
Ballenger	Hill (IN)	Nethercutt
Barr	Hilliard	Northup
Bliley	Hinchey	Oxley
Blunt	Isakson	Pelosi
Brown (FL)	Jones (OH)	Pombo
Burton	Klink	Pryce (OH)
Campbell	Lantos	Quinn
Capps	Lazio	Sanders
Clement	Lee	Serrano
Coburn	Maloney (CT)	Shows
Cook	Matsui	Smith (MI)
Cubin	McCollum	Souder
Danner	McCrery	Sweeney
DeFazio	McIntosh	Talent
Delahunt	McKinney	Taylor (NC)
DeLauro	McNulty	Tierney
Dickey	Meeks (NY)	Udall (NM)
Engel	Mica	Vento
English	Miller, Gary	Vitter
Fossella	Miller, George	Waxman
Franks (NJ)	Mink	Wicker
Gillmor	Murtha	Wise
Graham	Myrick	Woolsey

☐ 1825

Ms. GRANGER changed her vote from ''nay'' to ''yea.''

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:

Mrs. CAPPS. Mr. Speaker, I was on a plane returning from my district tonight and was unable to attend votes. Had I been here I would have made the following vote on rollcall No. 487—''yea.''

Mr. MICA. Mr. Speaker, regretfully I was unavoidably detained and could not vote on rollcall No. 487. Had I been here, I would have voted ''yea'' for H. Con. Res. 399.

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 487. Had I been present I would have voted ''yea.''

☐

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5194

Mr. STUPAK. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 5194.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Michigan?

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 motion to suspended 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 vote on the postponed question will be taken tomorrow.

☐

CALLING UPON THE PRESIDENT TO ISSUE A PROCLAMATION RECOGNIZING 25TH ANNIVERSARY OF HELSINKI FINAL ACT

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 100) calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

The Clerk read as follows:

H.J. RES. 100

Whereas August 1, 2000, is the 25th anniversary of the Final Act of the Conference on Security and Cooperation in Europe (CSCE), renamed the Organization for Security and Cooperation in Europe (OSCE) in January 1995 (in this joint resolution referred to as the ''Helsinki Final Act'');

Whereas the Helsinki Final Act, for the first time in the history of international agreements, accorded human rights the status of a fundamental principle in regulating international relations;

Whereas during the Communist era, members of nongovernmental organizations, such as the Helsinki Monitoring Groups in Russia, Ukraine, Lithuania, Georgia, and Armenia and similar groups in Czechoslovakia and Poland, sacrificed their personal freedom and even their lives in their courageous and vocal support for the principles enshrined in the Helsinki Final Act;

Whereas the United States Congress contributed to advancing the aims of the Helsinki Final Act by creating the Commission on Security and Cooperation in Europe to monitor and encourage compliance with provisions of the Helsinki Final Act;

Whereas in the 1990 Charter of Paris for a New Europe, the participating states declared, ''Human rights and fundamental freedoms are the birthright of all human beings, are inalienable and are guaranteed by law. Their protection and promotion is the first responsibility of government'';

Whereas in the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, the participating states ''categorically and irrevocably declare[d] that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned'';

Whereas in the 1990 Charter of Paris for a New Europe, the participating states committed themselves ''to build, consolidate and strengthen democracy as the only system of government of our nations'';

Whereas the 1999 Istanbul Charter for European Security and Istanbul Summit Declaration note the particular challenges of ending violence against women and children as well as sexual exploitation and all forms of trafficking in human beings, strengthening efforts to combat corruption, eradicating torture, reinforcing efforts to end discrimination against Roma and Sinti, and promoting democracy and respect for human rights in Serbia;

Whereas the main challenge facing the participating states remains the implementation of the principles and commitments contained in the Helsinki Final Act and other OSCE documents adopted on the basis of consensus;

Whereas the participating states have recognized that economic liberty, social justice, and environmental responsibility are indispensable for prosperity;

Whereas the participating states have committed themselves to promote economic reforms through enhanced transparency for economic activity with the aim of advancing the principles of market economies;

Whereas the participating states have stressed the importance of respect for the rule of law and of vigorous efforts to fight organized crime and corruption, which constitute a great threat to economic reform and prosperity;

Whereas OSCE has expanded the scope and substance of its efforts, undertaking a variety of preventive diplomacy initiatives designed to prevent, manage, and resolve conflict within and among the participating states;

Whereas the politico-military aspects of security remain vital to the interests of the participating states and constitute a core element of OSCE's concept of comprehensive security;

Whereas the OSCE has played an increasingly active role in civilian police-related activities, including training, as an integral part of OSCE's efforts in conflict prevention, crisis management, and post-conflict rehabilitation; and

Whereas the participating states bear primary responsibility for raising violations of the Helsinki Final Act and other OSCE documents: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress calls upon the President to—

(1) issue a proclamation—

(A) recognizing the 25th anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe;

(B) reasserting the commitment of the United States to full implementation of the Helsinki Final Act;

(C) urging all signatory states to abide by their obligations under the Helsinki Final Act; and

(D) encouraging the people of the United States to join the President and the Congress in observance of this anniversary with appropriate programs, ceremonies, and activities; and

(2) convey to all signatory states of the Helsinki Final Act that respect for human rights and fundamental freedoms, democratic principles, economic liberty, and the implementation of related commitments continue to be vital elements in promoting a new era of democracy, peace, and unity in the region covered by the Organization for Security and Cooperation in Europe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise in support of the resolution offered by the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of our Subcommittee on International Operations and Human Rights, honoring the Helsinki Final Act in light of the recent 25th anniversary of its signing and calls on the President to reassert the U.S. commitment to its implementation.

The Organization on Security and Cooperation in Europe, or OSCE, created by the Helsinki Act of 1975, is actually not a security alliance. The OSCE is also not based on a ratified treaty with provisions that are binding on its signatories. And yet the OSCE, in the agreement that established the Helsinki Final Act, has proven extremely influential in modern European affairs both during the Cold War and in today's post-Cold War era.

□ 1830

As the resolution notes, the Helsinki Act inspired many of those seeking freedom from Communism to create nongovernmental organizations to monitor their government's compliance with the human rights commitments made by Communist regimes in Helsinki in 1975.

Today's OSCE, in continuing to uphold the Helsinki Act's signatory, states the standards they should aspire to meet particularly with regard to human rights; and political rights continues to play a very beneficial role. Moreover, since the OSCE includes in its ranks of participatory states almost all of the states of Europe, those states have agreed to grant OSCE a greater role in conflict prevention and conflict resolution.

Mr. Speaker, I am certain that as we continue to work towards the Europe and the North Atlantic community of states that is truly democratic from Vancouver to Vladivostok, the OSCE will continue to play a vital role.

Mr. Speaker, I am pleased to support this resolution, I urge our colleagues to join in ensuring its passage.

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

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

Mr. Speaker, I rise in strong support of this measure. Mr. Speaker, I would first like to commend the gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on International Operations and Human Rights, for introducing this important resolution; the gentleman from New York (Chairman GILMAN) for moving it through the legislative process; also the gentleman from Maryland (Mr. HOYER); and the gentleman from Connecticut (Mr. GEJDENSON) as well for their help in moving this measure to the floor today.

Mr. Speaker, August 1 of this year marked the 25th anniversary of the Helsinki Final Act, which created the Conference on Security and Cooperation in Europe, which has since been renamed the Organization for Security and Cooperation in Europe.

The 1957 Helsinki Final Act has played a critical role in ensuring that respect for human rights and fundamental freedoms was recognized by all countries in Europe and was at the top of the agenda of discussions between European countries.

The Helsinki process that resulted from the act ensured that there was a wide-ranging dialogue on issues ranging from migration and military security to the environment and independent media. Although CSCE had no permanent headquarters and no enforcement capability, it made important progress in setting standards for the protection of human rights during the Communist era.

The CSCE also increased confidence between East and West through the advanced notification of military activities and the exchange of military information. With the end of the Cold War, all CSCE countries, for the first time, accepted the principles of democracy and free markets as the basis for their cooperation. This made it possible for CSCE and later OSCE, to explore ways to act on its rigorous principles and to ensure that they were upheld.

Mr. Speaker, OSCE and CSCE have been on the forefront of the new post Cold War Europe as a peacemaker, election observer, and a conscience of democracy.

I am proud that the Helsinki Commission, established by Congress to follow the implementation of the final act, has made a significant contribution to this process. The resolution before the House today recognizes the important contributions the CSCE and the OSCE have made since the adoption of the Helsinki Final Act 25 years ago.

The resolution also calls on the President to issue a proclamation which recognizes this anniversary, reasserts the commitment of the U.S. to implementation of the Final Act, urges all states to abide by their obligations, and encourages Americans everywhere to mark the observance of this important anniversary.

Mr. Speaker, I urge my colleagues to support H.J. Res. 100.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me time.

Mr. Speaker, at the outset, let me give a special thanks to Bob Hand, who is a specialist on the Balkans, especially the former Yugoslavia and Albania, at the Helsinki Commission. As my colleagues know just a few moments ago, we passed H.R. 1064 by voice vote, legislation that I had introduced early last year. We went through many drafts and redrafts, and I would like to just thank Bob for the excellent work he and Dorothy Taft, the Commission's Chief of Staff, did on that legislation.

H.R. 1064 would not have been brought to the floor in a form we know the Senate will pass quickly and then forward for signature, without their tremendous work on this piece of legislation, and their organization of a whole series of hearings that the Helsinki Commission has held on the Balkans. We have had former Bosnian Prime Minister Silajdzic, for example, testify at several hearings.

The Congress itself has had so much input into this diplomatic process which we know as the ''Helsinki process,'' and they have done yeoman's work on that.

Mr. Speaker, I rise and ask my colleagues to support passage of H.J. Res. 100, recognizing the 25th anniversary of the signing of the Helsinki Final Act. I am pleased that we have more than 40 cosponsors on this resolution, and that includes all of our colleagues on the Helsinki Commission. The gentleman from Maryland (Mr. HOYER), is the ranking Democratic Member, and my good friend and colleague.

Mr. Speaker, the Helsinki Final Act was a watershed event in European history, which set in motion what has become known as the Helsinki process. With its language on human rights, this agreement granted human rights the status of a fundamental principle regulating relations between the signatory countries. Yes, there were other provisions that dealt with economic issues as well as security concerns, but this country rightfully chose to focus attention on the human rights issues especially during the Cold War years and the dark days of the Soviet Union.

The Helsinki process, I would respectfully submit to my colleagues, was very helpful, in fact instrumental, in relegating the Communist Soviet empire to the dust bin of history. The standards of Helsinki constitute a valuable lever in pressing human rights issues.

The West, and especially the United States, used Helsinki to help people in Czechoslovakia, in East Germany and in all the countries that made up the OSCE, which today comprises 54 nations with the breakup of the Soviet Union and other States along with the addition of some new States.

Let me just read to my colleagues a statement that was made by President Gerald Ford, who actually signed the Helsinki Accords in 1975. He stated, and I quote, ''the Helsinki Final Act was the final nail in the coffin of Marxism and Communism in many, many countries and helped bring about the change to a more democratic political system and a change to a more market oriented economic system.''

The current Secretary General of the OSCE, Jan Kubis, a Slovak, has stated, and I quote him, ''As we remember together the signature of the Helsinki Final Act, we commemorate the beginning of our liberation, not by armies, not by methods of force or intervention, but as a result of the impact and inspiration of the norms and values of an open civilized society, enshrined in the Helsinki Final Act and of the encouragement it provided to strive for democratic change and of openings it created to that end.''

Mr. Speaker, the Helsinki Final Act is a living document. We regularly hold follow-up conferences and meetings emphasizing various aspects of the accords, pressing for compliance by all signatory states. I urge Members to support this resolution, and I am very proud, as I stated earlier, to be Chairman of the Helsinki Commission.

Mr. Speaker, I include for the RECORD the Statement made by the U.S. Ambassador to the OSCE, David T. Johnson, at the Commemorative meeting on the 25th Anniversary of the Helsinki Final Act

STATEMENT AT THE 25TH ANNIVERSARY OF THE HELSINKI FINAL ACT

(By Ambassador David T. Johnson to the Commemorative Meeting of the Permanent Council of the OSCE)

MADAME CHAIRPERSON, as we look with fresh eyes today at the document our predecessors signed on August 1, 1975, we are struck by the breadth of their vision. They agreed to work together on an amazing range of issues, some of which we are only now beginning to address. The States participating in the meeting affirmed the objective of ''ensuring conditions in which their people can live in true and lasting peace free from any threat to or attempt against their security;'' they recognized the ''indivisibility of security in Europe'' and a ''common interest in the development of cooperation throughout Europe.''

One of the primary strengths of the Helsinki process is its comprehensive nature and membership. Human rights, military security, and trade and economic issues can be pursued in the one political organization that unites all the countries of Europe including the former Soviet republics, the United States and Canada, to face today's challenges. Over the past twenty-five years we have added pieces to fit the new realities—just last November in Istanbul we agreed on a new Charter for European Security and an adapted Conventional Forces in Europe treaty.

But the most significant provision of the Helsinki Agreement may have been the so-called Basket III on Human Rights. As Henry Kissinger pointed out in a speech three weeks after the Final Act was signed, ''At Helsinki, for the first time in the postwar period, human rights and fundamental freedoms became recognized subjects of East-West discourse and negotiations. The conference put forward . . . standards of humane conduct, which have been—and still are—a beacon of hope to millions.''

In resolutions introduced to our Congress this summer, members noted that the standards of Helsinki provided encouragement and sustenance to courageous individuals who dared to challenge repressive regimes. Many paid a high price with the loss of their freedom or even their lives. Today we have heard from you, the representatives of the many who have struggled in the cause of human rights throughout the years since Helsinki. We are in awe of you, of the difficult and dangerous circumstances of your lives, and of what you have and are accomplishing.

Many of us here cannot comprehend the conditions of life in a divided Europe. And those who lived under repressive regimes could not have imagined how quickly life changed after 1989. Political analysts both East and West were astounded at the rapidity with which the citizens of the former Iron Curtain countries demanded their basic rights as citizens of democratic societies. What we have heard time and again is that the Helsinki Final Act did matter. Leaders and ordinary citizens took heart from its assertions. The implementation review meetings kept a focus fixed on its provisions.

Even before the Wall came down, a new generation of leaders like Nemeth in Hungary and Gorbachev in the Soviet Union made decisions to move in new directions, away from bloodshed and repression. In the summer of 1989, the Hungarians and Austrian cooperated with the West Germans to allow Romanians and East Germans to migrate to the West. Looking at what was happening in Europe, the young State Department analyst Francis Fukuyama, wrote an article which captured the world's attention. In ''The End of History,'' he claimed that what was happening was not just the end of the Cold War but the end of the debate over political systems. A consensus had formed that democracy, coupled with a market economy, was the best system for fostering the most freedom possible.

And then in the night of November 9, 1989, the Berlin Wall opened unexpectedly. Citizens emerging from repressive regimes knew about democracy and told the world that what they wanted more than anything else was to vote in free and fair elections. Only a year after the fall of the Wall, a reunited Germany held elections at the state and national level. Poland, Hungary, and the Baltic states carried out amazing transformations beginning with elections which brought in democratic systems. When Albania descended into chaos in 1997, groups across the country shared a common desire for fair elections. We have seen Croatia and the Slovak Republic re-direct their courses in the past several years, not by violence but through the ballot box. Just a few weeks ago, citizens of Montenegro voted in two cities with two different results—in both instances there was no violence and the new governments are moving forward with reforms to benefit their citizens. OSCE has time and again stepped up to assist with elections and give citizens an extra measure of reassurance that the rest of the world supports them in the exercise of their democratic rights.

We are all aware that in the decades since Helsinki, we have seen conflict, torture, and ethnic violence within the OSCE area. Unfortunately, not all areas in the OSCE region made a peaceful transition to the Euro-Atlantic community of democratic prosperity. Some OSCE countries remain one-party states or suffer under regimes which suppress political opposition. Perhaps the most troubled region is the former Yugoslavia. As Laura Silber has written in the text to the BBC series ''The Death of Yugoslavia,'' ''Yugoslavia did not die a natural death. Rather, it was deliberately and systematically killed off by men who had nothing to gain and everything to lose from a peaceful transition from state socialism and one-party rule to free-market democracy.''

We need only look at the devastation of Chechnya and the continuing ethnic strife in parts of the former Yugoslavia to realize there is much still to be done in the OSCE region. We must continue our work together to minimize conflict and bring contending sides together, foster economic reforms through enhanced transparency, promote environmental responsibility, and or fight against organized crime and corruption. Human rights remain very much on our agenda as we seek to eradicate torture, and find new solutions for the integration of immigrants, minorities and vulnerable peoples into our political life.

''Without a vision,'' wrote the prophet Isaiah so long ago, ''the people will perish.'' We here today have a vision of collective security for all the citizens of the OSCE region. After twenty-five years, the goals embodied in the Helsinki final act remain a benchmark toward which we must continue to work. The Panelists have reminded us today that the Helsinki Final Act has incalculable symbolic meaning to the citizens of our region; we must continue to take on new challenges as we strive to keep this meaning alive.

Mr. CROWLEY. Mr. Speaker, it is my pleasure to yield 8 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member of the Helsinki Commission.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from New York (Mr. CROWLEY) for yielding me the time. I thank the gentleman from New York (Mr. GILMAN), the Chairman of the Committee on International Relations, for bringing this resolution to the floor. I am pleased to join my very good friend, the gentleman from New Jersey (Mr. SMITH), with whom I have served on the Helsinki Commission since 1985 and who is now the chairman of our commission and does an extraordinarily good job at raising high the banner of human rights, of freedom, and democracy and so many other vital values to a free people. I am honored to be his colleague on the Helsinki Commission.

Mr. Speaker, I rise in strong support of H.J. Res. 100 which commemorates the 25th anniversary of the signing of the Helsinki Final Act which, was signed on August 1, 1975.

It is my firm belief that the political process set in motion by the signing of the Final Act was the groundwork for the forces which consumed the former Soviet empire. In 1975, many of the Final Act signatory states viewed the language of the act dealing with human rights and the obligation that each state had toward its own citizens, as well as those of other states, as essentially meaningless window dressing.

Their objective, it was felt that of the Soviets, was to secure a framework in which their international political position and the then existing map of Europe would be adjudged a fait accompli.

Let me say as an aside that as we honor the 25th anniversary of the Helsinki Final Act, we ought to honor the courage and the vision of President Gerald Ford. I am not particularly objective. President Ford is a friend of mine for whom I have great affection and great respect, but those who will recall the signing of the Final Act in August of 1975 will recall that it was very controversial, and that many particularly in President's Ford's party thought that it was a sellout to the Soviets, thought that it was, in fact, a recognition of the de facto borders that then existed with the 6 Warsaw Pact nations, captive nations, if you will.

President Ford, however, had the vision and, as I said, the courage, to sign the Final Act on behalf of the United States along with 34 other heads of state; that act became a living and breathing process, not a treaty, not a part of international law, but whose moral suasion ultimately made a very significant difference.

I want to join my colleagues who I know would want to thank President Ford for his vision and courage in that instance, because those who thought it was a sellout were proven wrong.

The Helsinki process, which provided a forum and international backing for Refuseniks and others fighting behind the Iron Curtain for fundamental freedom and human rights, led inevitably to the collapse of Soviet communism.

Today we celebrate the freedom yielded by our steadfast commitment to the process and by our demand that the former Soviet bloc countries adhere to and implement the human rights standards enshrined by the accords. The fall of the Berlin Wall, Mr. Speaker, transformed the world and demonstrated unreservedly that respect for the dignity of all individuals is fundamental to democracy.

Mr. Speaker, the Organization for Security and Cooperation in Europe took a stand that human dignity, tolerance, and mutual respect would be the standards for all nations of Europe as we entered the 1990s. The Helsinki process served as a source of values and acted as an agent of conflict resolution.

It provided, Mr. Speaker, participating states with a blueprint by which to guide them away from the past, but most importantly, it reminded members, old and new, of their responsibilities to their own citizens and to each other.

Mr. Speaker, this lesson was sorely tested in the years following the Wall's fall with the dismemberment of Yugoslavia, the genocide in Bosnia and Kosovo, the economic collapse of Albania, and the emergence of new threats to the citizens of Russia.

One year after the fall of the Wall, at the OSCE Paris Summit, former political prisoners like Vaclav Havel and Lach Walesa, who had fought for the rights espoused in Helsinki in 1975, led their countries to the table and recommitted themselves and their governments to the principle of human rights, security and economic cooperation that are the foundation of the Helsinki Final Act.

Today, Mr. Speaker, 54 nations of Europe and the Americas, the Caucasus and Central Asia are committed to the Helsinki process as participating states in the OSCE. Now, we must recognize that all 54 of those states do not carry out those principles any more than the Soviet states carried out those principles in the months and long years after the signing of the Final Act, but we found then that inevitably the power of those ideas was like a tide that swept down oppression and resistance.

□ 1845

Hopefully, all 54 states will find that tide irresistible and will incorporate in their own lands all of the principles of the Helsinki Final Act.

Mr. Speaker, as we reflect on this anniversary, we understand that the countries and peoples of the region are still in transition and will be for decades to come. Great strides have been made by many former Communist countries in building democratic societies and market economies. Yet, progress has been uneven, and much remains to be done, as I said.

Mr. Speaker, in my view, it is critical that the United States remain engaged with the peoples and governments of Europe and the countries which emerge from the former Soviet Union, especially from Russia, during this difficult period.

I agree with President Clinton when he said that we must, and I quote, ''reaffirm our determination to finish the job, to complete a Europe whole, free, democratic, and at peace for the first time in all of history.'' It is in our strategic and national interest, Mr. Speaker, to do so. By doing so, we honor the memory of all those who sacrificed so much to hold high the banner of freedom.

Mr. Speaker, I urge my colleagues to pass H.J. Res. 100 unanimously.

Mr. GILMAN. Mr. Speaker, I have no further requests for time.

Mr. CROWLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from New York (Mr. CROWLEY) for yielding me this time.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I am pleased that the gentleman from Maryland yielded me some time. The reason I wanted to take this time is he will not say himself, the gentleman from Maryland (Mr. CARDIN) is a member of the Helsinki Commission and has served with the gentleman from New Jersey (Mr. SMITH) and I for many years. There is a no more conscientious, a no more engaged and focused member of the Helsinki Commission than the gentleman from Maryland (Mr. CARDIN). I am pleased that he rises to speak on behalf of this resolution.

Mr. CARDIN. Mr. Speaker, reclaiming my time, let me thank the gentleman from Maryland (Mr. HOYER) for those very kind remarks, and I am going to include some comment about the gentleman from Maryland in my statement.

First, let me first just point out the obvious. It has been 25 years that our country has been an active participant in the Helsinki process. We are right to acknowledge that and celebrate that today. This resolution recalls the importance of the Helsinki process in promoting human rights, democracy, and the role of law within 54 countries that participate in the OSCE.

I am proud to represent this body in the Helsinki Commission and this Nation. This is unusual participation because we have both the legislative and executive branches that work side by side on the Helsinki Commission, and we work together. It is unusual. We do not have too many opportunities where both the executive and legislative branches participate as equal partners in a process. So it is truly unique. It has been very effective.

I want to congratulate the leadership on the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. CROWLEY), for the roles that they have played, very supportive of this commission, and giving us the opportunity to be active participants. We thank them very much for that.

To the gentleman from New Jersey (Mr. SMITH), our chairman, and the gentleman from Maryland (Mr. HOYER), our ranking member, I had participated with both of these individuals. Let me tell my colleagues I think either of them would make an excellent Secretary of State. They do a great job representing this Nation in some very, very difficult negotiations. I think we are very well served by the leadership of both the gentleman from New Jersey (Mr. SMITH) and the gentleman from Maryland (Mr. HOYER) in guiding our participation in the Helsinki process.

It is unique. This is very bipartisan. I do not think I ever recall a moment in my entire service on this body where there has been a partisan difference. We worked together for our Nation, and we worked together for human rights, and today we really can celebrate the successes. Sure we can say there are still many challenges in Europe, and former Yugoslavia obviously presents a tremendous challenge for us. But we celebrate our successes.

We have been successful in establishing democratic principles in most of the countries that were dominated by the former Soviet Union, and the Helsinki process has been key to those achievements; and we rightly celebrate that.

We also can celebrate the fact of what we did with Soviet Jews. The Helsinki process allowed many people to be able to leave the former Soviet Union.

We have an acknowledgment from Europe of the rights of ethnic minorities. There is no longer question that ethnic minorities are entitled to protection in their individual states. It is the right of every other participating state to raise those issues, and we do.

So, sure, there are challenges that are still remaining. We all understand that in Europe. But the Helsinki process is an unquestioned success. Today, by passing this resolution, we acknowledge that.

I urge my colleagues to support the resolution.

Mr. CROWLEY. Mr. Speaker, I do not believe we have any additional speakers, and I yield back the balance of my time.

Mr. GILMAN. 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 New York (Mr. GILMAN) that the House suspend the rules and pass the joint resolution, H.J. Res. 100.

The question was taken.

Mr. SMITH of New Jersey. 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.

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PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–297)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 25, 2000.*

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PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 25, 2000.*

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SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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GOP'S FALSE ''CHOICE''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, earlier this year, a confidential document prepared for House Republicans somehow found its way into the public realm. It was not big news at the time, just some talking points. They were prepared by a Republican polling firm in response to the Democrats' Medicare prescription drug proposal.

According to their analysis, an effective way to create opposition to the type of proposal offered by the President and House Democrats is to call it a ''one-size-fits-all'' plan, a ''big government'' plan, or worst of all, a ''one-size-fits-all big government'' plan.

One cannot blame the public for reacting to these phrases. I do not know anyone who likes big government simply for big government's sake. However, one can blame politicians for exploiting these terms instead of confronting the fundamental differences between the Democrat and Republican prescription drug proposals.

The Democrats' plan would add an optional drug benefit to Medicare. The Republican plan would bypass Medicare and subsidize private stand-alone insurance plans instead.

It is difficult to conceive of a program offering more choice than Medicare. The Medicare program covers medically necessary care and services. Beneficiaries can see their own health care professional and go to the facility that they choose.

Under the prescription drug plan, similarly, enrollees could go to the pharmacy of their choice. FDA-approved medications prescribed by a physician would be covered without regard to formulary restrictions.

Given this level of flexibility, how would a legion of new private plans enhance a beneficiary's choice in any way that matters? It is more likely these plans, like any other managed care product, would find ways of restricting choice which would, indeed, enhance something, their bottom line.

Medicare is a single plan that treats all beneficiaries equally and provides maximum choice and access for patients and doctors. The Democrats' prescription drug proposal embraces the same choice principles.

Under the Republican prescription drug proposal, Medicare beneficiaries would choose between private stand-alone insurance company prescription drug plans. Ostensibly, this would enable seniors to tailor their prescription drug coverage to their particular needs.

But what exactly would distinguish one private insurance plan from another private insurance plan? Realistically, the key differences would have to relate to the generosity and restrictiveness of the benefits, how many pharmacies would be covered, how stringent is the formulary, how much cost sharing would be required by the patient.

None of these plans could responsibly in any way, theoretically or practically, provide more choice than the Democrats' proposal in terms of which medications are covered, since the Democrats plan covers all doctor-prescribed medications.

None of these plans could provide a broader choice of pharmacy, since the Democrats' plan does not restrict access to pharmacies.

It appears that ''choice'' is actually code for ''wealth.'' Higher-income seniors could afford a decent prescription drug plan under the Republican plan, one with the same level of coverage that would be available to all beneficiaries under the Democrats' plan. In other words, if one is wealthy, one can get as good a plan as the Democrats' plan. But under the Republican plan, lower-income enrollees would be relegated to restrictive alternatives. Some choice that is.

When opponents of the Democrats' prescription drug coverage plan berate it for being ''one-size-fits-all'' and ''big government,'' they are actually berating Medicare itself. In fact, the Republicans' prescription drug proposal, which ignores Medicare to establish new private insurance HMO policies, is an insult to the program.

Their plan pays homage to those Members of Congress who favor privatizing Medicare, turning Medicare over to this Nation's insurance companies. I might add, Mr. Speaker, I have yet to meet anyone outside the Beltway who favors such a plan to privatize Medicare.

It is no coincidence that the only way a Medicare beneficiary could avoid carrying multiple health insurance policies under the Republican proposal is to join a private Medicare managed care plan.

As Congress and the presidential candidates debate the merits of competing prescription drug coverage proposals, watch for allegations like ''one-size-fits-all'' and ''big government,'' and the like.

When applied to insurance coverage offering maximum choice in the areas that matter, choice of provider and access to medically necessary care, choice of prescription drug, pharmacies, and formularies, these terms simply fall flat.

Bear in mind also that more than the structure of a prescription drug benefit is at stake during these debates. The future of Medicare may, in fact, also hang in the balance.

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ENERGY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. HYDE) is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, I come to the floor to talk about energy policy, a subject that has been much in the news in recent days. Crude oil supplies are tight, and we expect prices of all the various petroleum products to rise in the coming weeks.

□ 1900

Some may ask why should the chairman of the Committee on the Judiciary speak on this subject? In short, OPEC presents a classic antitrust problem that does not lend itself to antitrust solutions. What then should we do?

First, I want to suggest that the policy measures that have been advanced in recent days will not help for long. We must realize that our problem is not a temporary one, it is deep, it is structural and it is getting worse. Currently, we import more than 50 percent of the crude oil we use, and that number has been steadily increasing. So long as we allow that situation to persist, it will gravely threaten our national security and our way of life. So far we have been relatively lucky, but there is no reason to believe we will always have the same luck.

Last Friday, the Clinton-Gore administration decided to release 30 million barrels of crude oil from the Strategic Petroleum Reserve in an effort to lower prices. The idea is that the government will set oil prices. This from an administration that admitted it had been caught napping on oil prices last February. We established the Strategic Petroleum Reserve for national security reasons, to tide us over when there was a serious disruption in supply. At this point, there is no disruption at all. Prices are simply high because supply is tight. I do not like that, I wish they were lower, but tight supply is one thing and a disrupted supply is another. So the reserve was not meant to be a government price management tool.

Apart from that consideration, will this move succeed in lowering prices? I am not an economist, and I do not know what effect releasing a day and a half's supply of oil into the market over a month will have, but common sense would suggest that, holding all other things equal, it probably will reduce prices for a short time. But in a dynamic world, who knows whether all other things will remain equal. For example, why would OPEC simply not cut its production by a corresponding amount? Meanwhile, our buffer against a true disruption is lessened by a day and a half's supply during that time. How will we feel about that if Iraq decides to invade Kuwait again?

However, as the administration has stressed, this is a swap deal. Oil companies that take the oil will have to replace it with more at some future date. If that comes to pass, I will certainly be glad that we have more oil in the reserve. But what effect will removing that replacement oil have on market prices? If releasing 30 million barrels into the market will drop prices now, does it not stand to reason that removing more than 30 million barrels in the future will raise prices then? To put it in medical terms, this release is, at best, a temporary pain reliever that does nothing to cure the underlying disease. Indeed, it may well worsen our pain in a very short time.

What then do I propose? We must have a national energy policy that includes increased domestic energy production consistent with reasonable environmental guidelines, increased domestic refining and transportation capacity consistent with reasonable environmental guidelines, increased diplomatic pressure on foreign nations that produce oil, increased energy efficiency of engines and generation facilities, increased use of renewal energy sources throughout our economy, and a reformed excise tax structure. We can do all of this, and we can overcome this problem.

But these things that I have mentioned cut across the jurisdictions of lots of congressional committees and government agencies. They affect a lot of people and a lot of businesses. Because of that, we need sustained committed Presidential leadership. Only a comprehensive national energy policy can solve our problem, and only the President can lead us to that national energy policy. So I am introducing legislation, and have done so today, to call on the President to do that immediately.

So what can we do to ease the short-term pain? I think we must repeal the 4.3 cents a gallon deficit reduction tax that the Democrat Congress and administration passed in 1993. Fortunately, we have since ended the deficit. Unfortunately, in 1997, instead of ending this tax, we converted it to the Highway Trust Fund. I understand everyone wants their road projects, but consumers deserve some relief too. It is not a lot, but it will help until we get our long-awaited Presidential leadership.

Mr. Speaker, I call on all of my colleagues to support my Energy Independence Through Presidential Leadership Act. It calls on the President to provide immediate action to lead us to a national energy policy, and it gives short-term relief by repealing the deficit reduction tax. Let us forget the bandages and let us cure the disease.

Mr. Speaker, I come to the floor tonight to talk about energy policy—a subject that has been much in the news in recent days. The subject has been in the news because crude oil supplies are tight, and we expect prices of all the various petroleum products to rise in the coming weeks.

Some may ask why should the chairman of the Judiciary Committee speak on this subject? My answer to that is to ask why are world oil supplies tight. World oil supplies are tight because the members of the Organization of Petroleum Exporting Countries, or OPEC, have agreed among themselves to restrict the supply. They form a classic price fixing conspiracy that violates our antitrust laws. If they were American companies, they would go to jail. Unfortunately, they are sovereign nations, and we cannot reach them under our current law. In short, we have a classic antitrust problem that does not lend itself to antitrust solutions.

What then should we do? I know that we are in the middle of a campaign season, and I do not want to make this political. But I do want to suggest why some of the policy measures that have been advanced in recent days will not help. I also want to tell you what I think must be done. The Judiciary Committee has held three days of hearings on this subject this year, and we have learned quite a bit.

We must realize that our problem is not a temporary one. It is deep—it is structural—and it is getting worse. Currently, we import more than 50 percent of the crude oil we use and that number has been steadily increasing. So long as we allow that situation to persist, it will gravely threaten our national security and our way of life. So far, we have been relatively lucky, but there is no reason to believe that we will always have that same luck.

So, let's talk about some of the policy initiatives that are under discussion. Last Friday, the Clinton-Gore Administration decided to release 30 million barrels of crude oil from the Strategic Petroleum Reserve in an effort to lower prices. The idea is that the government will set oil prices—this from an administration that admitted that it had been ''caught napping'' on oil prices last February. I was not there when any of these comments were made, but according to press reports, Vice President GORE opposed this strategy last February, Treasury Secretary Summers thought it was a ''dangerous precedent,'' and Federal Reserve Chairman Greenspan also opposed it.

That is such a distinguished group that I hesitate to add my own thoughts, but let me do so briefly. We established the Strategic Petroleum Reserve for national security reasons—to tide us over when there was a serious disruption in supply. At this point, there is no disruption at all—prices are simply high because supply is tight. I do not like that, I wish

they were lower, but a tight supply is one thing and a disrupted supply is another. So the Reserve was not meant to be a government price management tool.

Apart from that consideration, will this move succeed in lowering prices? I am not an economist, and I do not know what effect of releasing a day and half's supply of oil into the market over a month will have. Common sense would suggest that, holding all other things equal, it probably will reduce prices for a short time. But, in a dynamic world, who knows whether all other things will remain equal? For example, why wouldn't OPEC simply cut its production by a corresponding amount? Meanwhile, our buffer against a true disruption is lessened by a day and a half's supply during that time. How will we feel about that if Iraq decides to invade Kuwait again?

However, as the Administration has stressed, this is a swap deal. Oil companies that take the oil will have to replace it with more at some future date. If that comes to pass, I will certainly be glad that we have more oil in the Reserve. But what effect will removing that replacement oil have on market prices? If releasing 30 million barrels into the market will drop prices now, doesn't it stand to reason that removing more than 30 million barrels in the future will raise prices then? To put it in medical terms, this release is at best a temporary pain reliever that does nothing to cure our underlying disease. Indeed, it may well worsen our pain in a very short time.

Now, some have suggested that ''Big Oil'' is price gouging. If that is so, then the oil companies must be punished. Last June, Representative JIM SENSENBRENNER and I were the first to ask the Federal Trade Commission to investigate this matter. So far, they have not brought any price gouging cases. I do not know what their investigation will ultimately show, but I think we have to be careful about throwing that charge around until we know what the evidence is.

Some have suggested that we change the law so that we can sue the foreign nations that make up OPEC. I would not oppose that—it is so emotionally satisfying to say let's sue them. But we have to realize that any such measure is largely symbolic and may lead to worse consequences for us. This is one of the first questions that we asked in our Judiciary Committee hearings and let me just quote what the Federal Trade Commission said in response:

> A possible enforcement action . . . raises practical questions as to whether jurisdiction can be obtained over OPEC and its member nations, how a factual investigation could be conducted with respect to documents and witnesses located outside the United States, and the nature and enforceability of any remedy.
>
> . . . [P]erhaps most importantly, any enforcement action would raise significant diplomatic considerations. A decision to bring an antitrust case against OPEC would involve not only, and perhaps not even primarily, competition policy, but also defense policy, energy policy, foreign policy, and natural resource issues. In particular, any action taken to weaken a sovereign nation's defenses against judicial oversight of competition lawsuits, for example, would have profound implications for the United States, which places buying and selling restrictions on myriad products. Consequently, any decision to undertake such a challenge ought to be made at the highest levels of the executive branch, based on careful consideration by the Department of Justice and other relevant agencies.

I think that the last point is particularly timely when you consider that just last week the Yugoslavian government began a ''war crimes'' trial against President Clinton and other Western leaders growing out of our bombing of Kosovo. So we have to think about what the consequences of our action will be.

When we face the prospect of rising energy prices six weeks before an election, it is tempting to scramble around proposing band-aid solutions like those I have discussed. But they really do not do anything to address the problem. What then do I propose?

First, we must acknowledge that this problem is not easy to solve, and it will take commitment and discipline over a significant period of time. We must have a national energy policy that includes: increased domestic energy production consistent with reasonable environmental guidelines, increased domestic refining and transportation capacity consistent with reasonable environmental guidelines, increased diplomatic pressure on foreign nations that produce oil, increased energy efficiency of engines and generation facilities, increased use of renewable energy sources throughout our economy, and a reformed excise tax structure.

We have oil in Alaska and other places that we can use. Much of the home heating oil problem arise not from a lack of oil, but a lack of refining capacity. Refining capacity lags because environmental and other regulations make it almost impossible to build new refineries. I an confident that we can reconcile these things with reasonable environmental guidelines.

Let me quote from a recent statement on advanced oil drilling technology: ''advanced technology has led to fewer dry holes, smaller drilling 'footprints,' more productive wells, and less waste. All of these advances have contributed to a cleaner environment, and even greater benefits are possible. . . . We have only scratched the surface of what is possible—and of what technological improvements can do to benefit the energy security and environmental quality for future generations.''

You might think that this statement comes from ''Big Oil.'' In fact, it comes from the Clinton-Gore Administration's own Assistant Secretary for Fossil Energy just a year ago.

In that same vein, we heard testimony in the Judiciary Committee about the great advances that are being made in making more efficient engines and generation facilities. We are well along in this field, and we just need to make the changeover. We also need to look around us: the sun, the wind, and the waters are free and renewable. OPEC cannot take them from us. We must develop these energy sources.

We can do all of this, and we can overcome this problem. But these things that I have mentioned cut across the jurisdictions of lots of congressional committees and government agencies. They affect a lot of people and businesses. Because of that, we need sustained, committed presidential leadership. Only a comprehensive national energy policy can solve our problem, and only the President of the United States can lead us to that national energy policy. So I am introducing legislation to call on the President to do that immediately.

But candidly I do not expect that we are going to get much leadership in the waning days of the Clinton-Gore Administration. So what can we do to ease the short term pain? I think we must repeal the 4.3 cents a gallon deficit reduction tax that the Democrat Congress and Administration passed in 1993. Fortunately, we have since ended the deficit. Unfortunately, in 1997, instead of ending this tax, we converted it to the Highway Trust Fund. I understand that everyone wants their road projects, but consumers deserve some relief. It's not a lot, but it will help until we get our long awaited presidential leadership.

So, Mr. Speaker, I call on all of my colleagues to support my ''Energy Independence through Presidential Leadership Act.'' It calls on the President of the United States to provide immediate action to lead us to a national energy policy and it gives short term relief by repealing the deficit reduction tax. Let's forget the bandages and cure the disease.

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LACK OF HEALTH INSURANCE FOR OUR NATION'S CHILDREN

The SPEAKER pro tempore (Mr. ADERHOLT). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I believe there has been enough debate on the floor of the House and as evidenced by news reports around this Nation for everyone to be aware that our health care system in America is near crisis in many areas. But today, Mr. Speaker, I announce that the care of our children and health care for our children is in shambles.

About 45 percent of the $4.2 billion provided in the 1997 legislation passed by Congress to provide health care for our children, health insurance, has not been spent by the States, State and Federal officials have announced. Any money left after a September 30 deadline will be redistributed to the 10 States that used their full allotments of Federal money under the children's health insurance program, a program created in 1997. Some 40 States are in jeopardy, and September 30 is fast appearing.

California and Texas, Texas is the State that I come from, together have 29 percent of the Nation's 11 million uninsured children, and my State of Texas, on September 30, 2000, stands to lose $446 million. Seven million of those children living in our Nation, 7 million of the 11 million children needing to have health insurance, are uninsured. Two-thirds of those children live in families with incomes below 200 percent of the poverty level.

Mr. Speaker, this crisis, this state of shambles must end. This program, this State-run program, covers children from families that do not qualify for Medicaid but cannot afford to buy insurance. This effort was supposed to extend coverage to an additional 2 million children who do not qualify for Medicaid, yet millions of children are believed to be eligible for programs but remain uninsured.

Texas has the second highest rate of uninsured children in the Nation, with over 25 percent of children under the age of 19 lacking health insurance throughout the years 1996 to 1998. There are 1.4 million uninsured children in Texas, 600,000 eligible for but not in Medicaid, nearly 500,000 qualify for CHIP. We are at the bottom of the totem pole; the bottom of the heap.

And, frankly, Mr. Speaker, we are all in the mix. Texas is in the mix and the governor of the State of Texas is in the mix, for we had a number of years to outreach to those parents, those schools, those children to provide the information, to encourage them to sign up painlessly for the CHIP program. Yet in Dallas we have a young boy waiting for a wheelchair for months and months and months because he is uninsured; or in the city of Houston we have a child waiting for eyeglasses months and months and months because they are uninsured.

There is $446 million to be lost to the Nation's children, particularly in the State of Texas; children suffering from asthma, children who are HIV infected, children who have been diagnosed with cancer, children who need to be able to have good health care, children who are fighting against the Texas rate of infant mortality, which is 5.9 percent with white children and 10.9 percent with black children.

This is a tragedy. And so my call is not only to the State of Texas and other States but it is also to the Federal government. We should delay the September 30 deadline and provide the opportunity for America's children to be insured. It is a shame, it is a crisis to take the money and to redistribute it to States, who may be in need, I agree with that, but do not leave unfulfilled the need of States that have not even touched the surface.

Texas is well-known for having the second highest number of uninsured children. I am calling on Secretary Shalala and the governing body for these CHIP programs to delay the time frame for States to be able to regroup and to reoffer to the Federal Government a strategy that will allow them to draw down on the respective monies. My State of Texas cannot afford to lose these dollars. Our children need immunization, our children need treatment for asthma, cancer, HIV–AIDS, our children need eyeglasses and wheelchairs and basic preventive health care.

At any moment now an outbreak of children's disease could cause a disaster in the State of Texas. It is not without being heard. Need is great, and we must help them. I ask Secretary Shalala, with the administration, to delay the time, and I ask Governor Bush to come home and solve the problem.

Mr. Speaker, I rise today to point out the tragedy that nationally, over 44 million Americans are without health insurance and this number is increasing with each passing day. Of this number of uninsured Americans 11 million are children, which means that one in seven of those children living in our nation are uninsured. Two-thirds of these children live in families with income below 200% of the poverty level ($33,400 for a family of four in 1999).

Unfortunately the plight of the uninsured in our nation has grown worse although we are experiencing the longest economic expansion in the last thirty years. Our nation's unemployment rate is at its lowest point in 30 years; core inflation has fallen to its lowest point in 34 years; and the poverty rate is at its lowest since 1979. The last seven years we have seen the Federal budget deficit of $290 billion give way to a $124 billion surplus. Medicaid provides health insurance coverage for more than 40 million individuals—most are women, children, and adolescents—at an annual cost of about $154 billion in combined federal and state funds.

The Childrens Health Insurance Program (CHIPS), was passed in 1997. This state-run program covers children from families that do not qualify for Medicaid, but cannot afford to buy insurance. This effort was supposed to extend coverage to an additional 2 million children who do not qualify for Medicaid. Yet millions of children are believed to be eligible for these programs, but remain uninsured.

Texas has the second highest rate of uninsured children in the nation with over 25% of children under the age of 19 lacking health insurance throughout the years 1996–1998.

There are 1.4 million uninsured children in Texas, 600,000 are eligible for, but not in Medicaid; nearly 500,000 qualify for CHIP.

Texas, attempt to combat the number of uninsured children is by combining the options available to states in order to expand health insurance coverage. Texas' combination includes the expansion of Medicaid and state-designed, non-Medicaid programs.

At present time, there is a need for eligibility reforms and aggressive outreach for low-income health programs in Texas.

Texas is at the bottom of retaining low-income kids on Medicaid since welfare reform in 1996. 193,400 Texas children fell off the Medicaid rolls during the past three years, a 14.2% decline.

Medicaid data collected finds an increase in the number of people enrolled in Medicaid in June 1999 compared to June 1998, but the magnitude of this success rate is dampened due to the decline of Medicaid in nine statess—one of them was Texas.

The status quo in Texas is that children (up to age 19) in families with incomes at or under 100% of the federal poverty income level (FPL, $14,150 for a family of 3) can qualify for Medicaid.

Texas has been given the choice to adopt less restrictive methods for counting income and assets for family Medicaid; for example, states can increase earned income disregards, and alter or eliminate asset tests. Texas has been slow compared to other states in implementing CHIP.

Children enrolled in Texas CHIP will get a comprehensive benefits package—includes eye exams and glasses, prescription drugs, and limited dental check-ups, and therapy.

CHIP does not serve as an alternative to Medicaid for those families, who based on their income, are eligible for Medicaid.

MORBIDITY AND MORTALITY

The U.S. ranks 22nd among industrialized nations.

Infant mortality rates are twice as high for Black infants than for White infants and Black infants are four times more likely to die because of low birthweight than are white infants.

In Texas, the infant mortality rate is 5.9% for children with a White mother versus 10.9% for those with a Black mother.

Although the absolute number of deaths due to cancer in children and adolescents is low relative to adults, cancer remains the second leading cause of death among Texas children ages 1 to 14 years.

Cancer is diagnosed in about 800 Texas children and young adults under the age of 20 each year.

Although lead has been banned from gasoline and paint, it is estimated that nearly 900,000 children have so much lead in their blood that it could impair their ability to learn.

The estimated number of children under age 13 who acquired AIDS before or during birth increased each year during the period from 1984 through 1992.

New case rates and death rates for HIV/AIDS are disproportionately higher for children of color than for White children. AIDS among Black and Hispanic adolescents accounted for approximately 83% of reported cases in 1997.

Hospitalizations for children with asthma have been increasing for most of the 1990's. Low-income children are more likely to suffer from asthma with the sharpest increases being among urban minority children. If trends continues, asthma will become one of the major childhood diseases of the 21st century.

CHILDHOOD NUTRITION

Teen obesity has more than doubled in the past 30 years. Next to smoking, obesity is the leading cause of preventable death and disease. Obesity continues to disproportionately affect poor youth and minority children because of poor diet and lack of exercise.

13.6 percent of all American children are overweight. Yet, 11.8 percent of low-income children experience moderate to severe hunger, compared with 1.9 percent of children in households with income above the poverty level.

Approximately 35 children each day are diagnosed with juvenile diabetes, which can lead to blindness, heart attack, kidney failure and amputations. Type 2 diabetes is increasingly high among minority children.

Before 1992, only 1 to 4% of children was diagnosed with Type 2 diabetes or other forms of diabetes. Now, reports indicate that up to 45% of children with newly diagnosed diabetes have Type 2 diabetes.

CHILDREN'S MENTAL HEALTH

Currently, there are 13.7 million children in this country with a diagnosable mental health disorder, yet less than 20% of these children receive the treatment they need. At least one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide.

However, 75 to 80 percent of these children do not receive any services in the form of speciality treatment or some form of mental health intervention.

The White House and the U.S. Surgeon General have recognized that mental health needs to be a national priority in this nation's debate about comprehensive health care.

Suicide is the eighth leading cause of death in the United States, accounting for more than 1% of all deaths.

The National Mental Health Association reports that most people who commit suicide have a mental or emotional disorder. The most common is depression.

According to the 1999 Report of the U.S. Surgeon General, for young people 15–24 years old, suicide is the third leading cause of death behind intentional injury and homicide.

Persons under the age of 25 accounted for 15% of all suicides in 1997. Between 1980 and 1997, suicide rates for those 15–19 years old increased 11% and for those between the ages of 10–14, the suicide rates increased 99% since 1980.

More teenagers died from suicide than from cancer, heart disease, AIDS, birth defects, strokes, influenza and chronic lung disease combined.

Within every 1 hour and 57 minutes, a person under the age of 25 completes suicide.

Black male youth (ages 10–14) have shown the largest increase in suicide rates since 1980 compared to other youths groups by sex and ethnicity, increasing 276%.

Almost 12 young people between the ages of 15–24 die every day by suicide.

In a study of gay male and lesbian youth suicide, the U.S. Department of Health and Human Services found lesbian and gay youth are two to six times more likely to attempt suicide than other youth and account for up to 30 percent of all completed teen suicides.

We must act to prevent states like Texas, California, and Louisiana from loosing millions of dollars in federal funds which have been provided to insure our nation's uninsured poor children.

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TRIBUTE TO CARL ROWAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to noted author and journalist Carl Rowan, who passed earlier this week and who devoted his life to working and fighting for equality and justice both here at home and abroad.

Carl Rowan was born in 1925 in Ravenscroft, Tennessee. Like many African Americans, he emerged from poverty in the segregated South during the depression. Undoubtedly, the trials and tribulations of Mr. Rowan's life, and which he overcame in his childhood, prepared him to excel as a leader and enabled him to climb the arduous ladder of success in his career. His life is a model which exemplified the continuous breaking of barriers which is truly noteworthy.

Mr. Rowan served as a commissioned officer in the United States Navy. And after his tenure of military service he studied at Oberlin College in Ohio and earned a master's degree in journalism from the University of Minnesota. In the late 1940s, Carl Rowan became one of the first African Americans to work for a major mainstream daily newspaper when he took a copy editing position at the Minneapolis Tribune.

Mr. Rowan was known among his contemporaries to possess integrity and an unwavering purpose to fight for justice. His sense of duty to uncover the truth, no matter what the cost, is not only noteworthy but honorable. Equipped with a tenacious journalistic pen, Carl Rowan courageously exposed racism.

His reporting on race relations led President Kennedy to appoint him Deputy Secretary of State, delegate to the United Nations during the Cuban missile crisis, and Ambassador to Finland. In 1964, President Johnson named him Director of the United States Information Agency. While serving in these capacities, Mr. Rowan's shrewd character was admired by many, and his toughness was respected by all.

After his government service, Mr. Rowan continued to break barriers when he became a columnist for the Chicago Sun Times. During his illustrious career at the Sun Times he composed themes of reform and racial awareness, which touched the spirits of his dedicated readers. Unlike many of his colleagues, he dared to write about the unpopular, the controversial. Mr. Rowan's motto was: ''I inform people and expose them to a point of view they otherwise wouldn't get. I work against the racial mindset of most of the media.''

Indeed, Carl Rowan proved to be a watchdog who was in the forefront of civil rights in the media. This is why my friend and respected columnist, Vernon Jarrett, views Mr. Rowan as a role model who pioneered in the introduction of black content to major white newspapers.

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Furthermore, Carl Rowan did not use his pen alone to make a difference. He was a staunch advocate of public service and philanthropy, as well. He created Project Excellence in 1987 to help and encourage black youth to finish high school and go on to college. To date, the fund has given $79 million to Washington area youth.

Mr. Rowan was a good friend to many. His mark of excellence serves as a testament to what one can achieve. His undaunted literary voice will be sorely missed.

And so, Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Carl Rowan for his remarkable career of serving our country. On this sad and unfortunate occasion, let us extend our deepest sympathy to his family, to his wife, Vivian, and his three children, Carl, Jr., Jeffrey, and Barbara, a man of distinction, a public servant who served not only his country but the world community well.

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REDUCING NATIONAL DEBT AND ANNUAL INTEREST PAYMENTS BY BILLIONS

The SPEAKER pro tempore (Mr. ADERHOLT). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, does anyone believe that it would be possible to reduce our national debt by $600 billion and reduce our annual interest payments by $6 billion with no harm to anyone nor to any program? That sounds too good to be true, does it not? But it is true, it is simple, and it is possible.

Most people have little knowledge of how money systems work and are not aware that an honest money system would result in great savings to the people. We really can cut our national debt by $600 billion and reduce our Federal interest payments by $30 billion per year.

It is an undisputable fact that Federal Reserve notes, that is our circulating currency today, is issued by the Federal Reserve in response to interest-bearing debt instruments. Thus, we indirectly pay interest on our paper money in circulation. Actually, we pay interest on the bonds that so-called back our paper money. That is the Federal Reserve notes. This unnecessary cost is $100 per person each year in our country, an absolutely unnecessary cost, $100 per person each year.

The Federal Reserve obtains the bonds from the banks at face value in exchange for the currency. That is the Federal Reserve notes printed by the Bureau of Engraving and Printing and given to the Federal Reserve. The Federal Reserve appears to pay the printing costs. But, in fact, the taxpayers again get stuck. They pay the full cost of printing our Federal Reserve currency. The total cost of the interest is roughly $30 billion, or about $100 per person, in the United States.

Why are our citizens paying $100 per person to rent the Federal Reserve's money when the United States Treasury could issue the paper money exactly like it issues our coins today? The coins are minted by the Treasury and, essentially, sent into circulation at face value.

The Treasury will make a profit of $880 million this year from the issue of the first one billion new gold-colored dollar coins. If we use the same method of issue for our paper money as we do for our coins, the Treasury could realize a profit on the bills sufficient to reduce the national debt by $600 billion and reduce annual interest payments by $30 billion dollars.

In other words, Federal Reserve notes are officially liabilities of the Federal Reserve, and over $600 billion in U.S. bonds is held by the Federal Reserve as backing for these notes. The Federal Reserve collects interest on these bonds from the U.S. Government, then it returns most of it to the U.S. Treasury. But the effect of this is there is a tax on our money, again about $100 per person, or $30 billion a year, that goes to the United States Treasury, a tax on our money in circulation.

Is there a simple and inexpensive way to convert this costly, illogical, and convoluted system to a logical system which pays no interest directly or indirectly on our money in circulation?

Yes, there is. Congress must require the U.S. Treasury to issue our cash, our paper money.

I have introduced a bill to require our paper money be issued just as we issue our coins, thus reducing the national debt by $600 billion and stop wasting $30 billion each year paying rent or interest on our own money in circulation.

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PRESCRIPTION DRUG COVERAGE FOR EVERY SENIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, earlier this month I visited members of the AARP in Clifton, New Jersey, to talk about issues that affect senior citizens. The first thing they asked me is, ''Are we ever going to get prescription drug coverage?'' And I said to them the best answer I could come up with, ''I hope so.''

Obviously, these seniors are not alone in questioning whether or not Congress will actually do something or if this is yet another example of political posturing during an election year.

The only certainty I could leave these seniors is the fact that I support prescription drug coverage through the Medicare program and that I was committed to working in a bipartisan fashion to guarantee that it gets done this Congress.

The need for a comprehensive prescription drug plan is clear, and the time for Congress to act is now.

Seniors understand better than anyone else the high cost of prescription drugs. The lack of comprehensive coverage for seniors forces them to make decisions that threaten the quality of their lives and indeed their well-being.

The number of seniors without drug coverage is increasing day after day. Right now, approximately three out of every five Medicare beneficiaries lack decent, dependable drug coverage. Thirteen million beneficiaries have no prescription coverage, and millions more are at risk of losing coverage.

Most seniors without prescription drug coverage are middle-class folks. Many of those seniors have retiree plans without comprehensive coverage, and even those with coverage are on the verge of losing it.

Why? Because the number of firms offering retiree health insurance coverage dropped 30 percent between 1993 and 1999. Another reason is that, in many States, insurers that participate in the Medicare+Choice program are also dropping out because of low Medicare reimbursements. We have this all across America. This is not a partisan issue. This cuts across party lines.

Other Medicare HMOs, like in the State of New Jersey, are cutting their prescription plans when their profit margin decreases. We must understand that.

In fact, I spoke to an HMO official in New Jersey the other day who informed me that, unless Medicare reimburses for prescription drugs, HMOs would continue to drop the coverage, compounding the situation's severity.

This leaves seniors stranded. The high cost of prescription drugs for seniors without coverage is of grave concern. Senior citizens tend to live on fixed incomes. These incomes are adjusted to keep up with the rate of inflation.

With this in mind, Families USA recently reported that 50 of the most commonly used prescription drugs by seniors increased in cost at nearly twice the rate of inflation in 1999. That cannot be acceptable by anybody on this floor.

Seniors that use drugs to combat chronic illnesses are hit even harder. Many times they are forced to spend over 10 percent of their income on prescription drugs.

If a senior has diabetes, if a senior has hypertension, high cholesterol, they need to maintain their health every day with prescription medication.

For example, a widow living with one of these illnesses and an income within 150 percent of poverty level without comprehensive coverage will spend 18.3 percent of her annual income on prescription medications. This example is one of many reasons why we cannot delay passing a voluntary prescription drug plan through Medicare.

Congress has the responsibility to pass a prescription drug benefit that is affordable and accessible to every senior citizen in America. We must guarantee that market vulnerability and poor Medicare reimbursements no longer keep seniors from getting prescription drug coverage.

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PROVIDING FOR CONSIDERATION OF H.J. RES. 109, CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–887) on the resolution (H. Res. 591) providing for consideration of the joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY COMMITTEE ON RULES

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–888) on the resolution (H. Res. 592) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

AFFORDABLE PRESCRIPTION DRUG COVERAGE FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

Ms. SLAUGHTER. Mr. Speaker, I would like to take this opportunity to join my colleagues in calling for quick, decisive action by Congress to make prescription drugs more affordable for all Americans.

This Chamber has the opportunity to make an enormous difference in the lives of seniors, individuals with disabilities, and many, many others. And for once, there is something relatively simple that we can do. We can pass the legislation making it easier for Americans to reimport prescription drugs approved by the FDA and manufactured in FDA facilities.

A vast amount of the pharmaceuticals produced in the Nation under government-inspected plans and with government-approved procedures end up in other countries. Quite often they are sold at far lower prices there than are available to United States residents. For many people, it would be less expensive to buy those medications overseas and have them shipped home than to purchase them at the corner drugstore. However, restrictive export laws make it impossible.

Both the House and the Senate have approved legislation that would allow Americans to reimport prescription drugs. I strongly support this reasonable proposal, with the understanding that reasonable safeguards on the purity and safety of these products would also be put in place. This is a common sense step that we can take to improve all of our constituents' access to more affordable medication.

In early June, my office worked with Public Citizen to help a dozen of my constituents travel to Montreal to purchase prescription drugs at lower prices in Canada. The savings realized by these persons was nothing short of astonishing. Elsie saved $650, or 47 percent, of the cost of her prescriptions. Nancy saved 48 percent, or over $450, Francis saved 60 percent. For all of the men and women who went, the savings amounted to a significant proportion of their monthly income.

Now, I should point out that these persons were only allowed to buy medications for 2 months and, so, those significant savings were for only a 2-month period of the year.

Mary takes nine different medications, and she spends 73 percent of one month's income for 3 months' supply. She speaks for many seniors when she says, ''Do you stop taking your medication to buy food?''

It is intolerable that the wealthiest Nation in the world allows this situation to persist. However, it is even worse to see the lengths to which the pharmaceutical industry will go to defeat any effort to make these drugs more affordable.

Citizens for Better Medicare, a group funded primarily by the largest drug companies, now spends something over a million dollars a week on campaign-related issue ads. They have already spent $38 million in this cycle, more than any organization except the two major political parties; and they expect to spend plenty more in the coming weeks before the election.

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Just imagine how much good that $38 million would do for low-income Americans and seniors who cannot afford their prescriptions. It is time for Congress to stop the nonsense and take a modest first step toward making prescription drugs more affordable for all Americans.

Congress should pass a prescription drug reimportation provision as soon as possible.

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PRESCRIPTION DRUG COVERAGE FOR SENIORS

The SPEAKER pro tempore (Mr. ADERHOLT). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, once again this evening I would like to focus on the Democratic proposal to provide for a prescription drug benefit under Medicare. I have been on the floor many times in the House discussing this proposal because I do think it is the most important issue facing this Congress and facing the American people today.

Many of my constituents, senior citizens, have complained about the high price of prescription drugs. Many of them have to make choices between prescription drugs and food or housing, and I do not think there is any question that with the Medicare program that has been probably the most successful Federal program in history that if we were to just take that program and add a prescription drug benefit, we would be solving a lot of the problems that our senior citizens now have with not having access or being able to afford prescription drugs.

Now, of course, both sides of the aisle have been talking about this issue in the last week or so, and I, of course, believe very strongly that the Democratic plan, which is the only plan that would actually include a prescription drug benefit under Medicare, is the only plan that would actually help the average American.

I want to spend a little time tonight explaining the Democratic plan and then explaining why I think the proposal that has been put forward on the other side of the aisle by the Republican leadership is essentially illusory and would not help the average American.

Let me start out by saying that right now, seniors know that they can get their hospitalization through part A of Medicare and they pay a monthly premium through part B of Medicare and get their doctor bills paid. Now, what the Democrats are saying is that we will follow on the existing Medicare program, which has a part A and a part B and we will give you a prescription drug benefit in the same way. We call it part D, because Medicare part C is now the Medicare+, the HMO option. Basically what we say is that you would pay a modest premium and the government would pay for a certain percentage of your drug bills. Now, the Democrats guarantee you the benefit through Medicare if you want it and it covers all your medicines that are medically necessary as determined by your doctor, not the insurance company.

Let me contrast that with what the Republicans have been talking about. Basically what the Republican leadership on the other side has been talking about and what Governor Bush has been talking about is that they will give you, if you are below a certain income, a certain sum of money, that the government will provide a sort of subsidy and that you can go out and you can try to find an insurance company that will sell you a policy and cover your prescription drugs or medicine. But if you cannot find an insurance company that will sell you that policy, that drugs-only policy with the amount of money the government will give you, then you are basically out of luck.

Also, I would point out that the Republican plan, particularly the one that has been articulated by Governor Bush, only covers people below a certain income. The other problem with the Republican proposal is that even if you can find an insurance policy that will cover prescription drugs, there is no guarantee as to the cost of the monthly premium or what kind of medicine you get. More importantly, the Republican proposal leaves America's seniors open to continued price discrimination because there is nothing to prevent the drug companies from charging you whatever they want.

The Democratic plan deals with the issue of price discrimination by saying that the government will choose a benefit provider who will negotiate for you the best price just like the prices negotiated for HMOs and other preferred providers. The problem right now is if you are a senior citizen and you are not part of an HMO or you do not have some other large employer-based, for example, drug coverage and you want to go out to your local pharmacy and pay for a particular drug, you oftentimes are paying two and three times what the preferred provider or the HMO or some other kind of drug plan is paying. That has got to end. If we do not address the issue of price discrimination, then we are never going to essentially solve the prescription drug problem that seniors face today.

Mr. Speaker, the Democratic plan is a real Medicare benefit that will make a difference for America's seniors. The Republican plan is, as I have characterized many times before, a cruel hoax on the same seniors who are basically crying out for Congress to act.

Now, let me talk a little bit more about the Republican plan that was outlined by Governor Bush a few weeks ago in reaction to our Democratic proposal. Let me point out, first of all, that the Bush proposal excludes two-thirds of Medicare beneficiaries because their income is essentially too high. Two-thirds of seniors and eligible people with disabilities have incomes above 175 percent of poverty, or about $15,000, for an individual and they are eligible for Medicare but they would not be eligible for the Bush prescription drug plan. The sad thing about that is that the problem that we face and the seniors that talk to me and talk to my colleagues about the problems they face with prescription drugs more often than not are not low-income seniors. Forty-eight percent of those without drug coverage have incomes above 175 percent of poverty and would not qualify under what Governor Bush is proposing.

The other thing is that only a fraction of the low-income seniors would actually get coverage even under Governor Bush's proposal. So even if you are low income, you are not guaranteed the coverage. Most of the Nation's governors have agreed with seniors and people with disabilities that the gaps in Medicare coverage should be a Federal responsibility and not run or financed by the States. But what Governor Bush has proposed basically is to have State-based programs for these low-income people. Let me tell you, if you look at the existing Medicare program, something like 98 percent of eligible seniors are now participating in Medicare. But if you look at State-based programs that provide some kind of prescription drug coverage now, only about, well, really 45 percent or less than half of the people are actually enrolled in those State-based programs.

So what we have here is the Democrats saying, ''Medicare has worked. Medicare is a good Federal program. Let it cover prescription drugs in the same way that it covers hospitalization and in the same way that it covers your doctor bills.''

The Republicans are saying, ''No, Medicare doesn't work, it's not something that we want to expand, it's not the way to go about this. We're just going to give you a subsidy if you happen to be low income and you can go out and try to find prescription drug coverage if you can. If you can't, that's your problem, not ours.''

The last thing I wanted to mention today before I yield to one of my colleagues is that this Republican proposal has already been tried in at least one State, the State of Nevada. Back in March, Nevada, the legislature and the governor signed a law that essentially is the same thing as what the Republican leadership is proposing in the

House of Representatives nationally. And it has not worked. The Nevada program went into effect, they tried to get some insurance companies that would sell these prescription-only drug policies and nobody was willing to sell them. It is no surprise. The gentleman from Texas (Mr. GREEN) to whom I am about to yield and I were at a Committee on Commerce meeting one day when this issue came up and the representative from all the insurance companies came in and said to the Republicans, ''There's no point in doing this because it's not going to work and we're not going to sell these drug insurance policies.''

Well, Nevada tried it and it did not work. They could not get anybody to sell the insurance. Why in the world would we try to emulate something that has not worked in a State? In this case, why would we want to transfer that to the national government when we have an existing program, Medicare, that does work and that merely needs to be expanded to provide for prescription drug coverage? That is the way to go. That is what the Democrats are talking about. If anyone says to you that the Republican plan is something that will work for the average American, it is simply not going to work.

Mr. Speaker, my colleague on the Committee on Commerce has been out here as often as I have basically asking the Republican leadership to bring up the Democratic proposal for a Medicare prescription drug plan because we feel it is so important. He has been a leader on this issue. I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from New Jersey for again requesting this time this evening to talk about the importance of prescription drugs for our seniors. One of the biggest issues our country is facing today is a lack of prescription drug benefit for our seniors. Prescription drugs are expensive for everyone. It is just that our seniors cannot go out and work a little more overtime to pay for their prescriptions. They are so often limited in their ability to increase their earnings.

I am disappointed that once again this Congress has chosen to delay this important issue. We have known for years but especially during the last 2 that there has been a problem with prescription drug coverage for seniors. I remember in my first town hall meetings I had in 1993 every once in a while a senior would come up and talk about the problems they were having. It was not as big I guess as it has been the last 2 or 3 years because of maybe the escalation in cost for seniors and maybe the success of our health care system, we are actually getting more prescriptions written to help people. But for at least the last 2 years we have noted it. Yet here we are again a few days before we either recess or adjourn this congressional session and we have not made any serious attempt to help those who have worked so hard to make this country so successful. As Tom Brokaw said, the greatest generation, we should not let that greatest generation be forgotten.

We simply cannot afford to sit on this issue any longer. We need a prescription drug benefit that is part of Medicare. The gentleman made that point. It is an integral part of Medicare. Over one-third of our Medicare beneficiaries will incur costs of more than $1,000 for prescription drugs this year. More than half have costs more than $500. The average total drug cost per beneficiary is projected to be $1,100 for our seniors. Yet nearly two-thirds of our Medicare beneficiaries have no prescription drug coverage or have coverage that is unreliable, inadequate or even costly. Medicare beneficiaries without drug coverage purchase one-third fewer drugs but pay nearly twice as much out of pocket for their drugs that they need.

This summer, the Republican leadership forced through a prescription drug benefit bill that provides more political cover than it does coverage for our Nation's seniors because all it was was an insurance policy, and the gentleman addressed that very adequately. The legislation was designed to benefit the companies who make the prescription drugs and not the seniors. Even the insurance industry, as the gentleman stated, said that such policies will not work and they would not offer them. We simply cannot rely on insurance companies to have a drug-only policy available for 13 million beneficiaries who now currently have no drug coverage. They do not want to cover it.

The gentleman mentioned again the State of Nevada that tried this, not one company applied to sell that insurance coverage. As Democrats, we introduced legislation that works. It is cost effective and it provides key consumer protections so that seniors will not lose benefits if an insurance company goes out of business. But instead of working with us, our Republican leadership passed that flawed bill earlier this year that will just add more cost to seniors but give them even less than what they have. It is no secret that the pharmaceuticals are pressuring our Republican colleagues not to allow any progress on this issue this year, hoping that ultimately it will just die down next year, but I am here to tell you that it will only get worse if we do not do something this year. It will get much worse. For many seniors, next year is too late. It is not fair that the pharmaceutical companies continue to discriminate against American patients. It is not fair that countries in Europe and across the world benefit from international price competition for pharmaceuticals and yet we do not. Whether it is western Europe that is basically a free market economy like we have or Japan, their pharmaceuticals are so much cheaper than ours in our country. Seniors are having to choose between paying their utility bills or their food bills or buying their medication. Oftentimes they will skip their medication to make it last that much longer. We have heard that many times not only at our town hall meetings but from our colleagues all across the country.

We should be putting the benefits in the hands of seniors and not pharmaceutical manufacturers. We should be providing a secure, stable and reliable benefit instead of watered-down legislation that does nothing to address the problem. It should be included in Medicare.

Let me talk about that a minute. If we were creating Medicare today, there is no way on this Earth that we would not have a prescription drug benefit in there. It should be standing on the same level as a doctor and a hospital bill for our seniors that it did in 1965. We would not do it. That is why we need to modernize Medicare to include prescription drugs. I hope that in this Congress, we can work across party lines. We did have some of our Republican colleagues support us and develop a bipartisan bill that ensures an affordable, available, meaningful Medicare prescription drug benefit option for seniors, so that again it is voluntary but it is part of Medicare.

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It is just nothing but common sense and fairness, and I have said this many times before, and I would hope if our seniors have to wait until after November 7 for it, that they will remember on November 7, because they need to know who really wants to provide prescription drugs as an integral part of their health care, and not something they would have to purchase out from an insurance company, like they do their Medigap policies that they have now for their 20 percent not covered by Medicare. So we need to do that as part of Medicare.

Again, I thank the gentleman for continuing to make sure that fire is burning. I see our colleague from Maine here, which part of our bill includes the pricing that we need to be able to do so they can purchase and take advantage of the free market system and negotiating for price benefits. The gentleman from Maine (Mr. ALLEN) actually introduced the bill, along with the gentleman from Texas (Mr. TURNER) and a number of people, I think I was a cosponsor of it, to make the prescription package part of Medicare so we can actually save our seniors their prescription drug benefits.

Mr. PALLONE. I just want to say I think the most important thing we could get across to our colleagues and to the public is the fact that what the Democrats are proposing and what Vice President GORE is proposing are basically to expand Medicare; to take a good program, which is Medicare, that has worked for seniors, and expand it to include prescription drugs, because we know that when Medicare was started, I guess about 30 years ago, that prescription drugs were not that

important. People were not as dependent upon them as they are now, because so many of the wonderful drugs that we have now that are available for people simply were not available then.

So all we are really saying is take this good program and expand it to include prescription drugs and follow the example with a new section or Part D.

The irony of it is that the Republicans from the very beginning when Medicare was started under President Johnson, I guess 30 years ago, most of the Republicans then did not support the Medicare program when they were Members of Congress at the time when it came up for a vote.

I think what you are seeing now is the Republican leadership in this insurance subsidy proposal that they put forth essentially, it is almost like a voucher, or a voucher proposal, they are saying once again they do not like Medicare.

It is almost a dangerous precedent. If we establish the precedent that we are going to add a significant benefit here, but we are not going to include it under the rubric of Medicare, we are going to let you go out and try to use a voucher, essentially, to buy a prescription drug policy, then that same principle can be applied to Medicare itself, the existing Medicare. Why not have a voucher to go out and shop for your hospitalization coverage or shop for your physician's coverage?

The basic problem is that they do not like Medicare, and they do not want to include a prescription benefit under that program. I think it is very unfortunate, because Medicare has proven it is a good program.

I yield to my colleague from Maine, again who I want to thank for all the effort he has done on this issue, particularly on the issue of price discrimination. I am proud to say I am a cosponsor of his bill as well.

Mr. ALLEN. I would say to the gentleman from New Jersey (Mr. PALLONE), he has been a cosponsor from the beginning.

We have worked very hard on the Democratic side of the aisle to try to develop proposals that would be meaningful to all seniors. AL GORE has the same kind of approach, that we need a Medicare prescription drug benefit that is voluntary, so no one is forced into it, but is universal; it will basically provide coverage for everyone who wants it.

I thought what I would like to do tonight is talk a little bit about some of the arguments that are out there. I was reading an article several months ago, an article written several months ago before I came over, and it was an article by a commentator who was saying that if you think there is no difference between the Republicans and the Democrats on prescription drugs, you are not paying attention. This election matters a great deal, because these two approaches are so very different from each other.

We had our colleague the gentleman from Ohio (Mr. BROWN) down here a little bit earlier this evening, and he was reminding us that we found this Republican pollster's suggestion several months ago recommending that the Republicans come up with a plan. It did not really matter what kind of plan it was, as long as they could say they had a plan, and that would be enough to get them through the election.

But that is the fundamental difference. The fundamental difference here is that Democrats are saying we need to have a plan that is voluntary, that is universal, and that has a guaranteed prescription drug benefit. In addition, we are saying we have got to do something about price. We have to create some leverage, some downward pressure on price. We are not talking about setting prices, we are talking about bargaining power, using Medicare, using health and human services to get lower prices for seniors who right now pay the highest prices in the world.

On the other side, the Republicans are trying to do everything they can not to strengthen Medicare; to make sure that if we have any sort of prescription drug legislation at all, the one thing it will not do is strengthen Medicare.

What is the reason for that? Medicare is a government health care plan. It covers everyone over 65, and many of our disabled citizens. But the fear on the Republican side is that they know people like Medicare, trust Medicare, want Medicare to be stronger; better, to be sure, but they like it and trust it, and they are afraid that somehow if the program is even better, that will be a problem for those who are trying to diminish Medicare's influence in this health care system.

So I want to talk a little bit about the language that is out there. One thing the Republican pollster recommended is that they should attack Democratic plans as being ''one-size-fits-all'' plans. You hear that phrase on the other side of the aisle all the time now, ''one-size-fits-all.'' So the proposal that they make is they say are designed to provide choice.

Mr. Speaker, when Governor Bush made his proposal for so-called Medicare reform, the word ''choice'' appeared in his statement many, many times. The word ''HMO'' never appeared in his statement. But the choice that he was talking about was going to come from letting HMOs come into Medicare, and the government would provide some subsidy to HMOs in order for them to, perhaps if they wanted and if it were profitable enough, provide some kind of private insurance for seniors.

That is not a plan that will work for seniors, and it is disguised. It is all wrapped up in language of choice, when it is really all about letting insurance companies and HMOs have a much bigger role in Medicare as it stands today.

You can see ads out there run by the folks on the other side of the aisle that talk about a big government HMO; the AL GORE plan, the Democratic plan, is a big government HMO. Well, guess what? There is no such animal. HMOs are private insurance companies. Most of the biggest ones are for-profit private insurance companies. There are some that are nonprofits, but, as we know, the for-profits tend to be gaining the most ground and gobbling up some of the smaller ones.

But that kind of deception is really what we have got to deal with. We have got to be explaining to people all the time that there is no such animal as a big government HMO, there is just Medicare, and you can trust it, you can rely on it, it is there for you, it does not change from year to year to year. Whereas when you turn to managed care plans under Medicare, and we have some, we have about somewhere between 14 and 15 percent of seniors now covered by some kind of managed care, and just now two of them are my parents, my parents back in Maine are two of about 1,700 people on a Medicare managed-care plan in the State of Maine. Out of all our several hundred thousand seniors, we have 1,700 seniors on a Medicare managed-care plan. And, guess what? As of December 31, the private company that provides that insurance is leaving the State of Maine. We will have no Medicare managed care in Maine. Guess what the reason is? Basically it is just not profitable.

If you want to rely for prescription drug benefits on companies who will come and go in your State, in your community, depending on whether or not they can make a profit, that is no assurance at all. That is not security at all. It is not equitable at all. But that is what you get with these Republican plans, which are essentially subsidies to the insurance companies to do what can be more cheaply done, more equitably done, more fairly done, through our health care plan for the elderly called Medicare.

That is the real division between the parties on this subject. What we are also seeing now on the other side of the aisle is a whole series of efforts. We passed the plan over here that was a straight-out subsidy to the insurance companies that passed by three whole votes. It is obviously not going anywhere, because it does not have broad bipartisan support. Then we hear about other plans. ''Maybe we could do a program to give money to the States only for the poorest people who are not covered now.''

The trouble is that over half of all the people who do not have prescription drug coverage have incomes above 175 percent of the poverty line. Middle-class seniors are struggling with prescription drug bills that can be $200, $300, $400, $600, $800 a month.

I have talked to them in my district. I have talked to people who have coverage now through a private plan, and they are in their sixties. I was talking to one couple in Waterville, Maine, and between the husband and the wife, both of them have insurance now, but they

lose it when they turn 65. They are 63 or so. Their cost for prescription drugs alone will be somewhere around $800 to $1,000 a month, and they do not know how they are going to do it.

The problem gets worse year after year, because the one thing we know about next year is next year spending on prescription drugs is going to be 15 percent at least higher than it is this year, just as this year it is 15 percent higher than it was last year.

What we can see here is fundamental. The most profitable industry in this country charges the highest prices in the world to the people who can least afford it, many of whom are our seniors. Seniors are 12 percent of the population, but they buy one-third of all prescription drugs. The gentleman from New Jersey (Mr. PALLONE) knows from talking to people in his district, as I know talking to people in Maine, they can barely get by, and often they do not. Often they simply do not get by.

So what troubles me most about this is all of the misinformation that is out there, all of the TV ads that are being run by Republican candidates, talking about a ''big government HMO'' or ''one-size-fits-all'' plan, which is basically designed to deceive, because the truth is that Medicare is a plan which covers everyone. But it is also true that we can design and we have designed a Medicare prescription drug benefit, which is voluntary, you do not have to sign up for it, but which will be a real strong start on making sure that seniors get the prescription drugs that they need.

I just want to say how much I appreciate the good work that the gentleman is doing to bring us down here, night after night after night, to try to clear the air, to try to contain the rhetoric and to try to convey to the American people some sense of the fundamental differences between plans, like the Republican plans that rely on insurance companies, and plans like ours that cover everyone, that are fair and equitable and cost effective and work through Medicare.

I guess the last thing I would say is this: It is not just the ads that are out there being run by the Republican nominee for President or others. The pharmaceutical industry is out there running more television ads perhaps, the latest projection suggestions, more television ads, more money, than any industry has ever run in any election until now.

Citizens for Better Medicare, which is sort of the front group for the pharmaceutical industry, they are not citizens and they are not for better Medicare, the pharmaceutical industry is running ads trying to defeat the discount for seniors contained in my bill, the Medicare prescription care benefit contained in the Democratic proposal, or even our bills led by the gentleman from Arkansas (Mr. BERRY) or the gentleman from Vermont (Mr. SANDERS), those bills that are designed to try to allow drugs to be imported into the United States and then sold by pharmacies here, because medicines can be purchased so much more cheaply in Canada, Mexico, in fact anywhere else in the world, than in these United States.

Let us always remember that these are drugs manufactured by American companies, and they sell for 60 percent more here than they do in Canada, in Europe and everywhere, just on average.

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And we have got to change this. We have simply got to keep persisting that we are not going to allow the American people to be fooled, and we are not going to accept this rhetoric about one-size-fits all or ''big government HMOs'' or people who say that we are going to give a choice of plans when all they are really talking about is giving an HMO that can pull that choice any time it wants to, any plan it wants to.

So, Mr. Speaker, I just want to say thank you to the gentleman from New Jersey (Mr. PALLONE), who is doing a great job pounding away on this issue night after night. And I am convinced that if we cannot get it this month, we will get a Medicare prescription drug benefit for our seniors in the next 2 years. This issue is too big, it is too important, and we simply cannot let it slide away. We cannot let this whole area be taken over by private insurance companies, HMOs, and the pharmaceutical industry. I yield back to the gentleman from New Jersey, and thank him for hosting this special order.

Mr. PALLONE. Mr. Speaker, I thank my colleague from Maine. Again, I say that the gentleman, more than anyone else, keeps reminding us about the price discrimination issue, which is an issue that affects not only seniors, but everyone really. Seniors, obviously, because they use more prescription drugs are more concerned about it than any other group. But the issue of price discrimination has to be addressed in the context of what we do on the prescription drug issue, or we are not going to solve the problem. I thank the gentleman for constantly bringing the issue up.

Mr. Speaker, I wanted to mention that the most important aspect of this in this whole debate is the fact that the Democrats want to include prescription drugs under a Medicare plan, under the rubric of existing Medicare, and that the Republicans essentially are not doing that. They are talking about some sort of voucher or subsidy that would be used to go out and find an insurance company that wants to sell a drugs or prescription drug-only policy.

One thing that I really want to stress this evening, and I think is so important, is that too often on the Republican side of the aisle this issue is described or basically painted in an ideological sense. And I, for one, do not see myself as an ideologue. I do not look at what we do here from the point of view of what is ''progressive,'' what is ''conservative,'' what is ''liberal,'' what is ''moderate,'' but rather than from the point of view of what works.

I get a little tired of the rhetoric that suggests that somehow Medicare is socialistic or government-run or in some way that it could not possibly work because it is a government program. The reality is that every kind of program or initiative has to be looked at from a practical point of view, and Medicare works. And so any effort to say that we should not include this prescription drug benefit because somehow this is going to be a government-run program, I do not care whether the government runs it as long as it works.

Mr. Speaker, I would say the same thing is true with regard to the issue of price discrimination that the gentleman from Maine (Mr. Allen) keeps bringing up and also spoke about very eloquently this evening.

What I find is that the Republican leadership, and even the Republican candidate for President, Governor Bush, keeps talking about the issue of price discrimination in sort of ideological terms. There was an article in The New York Times on September 6, which was the day that Governor Bush spelled out his own prescription drug program and what he was proposing to do for seniors to have access to prescription drugs. He was very critical of the Democratic proposal, which is supported by Vice President AL GORE, because he said that it would lead to price controls.

I read this before on the floor of the House, but I want to read it again tonight because I think it so much spells out this whole ideological debate. ''Governor Bush today,'' from the New York Times, ''much like the drug industry,'' and I quote, ''criticized Mr. GORE's plan as a step towards price controls by making government agencies the largest purchaser of prescription drugs in America. By making Washington the Nation's pharmacist, the Gore plan puts us well on the way to price control for drugs.''

Well, let me say this. The reason why we need to address the issue of price discrimination is because the marketplace is not working right now with regard to this issue. The problem is that HMOs, employer benefit programs that have large volumes of constituents, large volumes of seniors that are part of their plan, have the ability to go out and negotiate a better price than the guy who is on his own and has to go to the local pharmacy to buy the drugs.

What is the answer to that? Well, we can say, okay, that somehow the little guy has got to basically get together with his colleagues and exercise some control so he can negotiate a better price. That is essentially what we are doing with our Medicare prescription drug plan. We are saying that in each region of the country, the Government

will designate a benefit provider, which is basically an organization that would be in charge of negotiating on behalf of all the seniors that are now part of this Medicare plan, a price for prescription drugs.

Mr. Speaker, all that is essentially tinkering with the marketplace to give the little guy the power that these large HMOs and others employer benefit plans have. We can call that government control, we can call that Washington stepping in, call it whatever we want. But the bottom line is that is the only way to get the average person who is not now covered by an HMO or any kind of plan to the ability to have some control to negotiate a better price so he or she does not suffer this price discrimination that so many seniors are now facing.

My response to anybody on the other side of the aisle, or to Governor Bush, whoever says that that is price control or that is government running the program is: I do not care, as long as it works. I have got to somehow empower this guy who is going to the local pharmacy and having to pay these tremendous prices. I have got to empower him to be able to negotiate a better price, and that is what the Democratic plan would do. Call it whatever we like, I do not care. It is the only way to empower this individual to be able to fight against this price discrimination.

Let me say that the Democratic proposal, the Gore proposal, is much different from the type of strict price controls that exist in almost every other industrialized developed countries. Most of the European countries, Canada, and a lot of other developed countries around the World, basically set a price. They have real price controls. We are not talking about that. We are not talking about interfering with the market that much that we would actually set a price, but we are saying that we need to empower the average person so that they are not a victim of this continued price discrimination.

Mr. Speaker, the other charge, and the gentleman from Maine brought this up, the other charge that the Republican side and Governor Bush has made against the Democratic plan is that somehow it is a one-size-fits-all plan and people will not have a choice; that we should favor the Republican proposal, this sort of voucher, because that gives a choice because we can take that voucher and go out and decide what kind of plan we want and somehow we have choice.

Let me say that nothing is further from the truth. As I pointed out, in the State of Nevada where this program was instituted, no insurance company even wanted to sell these policies that the Republicans are proposing. The insurance companies are telling us before our committees that they will not offer these drug policies. So what kind of a choice is there if we cannot find somebody who is going to sell an insurance policy that would cover prescription drugs?

The Democratic plan on the other hand provides a tremendous amount of choice because the Gore plan, the Democratic plan, is voluntary. Seniors do not have to sign up for Medicare part D any more than they have to sign up now for Medicare part B. No one says that they have to sign up for part B and pay a premium so much a month to get their doctor bills covered. Eighty, 90, almost 100 percent of the people sign up for it because it is a good deal, and I suspect that we will get the same thing with our proposed part D for prescription drugs. Most people would sign up for it because it is a good deal.

But I remind my colleagues that it is still voluntary. If Americans have an existing employer benefit plan that covers prescription drugs and do not want to sign up for the Medicare prescription drug part D, they do not have to. We are not forcing them to. If they are in Medicare part C now and have an HMO plan that covers their prescription drugs and they have to pay so much a month, or they like that plan and they do not want to sign up for the Medicare prescription drug plan under part D, they do not have to.

In fact, I would say that the way this is set up, the way that the Democratic proposal is set up, we actually offer more variety because for those who stay in an HMO, we are going to provide better than 50 percent of the cost of the prescription drug program. So rather than see hundreds of thousands of people who are now being thrown out of their HMOs, because the HMO decided as of July 1 that they were not going to include their seniors and they are losing their HMO coverage, most of the HMOs that are dropping seniors now are dropping them because they cannot afford to provide the prescription drug coverage.

If now the government is going to say under Medicare that we cover better than 50 percent of the cost of the prescription drug program, then a lot more HMOs are going to want to sign up under the Democratic proposal, will sign up seniors, and will not drop them.

The same is true for employer benefit plans. We are also providing money to help pay for the employer benefit plan for those who have it. We are increasing choices. We are letting people stay with existing plans and boosting and shoring up those plans financially so they do not drop them. And if Americans do not want to do that, they always have the fall back of going back to the Medicare fee-for-service prescription drug program that is a guaranteed benefit.

When I say ''guaranteed benefit,'' because my colleague from Maine again pointed out that, again, a big difference between what the Democrats are proposing and what the Republicans are proposing is that the Democrats truly have a guaranteed benefit. It is one-size-fits-all in the sense that one is guaranteed to know that if they sign up for the program, every type of medicine that they need, that their doctor says is medically necessary or their pharmacist says is medically necessary for their health, will be covered under the Democratic plan and under Medicare.

By contrast, in the Republican plan, that basically leaves it up to whoever is going to take this voucher that they are offering and says, okay, we will take the voucher; but we are not going to cover certain drugs, we are going to charge a copayment, we will have a high deductible. These are the kinds of problems that people face now with HMOs or with a lot of the private plans that are out there that some people have been able to find.

Those problems will be magnified under the Republican proposal. If someone takes this voucher and they are trying to find somebody to cover them, they do not have to say how much it is going to cost. They do not have to say what kind of drugs they are going to get. They do not have to say what the copayment is, what the premium is. Under the Democratic proposal, all of that is provided for, all of that is structured, all of that is guaranteed.

Mr. Speaker, it is a significant difference, I think, in terms of the way we approach things.

I guess tonight if I could conclude, Mr. Speaker, I would say that we are going to be here many times. I do not know how much longer the Congress is going to be in session, probably a couple more weeks or so; and I am beginning to have serious doubts about whether this issue is going to be addressed by this Congress and the Republican leadership. I think the time is running short, and the realization is setting in that this Congress is likely to adjourn without addressing the prescription drug issue.

Mr. Speaker, I think that is a shame, because I think there really is a consensus amongst the American people that we need a Medicare prescription drug benefit. And rather than pose back and forth about which plan is better, it would be a lot better if the Republican leadership would simply accept the fact that this should be something that is included under Medicare and use the time over the next 2 weeks to come to common ground so that we could pass this.

But I do not see that happening, and it is not going to stop me and my Democratic colleagues coming here every night, or as often as possible, to demand that this issue been addressed before we adjourn.

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DEBT REDUCTION

The SPEAKER pro tempore (Mr. GUTKNECHT). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. CHAMBLISS) is recognized for 60 minutes as the designee of the majority leader.

Mr. CHAMBLISS. Mr. Speaker, I did not come here tonight to talk about prescription drugs, but after listening to my colleague from New Jersey (Mr. PALLONE), I guess we are going to have to title the Democratic plan the Sugar Ray Leonard Prescription Drug Plan, because they are bobbing and weaving all over the place with their prescription drug plan, saying whatever makes people feel good without having any substance to it, when the fact of the matter is that there is only one voluntary prescription drug benefit plan out there, and it is a Republican plan.

The Democratic plan is not a voluntary plan. It is not a plan that makes real sense for seniors. And, as I say, I did not come here to talk about that tonight. But I get so disappointed when I hear people stand up here and demagogue a plan that is fair, instead of entering into real dialogue over the differences that are out there and trying to come to some conclusion.

Hopefully over the next couple of weeks, we will come to some conclusion on that, but not as long as we have the demagogue going on and the bobbing and weaving going on and the changing going on and trying to stroke senior citizens instead of being honest, straightforward and trying to work out a plan, if that type of conversation takes place, then we are not moving in the right direction, and I hope they will change their direction, they will come together and work with us to provide a plan that is meaningful and that has real substance to it.

There is one real, fundamental difference in the Democratic prescription drug plan and the Republican plan, and that is this: Under the Republican plan, the decision-making process on what drugs are needed and what drugs will be provided is going to be determined by the Medicare beneficiary, their pharmacist and their doctor. Under the Democratic plan, that decision is going to be dictated by the Federal Government, and that is not what seniors want.

Mr. Speaker, what I really came here tonight to talk about is something that is just as crucial as that particular issue, and it is the issue of debt reduction.

I want to go back and review for just a minute where we have been, where we are, and what direction we are heading in. I was elected to Congress in November of 1994, and at that point in time, our country had been operating for some 25 years plus under a deficit budget situation.

My class that came in in 1995 was committed to the fact that the American people were insistent that we balance the budget of this country. The Clinton administration had proposed deficit budgets as far as the eye could see, and that was wrong; the American people simply did not want that. They wanted us to get our financial house in order.

Beginning in January of 1995, we started making those tough decisions right in this very Chamber that have not only led us out of the deficits, as far as the eye can see, we have balanced the budget of this country, and now we are looking at excess cash flow coming into Washington in the form of tax revenues as far as the eye could see.

In 1995, I went back and I looked at the position of the Clinton administration with respect to balancing the budget. The Clinton-Gore administration was not in favor of balancing the budget in January of 1995. In fact, the budget that the Clinton-Gore administration presented to this body in February of 1995 called for a deficit this year, the year that ends next year of $194 billion. That means we would have spent $194 billion more than we took in this year, and I think everyone across America knows and understands that we are now in an excess cash flow, that is sometimes referred to as a surplus, but as long as we have a significant debt staring us in the face, I do not think we can really call it a surplus.

Mr. Speaker, in testimony before the House Committee on the Budget in February of 1995, the Clinton-Gore budget director who at that time was Alice Rivlin stated as follows, ''I do not think that adhering to a firm path for balance by 2002 is a sensible thing to do.'' She also said ''it is not always good policy to have a balanced budget.''

We ask the American people to sit around their kitchen table every single month and balance their budget, and yet the Clinton-Gore administration has consistently made statements exactly like this that it is not always good policy to have a balanced budget. Well, where we have come, we fought for a balanced budget for a couple of years before we finally achieved balance. But under the strong leadership of the gentleman from Ohio (Mr. KASICH), chairman of the House Committee on the Budget, we did reach agreement between the House, the Senate and the White House to balance this budget of this country over a 5-year period, beginning in 1997, and the only way we were able to convince the Clinton-Gore administration that we needed to balance the budget was that the American people were on our side.

They finally realized that due to their poll-taking that they do every single day, and once they realized that they had to come to our way of thinking and we can achieve a balance, although we brought the Clinton-Gore administration kicking and screaming here in Washington to reach balance.

Well, what does reaching balance mean with respect to deficit reduction? We do have excess cash flow now in the form of both on-budget, as well as off-budget surpluses that are going to be available for any number of different types of allocations, and one of those allocations, and the strongest of those allocations, has got to be debt reduction.

Mr. Speaker, I know the gentleman from the 11th District of Georgia (Mr. LINDER), my good friend and colleague, is here, and I want him now, if he will, to talk a little bit about this excess cash flow that we have as a result of having achieved the balanced budget and what the gentleman's thoughts are on where we ought to go with respect to allocation of these funds.

Mr. LINDER. Mr. Speaker, I think, first of all, it is important to set the differences in how we got here. There has been one difference in the two parties since the day I got here, which was in 1993, and the gentleman from California (Mr. HORN) joined us at that time, and that is the Democrats want more spending and the Republicans want less spending.

Indeed, that was the debate supposedly that shut the government down in 1995 and 1996. The President said we are not spending enough money on Medicare, Medicaid, the environment and education. Indeed, we were not that far apart. We projected increasing spending by 3 percent, and he wanted 4 percent. We projected an increase in revenues of 5 percent; the President projected 5½.

We projected increasing Medicare spending over 7 years by 62 percent; the President said 64 percent. We broke down in the second part of this debate, the part that is not spoken so loudly about, values. We wanted the American people to make the choices.

We believed their giving Medicare recipients more choices, they would shop their care and bring down costs that entrusts the American people to decide. Indeed, Mrs. Clinton said in public during the debate on health care we cannot trust the American people to make these decisions.

In 1994 with a Republican majority for the first time in 40 years, we did something about spending. We eliminated in that first budget about 300 spending programs, and we had a huge fight with the President. But let us look at what changed in the economy and why we are at the point today where we can talk about paying down surpluses. If left to their own devices, this is the 1994 Clinton-Gore Democrat congressional budget, projected out to 2000, and they would have had $4.5 trillion in public debt, about a trillion dollars in new public debt compared to where we are today.

Mr. Speaker, my colleagues can see what happened in 1994, with the 1995 budget, it came down. This is what we are looking at; this is what we are looking at today. Surpluses, as the gentleman said, as far as the eye can see and increasing, indeed going back to the last Democrat-written budget, their projection for 2005 is that they would add about $450 billion in that 1 year to debt; we are projecting adding about $400 billion to surpluses. So we have made a huge turnaround, a huge turnaround.

In 1998 more spending. In the President's State of the Union address, 85 new spending programs, including 39

new entitlements, more than $150 billion new spending over 5 years; $129 billion in tax increases. Then 2 years later, the State of the Union, a $250 billion increase in taxes and fees on working families, 84 new Federal spending programs.

Our good fortune is, none of that passed, and now we are at the era of dealing with surpluses. There have been some proposals, and we have passed some bills in this House, that said if the American people are paying more money into government than it takes to run it, they ought to get some of that back. No, said Vice President GORE, that is a risky scheme. It is, however, not risky for him to spend it, so we have a new plan.

We have a plan, if we are not going to get relief for those who pay the bills, for those who write the checks, we are going to promote economic security and fiscal responsibility, we call it the 90 percent solution.

Let us take 90 percent of next year's Federal budget surplus and use it to pay off debt while protecting 100 percent of the Social Security and Medicare trust funds.

We presented the 90 percent plan to the Clinton-Gore administration. The President indicated that his spending requests were piling up, and he said, and I quote, ''whether we can do it this year or not depends on what the various spending commitments are.''

Our 90 percent solution represents a fair middle ground. It is offered in the hope that while we may not agree in all aspects of the budget, we can at least agree to do something about the debt. We leave still 10 percent of the surplus to boost our already substantial $600 billion commitment to our national priorities, such as education, defense and health research. Specifically, we will use half the money to strengthen education with the flexibility funding and support to give our children the best schools and to ensure that for success, schools must have accountability and will use the other half to grant some modest tax relief for working Americans.

This turnaround since the gentleman's election has for the first time in 30 years actually paid down debt. After this year, we will have paid down nearly a half a trillion dollars in publicly held debt; that is progress. That is a beginning. Let us do not turn it around now.

I think that the 90 percent solution is something that the American people will appreciate. For years, my generation and my parents' generation have voted for ourselves wonderful programs such as Medicare and Medicaid. Unfortunately, we just chose to pass the bill on to future generations, that is immoral. The 90 percent solution will begin to take the burden off my grandchildren.

Mr. CHAMBLISS. I thank the gentleman from Georgia. We have been joined by our friend from California (Mr. HORN) who also has some comments on these issues.

Mr. HORN. Mr. Speaker, I thank the gentleman from Georgia (Mr. CHAMBLISS) and the gentleman from Georgia (Mr. LINDER) very much for providing the leadership in this issue.

I support the Republican plan, because it makes sense, and it pays off the national debt. This 90–10 plan commits 90 percent of next year's surplus to paying down the debt. According to the Congressional Budget Office, the 2001 surplus, 1 year away, will be $268 billion. Under this plan, $240 billion would go toward paying off our debt. At the same time, Social Security and Medicare are fully protected.

All $198 billion of the Social Security and Medicare surpluses are locked away from Presidents, regardless of party. Doing this assures that funds are used solely to honor our obligations to seniors.

Paying down the debt is more than just an abstract academic exercise. It directly affects the lives of every American by helping reduce interest rates and expanding the pool of saving for investments in new jobs. Lower interest rates are good news for everyone paying off a student loan or buying a house or buying a car.

Reducing interest rates also creates new private investment in equipment, plants and factories across the land that produces jobs and sustains our economic growth.

Mr. Speaker, paying down the debt while we have a surplus is just plain common sense. In our personal finances, once we have extra money, we sure try to pay off our debts. The same principle applies to our national finances.

The 90–10 plan would completely eliminate the debt by the year 2013; that will lift an enormous burden off our children and our grandchildren.

A debt-free Nation can create a brighter future for us all, and when we think back 10 years, 20 years, 30 years, 40 years, nobody would believe that we could turn around and cut down that tremendous national debt of several trillion, and we are doing it and every American will appreciate that.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman from California (Mr. HORN) for his comments.

Looking at what debt reduction has meant to this country and can mean to this country in very simple terms is this, you know, here we are in the midst of a political campaign, and we just heard a lot of demagogue and rhetoric from the folks on the other side about a prescription drug plan. We are going to pay this year in interest payments alone in excess of some $230 billion to $235 billion in American tax dollars just for that interest payment.

What in the world could we do with $240 billion? We could be fighting over just how that money ought to be spent if we were not paying that interest payment.

What has balancing the budget done for the dynamics in this House that we are looking at today? What it has done is we are now arguing over a prescription drug benefit program and what is the best way to approach that program and what is in the best interests of our seniors.

Do we think for 1 minute that if the budget submitted by the Clinton-Gore administration in 1995 that calls for a $194 billion deficit this year had come to pass that we would be here today arguing over how to go further and further into debt? No, we simply would not be. We are here today having a debate over viable programs, viable programs that benefit citizens all up and down the line in this country simply because we balance the budget of this country, we acted fiscally responsible under a Republican leadership, and we are now moving in a direction where we have this excess cash flow. The debate simply is over how are we going to approach the allocation of this excess cash flow.

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Well, I know this, when we sit around my family kitchen table, and we talk about any excess money that we have got left at the end of the month, and there is never usually much there, the first thing we talk about is we look at how much debt we have got outstanding and what we can do about that debt to lower our interest payments knowing that, once we do that, there will be more money there at the end of the next month.

We have got to be fiscally responsible. A way we can be fiscally responsible in that regard is making sure we continue to grow the rate of government at a slow rate and continue to pay down this debt.

As the gentleman from Minnesota (Mr. GUTKNECHT), my friend on the Committee on the Budget, has said so many times, that it is very important that we remind the people all across this country that, for the first time in modern history, the growth of the Federal budget this year is going to be less than the growth of the average family household budget. Mr. Speaker, that is amazing. It is significant; but it is very, very amazing.

What has balancing the budget and the fact that we have excess money on hand now done for Social Security? It has done something that we have not been able to do in the past 35 years.

I was home in August and had a chance to get around my district to celebrate during August the 65th anniversary of the Social Security program, without question, probably the most valuable program that we have ever implemented in this country with respect to our senior citizens. I just do not think there is any question about that.

Unfortunately, for the last 35 years, we have not been taking tax money received from Social Security taxpayers and doing anything with it other than paying our bills every month. That is wrong. We should never have let that happen. But it happened 35 years ago. We have now reversed that trend.

As the gentleman from Georgia (Mr. LINDER) just stated a little bit earlier, last year, 1 year ago almost to the day today, September 30, 1999, was the first year in 35 years, according to the Congressional Budget Office, that this Congress did not spend one dime of the Social Security surplus. We stuck it in a lockbox to keep it there for our senior citizens, and we are going to continue to do that with both Social Security and Medicare.

The gentleman from Georgia (Mr. LINDER) also talked about the plan that we passed in the House last week, the plan whereby we are going to take 90 percent of the surpluses, the excess cash flow that we are going to have on hand next year, and we are going to apply 90 percent of that money to pay down the debt.

Well, I could not be happier about that, because what that does is that amounts to paying off $240 billion of the national debt last year. As the gentleman from Georgia (Mr. LINDER) alluded to earlier, when we include the last 2 years, this year and next year, we will have paid down a half a trillion dollars on the public debt.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. CHAMBLISS. I am happy to yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, on the chart that I showed, the never-ending debt that the last Democrat budget that was passed for fiscal year 1995 and 10 years there out created $3.1 trillion in new debt compared to our creating $4.5 trillion in surpluses. A huge turn around. Those deficits that they were incurring included spending all of the Social Security surpluses.

Well, the last couple of years, we have changed the language of that debate. I do not think future administrations or Congresses would dare to dip into the Social Security fund.

Now, I think it is important that we start changing the nature of the debate over surpluses that are not on Social Security. Paying down debt should be the rallying cry of this whole country. Because if future Congresses come along, or God forbid another liberal administration with new spending programs, to spend all this money, we will have lost this opportunity.

I envision an opportunity where my grandsons will be totally out of publicly held debt for their responsibility before they leave high school. I believe the time is coming.

But it is important that we begin to let everyone know that, if 90 percent of that surplus goes to paying down debt, future Congresses are going to be reluctant to say, let us get out of that habit, let us just spend it.

I know that the gentleman from Georgia (Mr. CHAMBLISS), as the vice chairman of the Committee on the Budget, has shared with us some of the proposals he has seen, Vice President GORE's spending proposals in his campaign. Would there be any surplus left to talk about paying down debt if he were elected?

Mr. CHAMBLISS. Mr. Speaker, not only is there not going to be any surplus left under the Gore budget plan that he has proposed, but under the very best scenario, over the next 10 years, we are going to be $27 billion in debt. Under the worst scenario, we are going to be $906 billion in debt. That does not include but $27 billion additional monies being spent over the next 10 years for defense.

We are spending $29 billion in this next fiscal year alone, trying to restore the military of this country to what it should be because of the demise under the current administration. It does not include one additional dime of increased expenditures in the area of agriculture, for example.

So what the current proposed budget of the Clinton administration does is to head us, not upwards from a surplus standpoint, as the gentleman from Georgia (Mr. LINDER) just showed on his chart, but it takes us back down that same trail that this administration had us headed down before this Congress took over in 1995.

Mr. Speaker, paying off the national debt is simply the right thing to do. It will protect our children from a crippling burden in the future. By locking away money in the Social Security and Medicare lockbox, it is simply the right thing to do, not just for our children, but for our parents.

The 90/10 bill that we passed last week changed budget law so that Congress can proactively pay off debt because current law permits debt relief to occur if and only if there are surplus funds left over from that year's discretionary spending.

The bill is the latest highlight of a Republican record on debt relief that is unmatched in the history of the United States of America. Since Republicans gained control of Congress, we have paid down over $350 billion in debt, and we are on the road to paying off at least another $200 billion. Now we propose to continue this effort by paying down that additional $240 billion in debt the next fiscal year.

This bill also contains the Social Security and Medicare lockbox legislation of the gentleman from California (Mr. HERGER), my colleague from the Committee on the Budget, which is critical, not just to our senior citizens who are receiving Medicare and Social Security benefits today, but for the future of those two programs.

This, unfortunately, has been stalled by the Democrats in the Senate for most of the 2000 calendar year even though this House has passed both of those, has passed that lockbox bill.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. CHAMBLISS. I am happy to yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, this lockbox concept, as I understand it, is simply common sense. What we are saying is we do not mix our pension plan for retirement with our operating expenses that we use for roads and bridges and education and other congressional expenses.

So what we are saying is we take the surplus of Social Security, of grandmother's retirement, and we put it in a lockbox so that it does not get mixed and mingled with other funds; and it is safe there so that her security, her retirement is safe.

Now, what I do not understand, and my question to the gentleman from Georgia (Mr. CHAMBLISS) is, why is it that Vice President GORE has led the opposition to this? Why is it that TOM DASCHLE and the gentleman from Missouri (Mr. GEPHARDT) and the Democrats have lined up against this?

Mr. CHAMBLISS. Mr. Speaker, I think it is fairly obvious that they want to take that money and continue to spend it like they have been doing for the last 35 years. We simply cannot let that happen.

We have got a great opportunity with the excess money that we have on hand now to save and protect Social Security, to save, reform and protect Medicare, to provide a prescription drug benefit and include some other reforms in there to make sure that those two valuable programs are protected and maintained and, at the same time, not spend that money on other social programs and other programs that our children and grandchildren are going to have to wind up paying for years and years down the road.

Mr. KINGSTON. Mr. Speaker, what bothers me as a member of the Committee on Appropriations, we get a budget blueprint from you, and the House passes our appropriation budgets based on those blueprints, and we keep the spending in line so that it is balanced, important programs, education, Social Security, prescription drugs, they are out there, they are taken care of.

Then we get into a conference committee with the White House or the Senate, and it seems like all that common sense is thrown out the window, and we break the budget year after year.

Is the gentleman from Georgia (Mr. CHAMBLISS) optimistic that we are going to be able to protect Social Security the way the Republicans on the Committee on the Budget have tried to make it possible for us to protect it?

Mr. CHAMBLISS. Mr. Speaker, I think we can, provided the American people get involved. When the American people get involved and tell their Congressmen, ''Look, we do not want you to spend our Social Security Trust Fund money,'' then we are going to make sure that happens.

I tell the story when I am on the road about my mother who is 83 years old, lives by herself, and depends on Social Security and a small pension that my dad left her, about the fact that she told me one time not long after I had come to Congress, she said, ''Listen, son, I want you to make sure when you get to Washington that my Social Security is protected.'' Unfortunately,

until the last 2 years, I could not look her in the eye and say, ''Hey, we are protecting your Social Security.''

But now with the Congressional Budget Office certifying that, as of September 30, 1999, we did not spend one dime of that surplus on anything but Social Security, and it looks like for 2000, when we wind up the year next week, we are going to have the same certification coming from the Congressional Budget Office for the, again, only the second time in the last 35 years that a Republican Congress has grabbed ahold of this thing and we have made sure that we are not going to be spending that Social Security surplus.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, my dad is 82 years old. He is legally blind. He has diabetes. His Social Security is very important to him. But the other thing is he has saved all his life.

Now, it is popular now with the environmentalists to say, when one is brushing one's teeth, turn off the water. Well, we did that on Plum Nelly Road in Athens, Georgia, because my dad thought it was a waste of water for one to run it one more drop than necessary. If one ever left the room and the light was on, one was in trouble. My dad never bought a car that had a radio in it. When one had to buy the radio, he sure never had an FM, it was only an AM radio. He never had white wall tires on the car and never had power steering.

He fought, as did so many in that World War II generation, to save their money to get ready for a rainy day. He instilled that in us. My allowance starting out very young was a nickel a week. Then it got to be a dime a week. When I got to high school, it was $3.25 a week because he put me on a clothing allowance. From age 12 on up, we had to buy our own clothes, which accounts for why I still look like I need an upgrade in my wardrobe. Even then, $3.25 a week was not enough to buy one's clothes.

But the point is that generation knew what a rainy day fund was about. That is all we are saying on Social Security is save it for its intended purpose of retirement. Do not squander it on politically popular programs designed to get Members of Congress reelected for that 1 year. It might make one a hero back home in one's own little district, and it gets one back up here one more term; but it is not in the interest of the United States Government. It is not in the interest of the American people if everybody is fishing his own line and no one is worrying about keeping the boat afloat.

Mr. CHAMBLISS. Mr. Speaker, I think that is probably one fundamental difference in the demagoguery that goes on and what we have heard tonight and what we have been talking about here. I think when one is honest with the American people and one sets the facts straightforward to them, they have a greater appreciation for that and they see through that demagoguery.

What we are talking about now are the real facts. We have got to save for that rainy day. We have got an opportunity to save for that rainy day. We should not squander that opportunity by spending the excess money that we have now on more and more social programs that are not going to improve those programs one iota.

We have got to be able to take programs like Social Security and Medicare and ensure because we know they are going to be here forever and ever and make sure that they are saved and protected.

I am impressed with the allowance of the gentleman from Georgia (Mr. KINGSTON). I still remember mine. It was 50 cents, and I had to give 15 cents to the church. So I had 35 cents a week.

Mr. LINDER. Mr. Speaker, will the gentleman yield?

Mr. CHAMBLISS. I yield to the gentleman from the 11th district of Georgia.

Mr. LINDER. Mr. Speaker, I agree that the point the gentleman from Georgia (Mr. CHAMBLISS) made about preserving and protecting the Social Security and Medicare are important. But I want to go back to the point that we have got the chance to pay down the debt, and we have got a significant budget surplus this year with which to do so.

There are rumors around this town that the President is not going to sign our appropriations bills, not going to finish the year unless we spend anywhere from $20 billion to $45 billion more in ongoing spending in programs of his choice.

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If my colleagues will recall, in 1996 it cost us $7 billion in yielding to the President to get him to sign our budget so we could get out of town; in 1998, he held us up for $20.8 billion in more spending just to get the budget process finished; and, of course, those were $7 billion and $20.8 billion that we could have used to further reduce the debt on our grandchildren and their children.

I always thought it was kind of strange that the President held a press conference after he signed that ugly budget in 1998 and said, ''The best news is I didn't let them spend one penny out of the Social Security surplus.'' When in fact, of course, we spent $20.8 billion of it. Not one reporter asked him a question about that, but everyone in this town knew that we were going into the Social Security surplus just to satisfy his spending appetites and so we could get out of town.

I wish what we would have done some time ago is put a line item in our budgets from day one so that any money not committed to spending programs would be in a line item. That way, when the President comes through at the end of the year he has to say I want to spend this much more money; and we are going to say it is going to come out of retiring the debt because we ought to have a line item in our budgets that is for our children and grandchildren and their children, to get this mortgage of their future off their back, so they can choose their priorities for their lives and the government that they support and not continue to be paying off ours.

So the 90–10 deal is a deal the American people ought to embrace. They ought to understand when the President says that we have to spend another $20 billion that it is coming directly out of retiring the debt, directly out of our grandchildren's futures. And once we establish this goal, it seems to me, over this Congress and future Congresses, we can set the pattern just like we have set the pattern of not spending the Social Security reserves, and I do believe this will be a better country for it.

Mr. CHAMBLISS. The gentleman from the first district had another comment.

Mr. KINGSTON. Well, the gentleman was talking earlier about debt reduction, and I think it is so important. I am a supporter of lower taxes. I think it is just fundamentally wrong for the government to hold more than it needs. What are we, serfs? Is this the medieval time? Are we back in collectivist Soviet Union that we have to work to keep Washington bureaucrats happy? If we go into Wal-Mart and we buy a hammer that costs $11, and we give the cashier $20, we expect $9 back. We do not expect to be given with the extra $9 some nails and some wood and maybe some other tool. The fact is we should get our refund.

I understand that in Washington money is power and the more money that the government confiscates from people the more power that it has. And I know there are those in the administration who want that power so that they can micromanage our lives. But that being the case, we were unable to get such common sense tax reductions through as marriage tax relief or ending the tax on Social Security or ending the taxes on small businesses and individuals who want to have a full deduction to make health care more affordable and more accessible. So we have kind of gotten a deadlock on lowering the tax burden on hard-working Americans. That being the case, though, are we going to go out and squander the surplus or should we apply it and invest it in the future; invest it in our children by paying down the debt?

The gentleman has pointed out that we spend about $230 billion to $240 billion on interest payments on the national debt. That is just about the size of our entire national defense. Now it is a little bit higher, but that is about equal to what we spend on our military, $240 billion. Is that not four times what we spend on education here? I know it is about four times what we spend on agriculture and nutrition programs, such as food stamps and the

WIC program for children. And if we look at all the money, this goes to nothing. It just goes to the bond holders of the national debt. It does not create jobs, it does not buy equity, it does not protect the environment or educate children, it does not give prescription drugs to seniors. It just goes out the door.

So if we can pay down the debt, and I believe the budget we are operating on pays it down by the year 2013, if we can do that, then we can invest the money in areas where we are going to get something out of it and, most importantly, a better society, which we are not getting right now when we are just paying bond holders.

Mr. CHAMBLISS. We were talking about that fact earlier, that because we are now in a situation where we have excess cash flow and we can pay down that debt, we are having the debate now over the prescription drug issue, for example. But I can just see us if we had lived up to the Clinton-Gore administration expectation of having $194 billion deficit this year when they presented their budget in 1995. Does my colleague think we would be here arguing over how we are going to come up with an additional entitlement program within Medicare? There is just no way we would have done that.

And the gentleman is exactly right. If we had that debt payment down to zero, and we had that additional funding from what we are paying out in interest, we could do a lot of things that would benefit the American people all across the tax spectrum, all across the social spectrum, and we can make life a lot easier for folks. That is why it is just so critical. And we are talking about now 13 years, just 13 short years we could pay off this entire debt.

Mr. KINGSTON. If the gentleman will continue yielding, he has one of the rare and valuable positions as a House Member of serving on the Committee on Agriculture, serving on the Committee on Armed Services, Committee on National Security, and is the incoming chairman of the Committee on the Budget. And I know the gentleman has worked very carefully to protect not only seniors who are retired on Social Security but veterans, and to try to get the United States Government, good old Uncle Sam, to fulfill the promises that have been made to veterans.

I know the gentleman is a cosponsor of the Keep the Promise legislation for veterans who have been promised certain benefits, health care benefits; that we are actually going to deliver those, the ones the Clinton-Gore administration have cut and eroded over the last 8 years, but is it not true that the gentleman's budget also has a cushion in there to take care of our veterans as well as the other seniors?

Mr. CHAMBLISS. Not only does it have a cushion to look after veterans, but we took the Clinton budget last year, which called for a zero increase in veterans' health care, and we plussed that budget up last year by $1 billion and dedicated that $1 billion just for veterans' health care.

Because the gentleman is right, that is a segment of our population that fought and risked their lives, in a lot of instances lives were lost, because those folks believed so strongly that this country ought to continue to live under that great flag of freedom and democracy and we can never forget those folks. Unfortunately, they have had a number of their rights and benefits taken away from them. Probably veterans' health care benefits have been taken away more so than any other area of their benefits. We plussed it up by $1 billion last year and dedicated it to health care alone. This year we have plussed up the President's budget again and we have increased the budget by $2.7 billion over last year. So we have added a total of $3.7 billion for veterans' benefits just in the last 2 years.

Are we exactly where we want to be and ought to be with respect to restoring those benefits? No, we are not. But we are moving in the right direction in spite of a stone wall that we keep running into in the name of Clinton-Gore. They keep giving us smaller budgets, they keep wanting to reduce veterans' benefits, particularly in the area of health care, and we are taking them kicking and screaming down the road of making sure that our veterans do get the benefits to which they have been promised all these years and to which they are entitled to. And, dadgummit, we have just got to look after them.

Mr. KINGSTON. I know also one of the goals of the Committee on Armed Services, the Committee on Appropriations, and the Committee on the Budget has been to cut the paperwork so that our veterans not only have the money at the VA to provide their benefits but they do not have to go through the long procedures and the clearances and the problems that they are having with Tri-Care; that they can actually go faster to a doctor, get the treatment they want, and get to the clinic closest to them. I know the gentleman has made a major commitment in that direction as well.

Mr. CHAMBLISS. In fact, that bill was passed in this very House just last week; that where a veteran has a long distance to drive to go to a VA facility, when he needs medical treatment, we are going to have a pilot program now that we are going to look at that hopefully will be converted into a permanent program whereby those veterans will not have to drive that long distance to a facility. They will receive a voucher and they will be able to take that voucher to a physician or to a doctor close to their home and get medical treatment and have the Federal Government pay for it under the Veterans Administration.

That is a significant improvement in the delivery of health care that we are going to be able to provide to veterans.

Mr. KINGSTON. Now, maybe combining all three of the gentleman's hats of agriculture, armed services and budget, the gentleman also is providing money to get active duty personnel off of food stamps.

Mr. CHAMBLISS. When we took over control of the House of Representatives and the Senate in 1995, we had about 12,000 members of the Armed Forces who were receiving food stamps. Nobody in this House, I do not think, realized that. It came to our attention late in the process in the Committee on Armed Services. And when we discovered that, obviously everybody was appalled at that, and we began working on it.

Over the last 6 years, we have reduced that figure from 12,000 to a little bit in excess of 3,000. It is somewhere between 3,000 and 5,000. I am not sure of the exact number, but we have cut it every single year. Again, we have cut it in spite of the fact the administration has not called for significant increases in defense spending that would allow us to give pay raises to those young men and women who are having to draw food stamps to feed their kids, instead of having the security and the peace of mind and knowing that their children are going to be fed and they can look after the business of trying to defend this country.

So we have cut that list, and we are going to continue to work on it until we get all of those folks off of food stamps, because it is just not right. It is just not right. It is immoral, it is un-American, and it should not be the case. We have to continue to work on that. The gentleman is right, we are doing that with help from my colleague and the other members of the Committee on Appropriations who have been very generous in approving the defense budgets we have had over the last 6 years. And we have to continue down that road until we get all of these folks off of food stamps.

Mr. KINGSTON. To continue on this, one of the reasons why we are losing good soldiers right now is that the pay is low and they do have to go on food stamps. Last week, I was at the third infantry division while they were deploying to Bosnia. In our area, we have about 2,500 to 3,000 soldiers in Bosnia, as of last week, and I was saying goodbye to them. I asked the colonel how many of these soldiers are married. And he said about 60 percent are married, probably because that is the average right now.

What I do not understand is why the Clinton administration has not recognized that the Army today is an army where we have a lot of families. And this deployment situation of permanent peacekeeping by presence, just having our folks there by occupation, gets to be very, very expensive.

The gentleman and I were here when we debated Bosnia; we were here when the administration said we will only be there for 1 year. Personally speaking, I voted against getting involved in it because I feared we would be there a long

time, and now we are on our 5th year there. Actually, longer than 5 years. As I said good-bye to these young men and women, wondering when they were going to come home, and they are going to come home in 6 months, but who will go after that? In the meantime, how many of them will we lose?

Mr. CHAMBLISS. Well, I can tell the gentleman who is going to go after that, because the 48th brigade of the National Guard of the State of Georgia has been called up, and they are in preparation and training right now to go to Bosnia in March. So they will be going about the time the group the gentleman is talking about is coming home.

The gentleman from Minnesota and I actually went to Bosnia together, and we saw the troops over there and saw the activity going on. And just like my colleague from Georgia, I was opposed to getting involved in that. I failed to see a national security interest of the United States that was in jeopardy. But once we were there, once our troops were committed, then everybody here was absolutely and totally committed, and the gentleman from Minnesota and I had a great visit with those folks over there.

Unfortunately, probably 90 percent of the men and women that we saw serving in Bosnia were either in the reserves or the National Guard, which means that they were called away not just from their families but from their jobs. They are not sure what is going to be there when they get back, and it really is a situation where the OPTEMPO in the military has been called to the brink.

It is something that we are addressing now in the Committee on Armed Services. We are looking at if we have to continue down this path, and gosh knows I hope we will not have to continue being the policemen of the world, but we have to look at increasing the force structure of this country.

I would yield to the gentleman from Minnesota.

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Mr. GUTKNECHT. Mr. Speaker, it was a wonderful trip over there. We cannot help but be proud of the young men and women who serve us in the armed forces and the job that they do, whether it is in Bosnia or Yugoslavia, East Timor, Haiti. We have had so many deployments over the last 8 years that we are just stretching our people far too thin.

I think the other issue we are raising here is the whole issue of burden sharing. Bosnia alone has costs us, as members of the Committee on the Budget, almost $20 billion now. And it is really hard for us to see any real evidence that we are making any real progress.

The same is true with Yugoslavia. It is time for our allies. We are spending about 3 percent of our gross domestic product on defense. Our European allies are spending an average 1½ percent. That has made our job a whole lot more difficult in terms of balancing the budget.

I just want to come back to a couple of points that my colleague raised, and I think they really need to be repeated because everybody likes to take credit. It is like the little red hen in baking the bread. Nobody wanted to help grow the wheat. Nobody wanted to help harvest the wheat. Nobody wanted to help to grind the wheat. Nobody wanted to help bake the bread. But everybody wants to take credit once the bread has been baked.

If we go back to where we were in 1995 when the President proposed his budget in the spring of 1995, we were looking at deficits of over $200 billion well into the future. And we came in and said, no, we are going to slow the rate of growth in Federal spending, we are going to eliminate programs, we are going to consolidate programs. We have eliminated over 400 programs, some big ones the Interstate Commerce Commission, some small ones like the Coffee Tasters Commission, some that Americans will not miss, some that most Americans will not miss very much. But the point is we have made enormous progress.

We were accused of wanting to starve children and throw grandma out into the street. We have made enormous progress, and most of it has been done in little changes that we have made along the way and slowed the rate of growth so that this year the Federal budget will grow at a slower rate than the average family budget.

The real goal, as my colleagues are talking about today, and I was listening very carefully up there, the real goal of paying down this debt, I just cannot think of anything better to leave our kids than a debt-free future.

But above and beyond that, I am told by Congressional Budget officers that, if we begin this process of really paying down debt, we will see real interest rates drop by at least one percent. That will save the average American family over $4,000 a year in interest payments that they are paying on their homes, their mortgages, their credit cards, all the other things that Americans have in terms of debt. And to me that is a huge tax cut.

We need to really think about what it will mean when we get to that point where we really have eliminated the publicly held debt. I think we are at a very important point in history. And I hope that our leadership, the appropriators, the people serving on the conference committees will not be eager to compromise.

I believe that $1.868 trillion is more than enough to meet the legitimate needs of the Federal Government and those who depend on it. And if we need to spend more in one particular category, if the President says, no, we have got to spend more, whether it is on education or the environment or whatever his particular pet programs are, then we should demand that the President show us where he is going to pay for that program out of some other area of the budget. I do not think that is too much to ask.

We have come a long ways. We cannot turn back now. I really appreciate what my colleagues have been talking about tonight because I think this is at the heart of what we must do as a Congress, and that is to control the rate of growth in Federal spending, to make certain that we pay down debt; and ultimately I believe we allow families to keep more of what they earn in two ways, first of all with tax cuts and secondly by seeing lower interest rates on their home mortgages and everything else that they own.

So I really appreciate this special order tonight, and I thank my friends from Georgia for having it.

Mr. KINGSTON. Mr. Speaker, before the gentleman from Minnesota yields the floor, I wanted to bring up something that, as we work on prescription drug coverage, and it is interesting, the only bill that has passed is a Republican bill, yet as we listen to GORE and the Democrat party, we would think that they have passed five bills and we have not done anything.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman would continue to yield, I do not think the President has ever introduced a prescription drug bill. In 8 years, I think the sum total of what this administration has done on prescription drugs is they have refused to enforce the antitrust laws that are on the books. We have seen even bigger mergers of the huge pharmaceutical companies. And then, of course, when seniors try to buy prescription drugs in either Canada or Mexico or Europe via mail or e-mail or some kind of ordering system, the other thing the administration has done is they have sent those seniors threatening letters. And we have copies of those in our office. In fact, I think we have copies on our Web site so my colleagues might want to check it.

So they have never introduced a bill, but they have allowed the big drug companies to merge; and they have not enforced the antitrust laws, and they have threatened seniors. That has been their answer.

Mr. KINGSTON. Mr. Speaker, what I think is real important to understand is that in Canada and Mexico they can buy drugs made in America by the same drug companies that we buy from at our local pharmacist and they can buy those same drugs, same dosage for 30 percent less, 40 percent less in one case, 25 percent less; and yet, if they live in Minnesota or New York or Maine and they drive over to a pharmacist and buy them, the Clinton FDA stops them.

Here is an opportunity that, under the Clinton administration we passed NAFTA, which has cost us a lot of jobs in our area, and yet free trade with Canada would mean they should be able to buy things over there; and yet it is the Clinton administration that keeps our seniors from doing that. And

that is something that could affect the cost of prescription drugs right now.

Now, my interest and I think the interest of the gentleman from Georgia (Mr. LINDER) and the gentleman from Georgia (Mr. CHAMBLISS) is that, if we can get our seniors to get lower-cost drugs, there is more competition in the system and more competition will bring the prices down; and so we want the folks in Minnesota and on the border States to get their drugs cheaper from Canada because we may be able do that also through the Internet. But we also will benefit when the prices come down, and that is why it is in our interest as a Nation.

Mr. GUTKNECHT. Mr. Speaker, from a budget perspective, last year the Federal Government, through the Veterans' Administration and through other programs that are actually run by the Federal Government, we bought about $5 billion worth of prescription drugs last year.

Now, I estimate if Americans had access, including the VA and Medicaid and medical assistance and some of the other programs we fund, if we had access to drugs at world-market prices, let my give my colleagues one example, Prilosec, a very commonly prescribed drug in the United States for acid reflux disease and ulcers. In the United States the average price for a 30-day supply is now about $139 a month. That same drug sells in Canada for $55. It sells in Mexico for $17.50.

Now, that is just one example. But we believe that you could save easily 30 percent.

Mr. KINGSTON. Mr. Speaker, the gentleman did not have to make this story up, unlike Vice President GORE, who has to absolutely lie about his mother-in-law. The truth is out there. Why not tell the truth?

Mr. GUTKNECHT. The truth is we could save at least $1.5 billion a year. And when people talk about the prescription drug problem, the problem is that they always talk about the wrong side first; they always talk about coverage. The real problem is price. If people had access to drugs at world-market prices, we would have a much smaller problem dealing with the coverage side.

The good news is I think the congressional leadership, and the Republicans in particular, now understand that if we believe in free markets for textiles, if we believe in free markets for lumber, if we believe in free markets for agricultural products, certainly we ought to have free markets when it comes to pharmaceuticals.

I do not believe in price controls, but I do not believe that the world's best customers should pay the world's highest prices. And that is what is happening today, and it is partly because of the miserable job that the Justice Department has done, the administration, the FDA, and so forth in terms of encouraging more competition.

So that is an issue that has huge budget implications. Because when we look at Medicare, we look at the VA, we look at how much we are already spending on prescription drugs, if we have access to world-market prices, we will see prices in the United States, in my opinion, drop by at least 30 percent. And next year the estimates are, in the United States, we will spend both from private citizens, insurance companies, the Government, and so forth, we will spend close to $150 billion on prescription drugs. Thirty percent of $150 billion is real money.

Mr. CHAMBLISS. Mr. Speaker, the gentleman hits the core of that issue, too, is that we do not drive those prices down by Government controls; we do not drive those prices down by the Federal Government doing anything other than allowing for competition, promoting competition. That should be the sole function of the Federal Government.

We tend to go in the other direction sometimes, and that just ought not to happen.

Mr. GUTKNECHT. Mr. Speaker, one senior at one of my townhall meetings said it best: if you think prescription drugs are expensive today, just wait until the Federal Government provides them for free.

We have got to deal with the price side first. And then when we do, we can come up with a prescription drug program that encourages competition, that allows markets to work, that gives people choices, that is available, it is affordable, and ultimately will bring down the price of prescription drugs so that people will not be falling through the cracks as they are today.

Mr. KINGSTON. Mr. Speaker, I appreciate the gentleman bringing that up. We talk about the differences between the Bush and the Gore plan. I think if we look at the Gore plan, and there is a plan, it has never been introduced for 8 years, but suddenly about a month ago the Gore plan had a new prescription drug benefit. I did not know it until I saw an advertisement on there.

Let me ask my colleagues. In fact, I would love anybody to answer. Have my colleagues been sent anything to the office? I mean, we have got New York, Minnesota, Georgia, and Colorado here. Not one office has been sent this allegedly serious proposal. But the Gore plan has one purchaser of prescription drugs. That is the Federal Government.

The Bush plan has eight different options to choose from. The Bush plan they can enroll in at any time in their life. The Gore plan they have to chose at 64½ years old. And if they do not choose then, they are out of luck.

The Bush plan says, we are not going to ensure Bill Gates and Ross Perot because two-thirds of the people out there already have a prescription drug plan; we do not need the universal coverage for everybody. The Gore plan says, no, sir. Ted Turner, Ross Perot, Bill Gates are my kind of guys. I want to make sure they get free prescription drugs from the truck drivers back home and the coal miners in Tennessee.

And so it is the typical government-mandated, one-size-fits-all, huge Washington-driven entitlement. And that is why I think it should be rejected; and instead of shotgun, we should laser beam our solutions to where the problems really are.

Mr. GUTKNECHT. Mr. Speaker, I think our colleague from Georgia (Mr. LINDER) says it best. In many of these issues, it really is about who decides, will it be Washington or will it be the individual. Whether we are talking about education reform, health care reform, prescription drug reform, whatever we are talking about here in Washington, most of it all comes down to who decides. Will it be Washington bureaucrats, or will it be you?

The thing about this side of the aisle is we believe in individuals, and we believe that the individuals can make the best decisions.

Mr. CHAMBLISS. And will make the best decisions.

I want to thank all of my colleagues for participating today. We look forward to continuing to dialogue with our folks on the other side and the White House to, hopefully, get our 90/10 debt pay-down bill signed into law by the President. It is the right thing to do, and it needs to happen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HAYES). The Chair would remind all Members that although remarks in debate may level criticism against the policies of the Vice President, still remarks in debate must avoid personality and, therefore, may not include personal accusations or characterizations.

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NIGHTSIDE CHAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. McINNIS. Mr. Speaker, I yield to the gentleman from New York (Mr. BOEHLERT).

BOEHLERT LAUDS COURT DECISION ON ONEIDA INDIAN LAND CLAIM

Mr. BOEHLERT. Mr. Speaker, I thank my colleague from Colorado for yielding.

Mr. Speaker, I have a very important announcement. There has been a Federal court decision today in one of the most highly visible and significant Indian land claims in the country.

Senior Judge Neal McCurn of the Federal Court of the Northern District of New York has denied request by the Oneida Indian Nation and the U.S. Department of Justice to amend a lawsuit in a claim to include 20,000 innocent landowners as defendants.

Let me repeat that.

Judge McCurn has ruled he has denied a request to amend a lawsuit in

the claim to include 20,000 innocent landowners as defendants.

That falls under the heading of very good news.

I am delighted with Judge McCurn's decision, which once and for all removes the threat of eviction and monetary damages from the innocent landowners in Madison and Oneida Counties, New York.

□ 2115

With this ruling, the innocent landowners are quite simply excluded as parties to this longstanding dispute. Their homes are not threatened in any way. That should be an enormous relief to all concerned.

This is precisely the result I have been working for ever since the Oneidas and the Justice Department filed their misguided motions back in December of 1998. I have repeatedly spoken and written to Judge McCurn and the Justice Department urging that the landowners be dropped from the case. The judge acknowledges my efforts on page 46 of his decision, when he notes that, along with Senator SCHUMER and Governor Pataki, I took up the landowners' cries, condemning the Federal Government for seeking to name the landowners as defendants in this action.

Now we finally come to an end of this sad, frightening and utterly unnecessary chapter of our area's history which began in December 1998. But there is still much work to be done in the Indian land claim. The tax and sovereignty issues still need to be resolved, and the State is potentially liable for damages. I hope that this ruling will bring the remaining parties back to the bargaining table to resolve all the issues in a way that safeguards our area's economy and public services just as well as Judge McCurn has safeguarded individual property rights. I will continue to work toward that end.

But today's court decision is unalloyed good news for the residents in the land claim who can all breathe a little easier and sleep more soundly.

I want to thank my distinguished colleague from Colorado for yielding to me for this very important announcement.

Mr. MCINNIS. Mr. Speaker, I am back for another nightside chat. I can tell you that it snowed in Colorado, it will not be long before we have our ski areas ready for all of you and I hope you get out there and enjoy the finest snow in the country out in Colorado. That was a little promotional spot here before I begin.

This evening, getting back to serious business, there are three areas that I really want to discuss with my colleagues: First is the move by the President and the Vice President, their policy of releasing fuel or barrels of oil from the Strategic Petroleum Reserve. I will talk for just a few minutes about that. Then I would like to move on from there and talk about taxes. In the last few weeks with the Presidential election coming up, with the general election coming up for Congress and the Senate, we have heard a lot about tax cuts and tax policies and surpluses. So I want to go into that a little and I want to distinguish the difference between the two parties.

My remarks tonight are not intended to be personal at all. But the fact is we do have a system which by design from day one has primarily two parties and it is one of the checks and balances. There are general differences. It is not applicable, by the way, to each member of each party but generally there are differences between the Democratic philosophy and the Republican philosophy.

Tonight I hope to distinguish between the two of them, especially when it comes to surplus, when it comes to taxes, when it comes to accountability to the taxpayer out there, when it comes to accountability for the services that we are required to render to the people that we are fortunate enough to serve back here in the United States Congress. And then I would like to spend a few minutes talking about Social Security. If a Presidential candidate, and I know George W. Bush has, but if any candidate running for office this year wants to focus on one thing for the young people or two things for the young people, let us say, and for the women of this country and frankly for the middle class of this economy, talk about Social Security. What are we going to do?

My generation and the generation ahead of me is okay. Our benefits will be there. But we owe it to the generation behind us to make sure that Social Security is a liquid fund, is a fund that can sustain the kind of liabilities that we have placed upon it for the generation behind me and the generation behind that generation and the generation behind that generation. That is our obligation. It is a point we ought to discuss this evening.

I intend to talk a little about Social Security and some of the things and a plan that I think will work, a plan that has worked for all the Federal employees that work for the government today. The government has its own plan, and many of my colleagues out there, their constituents do not realize that one of the proposals put out there, in fact frankly the proposal put out by George W. Bush is a policy that is already followed by every government employee. We, as government employees, already have this type of policy, an opportunity to choose. So we are going to talk about personal choice. We are going to talk about Social Security. And we are going to talk about the surplus. We will talk about tax cuts and, of course, we want to talk about the Strategic Petroleum Reserve.

First of all, I think a logical question, we have heard that a lot in the last couple of days, most of us have a pretty good understanding of what the petroleum reserve is, but for a little history, Mr. Speaker. As Members know, it was created in 1975, and the intention of it was to see if we could find a location, which we did, to store about 1 billion barrels of oil for an emergency reserve.

Now, emergency is a very delicate word. Emergency in my opinion means an overnight crisis, for example, if the Middle East or OPEC cut our oil off. I am not sure that you could classify as an emergency a price increase the likes of which we have seen in the last few weeks. Now it is a hardship, but does it go to the level, and that is the fundamental question we need to ask, does it go to the level that we should draw down on what in essence is 59 days? That is all we have of supply in this petroleum reserve. We have 59 days of supply in there.

Is the situation we are in right now, of which I am very unhappy about, I think frankly the oil companies have overplayed their hand. I think OPEC has overplayed their hand. But I caution all of us to think very carefully before we condone the actions and the policies of the Vice President and the President in going into the Strategic Petroleum Reserve and pulling out a significant portion of that reserve which, by the way, is not a significant portion of the consumption needs of this country. In fact, in any 30-day period, what you are doing is pulling out about a 36-hour supply out of 30 days.

Back to our history a little. The reserve is managed by the Department of Energy. I am a little disappointed by the way the Department of Energy has managed our energy policy. I am not sure that we have an energy policy that exists. We have the Secretary of Energy, Bill Richardson this year, and I would like to quote what Bill Richardson said. He said, ''We were caught napping. It's obvious the Federal Government was not prepared for the recent jump in oil prices. We got complacent.''

Look, Department of Energy, you have an obligation not to be complacent. That is what your Department is in place for. That is what Congress has charged this Department with. You have got to be on the ball. We have got to monitor that. Our country is economically dependent in a very significant way, we are economically dependent upon the energy policies and when oil goes up like it has gone up, we have not yet begun to feel it but we are going to begin to feel it. But we have over here a reserve and we have got to be very careful about that reserve, when we use it, and under what kind of conditions we should use it. We of course leave that discretion to the President of the United States.

I can tell my colleagues that right now, as I mentioned, our current days of inventory are 59 days. We have 571 million barrels of oil. The most we can draw down, this is just for your own information so you have an idea of how large this reserve is, we can draw down about 4 million barrels of oil a day, and it takes about, oh, 15 or 20 days for

that oil from when we draw it down, assuming we have refinery capacity which we do not have today, our refineries are at capacity for a number of different reasons, but assuming we have capacity we can move that oil and get it into those refineries in about a 15-day period of time.

So what has happened in the last few days? First of all, there was some rumor that the President might, as kind of an October surprise, as a policy for the upcoming Presidential election to assist the Vice President, that the President might order that a depletion be forthwith out of the Strategic Petroleum Reserve. In regards to that, last week the Wall Street Journal quoted the Secretary of Treasury who is appointed by the President, who had strong disagreement with the President and Vice President's policy to draw oil off this under the classification of emergency, and let me quote.

The Wall Street Journal wrote: Treasury Secretary Lawrence Summers advised President Clinton in a harshly worded memo that an administration proposal to drive down energy prices by opening the government's emergency oil reserve quote would be a major and substantial policy mistake. Mr. Summers' two-page memo argued that policy. He wrote that using the reserve would have at best a modest effect on prices and would have downsides that would outweigh the limited benefits.

Let me go on further. Another expert, one that Republicans and Democrats, in other words, both sides of the aisle, an individual that both sides of the aisle respect, his opinion on the President's policy to draw down on that:

''I think it would be a mistake to try and move the market prices with a small addition from the Strategic Petroleum Reserve,'' Federal Reserve Board Chairman Alan Greenspan told a U.S. committee this year. We are dealing with an overall market which is huge compared to our Strategic Petroleum Reserve. He said that adding from the reserve, quote, would not have a significant impact.

Where the impact is that I am concerned about is what the President is doing. We have the strategic oil reserve over here and, as I said, we have a 59-day supply and it is to be used for an emergency. That is our 911 call right there. We have over here a market, to give my colleagues an idea, a market on a monthly basis just for our country which looks about like this. So what you are doing by drawing down out of this is you are drawing in enough for a 36-hour dent in this market. Thirty-six hours. Proportionately that is not too far off from what the President has ordered. In the meantime, what you are doing is you are drawing down a significant portion of this emergency reserve here. The difficulty with that is at some point, especially when we see the volatility that is now taking place with the oil markets, it is a point in time I think that you should increase, not decrease your emergency reserves. Now, surely when you put this kind of fuel in for that 36-hour period of time, which is what it will supply for our country, when you put it into the market and I believe in the last 24 hours gasoline, not the gasoline but the Texas crude price has dropped a little in the last 24 hours, you are going to have some short-term benefit.

But, Mr. Speaker, the short-term benefit has a long-term expense associated with it. I think it is very clear, and it has been editorialized throughout the country, including this morning in the Wall Street Journal, but I think it is very clear that the policy of the Vice President and the timing consequently of the President to draw down on the Strategic Petroleum Reserve is in fact not an emergency but is a political convenience. It is a political tool. It is being used in a political manner. That policy is incorrect, the policy of those reserves.

All of us on this floor realize that politics is an everyday part of our life and when we are a month or 5 or 6 weeks out from an election, we are going to see more politics. But there are some areas that you have got to keep politics out of, no matter how tempting it is, no matter how close to the election it is, the best interests of the Nation demand that you not use that, certain items, that you do not use these items or twist your policies for political expediency. Instead, what you think of first are the best interests of the country. And I am concerned that the policy of drawing down this reserve to make a very small dent for a short-term benefit and, by the way, the benefit would mostly be realized between now and election day, and right after the election we are going to be in the same problem we were in before but we are going to have less reserve. It is not a good policy. I think the President and the Vice President should stop trying or make no further attempts to draw down unless this country truly faces an emergency.

□ 2130

Ever since this was created in 1977, excuse me, in 1975, when we created this reserve, we have only drawn down on it three times. Two of the drawdowns, two of the drawdowns, one was for the Persian Gulf War. That was truly an emergency. I do not think any of my colleagues here argue the fact that the Persian Gulf, when we went to war, that justified a drawdown on our emergency reserves.

The other two times that we drew down on that reserve were practice drawdowns to see how quickly we could get it out, to make sure we had the logistics between the point of drawing out of the oil reserve and getting it into the refineries, that we had that system down pat. We did twice. We had two trial runs.

So, during the entire 25, almost 26 year history of this emergency reserve, never has it been drawn down for political purposes, never has it been drawn down because the price of gasoline got higher. It has only been drawn down really, in reality, when you take outside the practices, it has only been drawn down when we went to war.

But now the President and the Vice President decide, 4 weeks again now from the election, or 5 weeks out from the election, that it is time to draw it down.

My point tonight, colleagues, whether you are Democrat or Republican, is this ought to be hands off. This should not be, whether or not we draw down from the Emergency Petroleum Reserve, should not be determined by whether or not the general election is 6 weeks away. Our Department of Energy Secretary, frankly, needs to get to work and shape that Department up down there so they do not fall asleep at the wheel, which is fundamentally what he admitted they had done in the last couple of months.

Now, do we have an answer? Sure you have an answer. Any time you have high prices, there is that point of diminishing returns. OPEC knows about it. OPEC does not want the prices to get too high. Why do they not want the prices too high? Well, if the prices get too high and the Government does not try and manipulate the prices, speaking of our government, then what happens is American ingenuity kicks in. One, you begin to see more conservation. I think that is a good, reasonable policy. And, two, you begin to get a reexamination of what we have done in our own country as far as exploration, what are we doing with resources in our own country.

Those are two good policies to follow. I mean, I think of myself the other day, to give you an example, I was driving off from the gas pump, I just paid the price for gasoline, and I said, what can we do for conservation? Is there something we can do immediately to help conserve the product that we are using?

You know what I did? I looked up in the left-hand side of the windshield of my car, and I see in my car that they recommend I change the oil for the vehicle that I was driving every 3,000 miles, and my recollection was that the driver's manual for that automobile recommended an oil change every 5,000 or 6,000 miles. So I got in the glove compartment, I looked at my owner's manual, and, sure enough, the people who built the car, the people who engineered the car and the people who guarantee the car say, look, for ultimate performance, all you need to do is change your oil every 5,000 or 6,000 miles. It did not say every 3,000; but obviously it says 5,000 or 6,000, which means not every 3,000.

If we found ourselves in a crunch, the American people could immediately conserve on consumption of oil products by actually having the oil changes on their automobiles when the manufacturer of the automobile recommends you do it.

I mean, that was just one idea. But I think putting in government manipulation right before an election, oh, it may have some political benefits for the President; but the fact is that in the long term, folks, it is going to be a very expensive way. It is not the proper method to approach the kind of fuel or oil difficulties that we are now facing. Save this for a true emergency. Wait until you have a real emergency before you go out and start drawing down on the petroleum reserves.

TAXES

Mr. Speaker, let me talk for a few moments now, kind of switch subjects, because I have heard a lot of discussions about taxes and surpluses. Tonight, while I was sitting in my office, I was thinking, you know, there really are some basic differences. Again, not to get personal, but I think it is important; and I think it is important when we talk to the young people of our country that we explain that there are some differences, fundamental differences, between Democratic leadership and Republican leadership.

Now, not all Democrats vote always with the Democrats all the time. Not all Republicans always vote Republican with the Republican leadership all the time. As we know, a lot of votes back here are determined by geographical locations. For example, those of us in the West may have a difference of opinion than those in the East, regardless of whether they are Republicans or Democrats.

But clearly when it comes to government spending, there is a difference between the Democrats and the Republicans. I know as of late the Democrats have been criticizing tax reductions and tax cuts. I think we have to start with the basic philosophy of what is a surplus. I just looked it up, by the way. I just looked up over here in the dictionary ''surplus,'' which sits behind me, and the definition is clear. A surplus is you have more than you need.

The Government is not in the business to make money. The United States Government was never intended by our forefathers when they drafted the Constitution, when they had this thought, this dream, of uniting these States, of putting these 13 States together and expanding into the continent, they never dreamed of putting the United States Government in business. What they wanted the Government to do was to have their role restricted to that which individuals could not do. That is what their concept of government was about.

What has happened recently, and I hear it more and more from the Democratic side, from your policies of your leadership, is somehow this surplus belongs to us; us, Congress here in Washington, D.C. ''The taxpayers have not paid too much.'' Well, if you do not think that the taxpayers have paid too much, quit using the word ''surplus,'' because surplus means it is extra.

You know, we are here to produce and to provide that which individuals cannot do as individuals, but we are not here to accumulate large amounts of money. Now, the difficulty is that you cannot leave a surplus in Washington, D.C. very long, because, it is very simple, it gets spent. That is what happens to it.

If you leave this surplus here in Washington, D.C., pretty soon you are going to have new programs and new programs and new programs. So the Republican Party and our leadership has made it very clear that we have two priorities: number one, the priority is to fund the Government so that it runs efficiently and that we provide the fundamental services to the American people that individuals could not provide on their own.

For example, we have tremendous responsibilities in education, and we stand up to those responsibilities. We have tremendous responsibilities to defense for this country, to the military, to our transportation. But once we meet those responsibilities, and once we meet the responsibilities of spending those dollars in a responsible manner, then we have two other responsibilities: one, the next responsibility is that after, and, frankly, again not getting personal, but for 40 years the Democrats controlled the Congress, and take a look at what happened to so-called surpluses then. They were smoked. They were gone the minute they got here. We had deficits for 40 years.

So the next thing we do is, what about our overall debt? Our leadership, the Republican leadership, feels that we have an obligation to reduce that overall debt, and that we should take a portion of this surplus and reduce that debt.

But the other fact that we have to consider is who is the customer? Who are the people that we represent? Whose money is coming in here? It is not our money. It is money sent to us with the idea that we will act in a fiduciary manner and spend that money in such a way that, one, we provide for government services; and, two, if we find out that the people we represent have overpaid, then in fact we should refund that.

Now, there are some other things we have to take into mind. Every once in a while when we are out there raising money, i.e., the Federal Government is out there on the taxpayer, and they ask the taxpayer, they say to the taxpayer, look, we need to fund the military, we need to fund education, we have highways. Here is our government budget; and in order to meet the budget, we need to have you pay out of your work, and, remember, the people paying are not the people that are not working. The people that pay taxes to the Government are hard-working men and women. They are the people that go to work for 8 hours every day.

You are asking them to take a part of their labor every day, a part of their labor every day; in fact, you are asking them to work full time from January 1, to, I think, around the first of May. You are asking them to work full time. That is what amount of time an individual has to work in this country just to pay off their taxes for that year. So you are asking them to fund this.

Once in a while when we do this, we find out that we have taxes that are unfair, taxes that just fundamentally are not sound. I thought I would point out a couple of those, because the Republicans this year, without much help, now, we did have, I will grant to you, we did have some help from some Democrats, but some of those Democrats who helped us switched back, unfortunately, in my opinion, because of the fact they were put under pressure by the President to uphold his policies, so they would not override the vetoes. But let us talk about a couple of those taxes. I think the best way to do it is to talk about the middle class, because that is who we are really talking about here.

What happened is we discovered some taxes, that whether we have a surplus or not, we fundamentally disagree with the concept of these taxes. I will give you a good example.

The marriage penalty. That is a tax that Congress somehow in its history decided that marriage should be a taxable event. The Republican leadership this year, with the help of some Democrats, said to the President, and, by the way, obviously with the help of the United States Senate, said to the President, look, marriage should not be a taxable event. It is unfair to the middle class. It is unfair to anybody for the Federal Government, in an attempt to raise money for its operations, to go to people and say, simply because of the fact that you are married, we are going to impose a tax on you.

So what we did is we voted to eliminate the marriage tax. But the Democrats, through their leadership and through the President, put it back on the board. In their opinion, marriage is a taxable event; and the President's veto, he vetoed our process to eliminate the marriage tax, and the President put it back on the middle class of America, primarily, by the way.

The middle class pays, in my opinion, the biggest portion of taxes in this country. The middle class represents, quantity-wise, the largest number of workers. That is what you are doing. When the President and the Democratic policy, my colleagues here, when you put that marriage tax back on after we passed the bill to eliminate it, that is who you are taxing. And you are taxing our young people.

With our young people, we are trying to encourage marriage. We are trying to tell the young people, and boy, it is promising, we have some wonderful, wonderful people in the generation behind us, all of us know that. But is this the way to encourage that generation?

There is another tax we took a look at and said fundamentally, is it fair to tax death, the simple fact that somebody dies? Is that a fair tax? Is that a

taxable event? Is that an event that our forefathers ever imagined in the Constitution would be the basis of this price, that we go to our taxpayers and say we want you to pay this price to be a citizen in this country? Is death a taxable event, that the middle class pay? And do not kid yourself, it affects every class in society.

The Democrats like to say, well, it is only the rich. They like to play this class warfare. It is not class warfare. You take money, regardless of how many people are in the community, take a community with 5,000 people who have a person that has to pay the estate taxes, say a contractor or anybody, a contractor that owns a dump truck, a bulldozer and a couple of pickups, they are subject to the death tax. You go to those people, and you take it out of the community and you transfer that money right here to these Chambers in Washington, D.C. You are transferring money from local communities out in the United States out beyond the Potomac, and you are transferring it here. So it affects every class. So the fundamental question of fairness, that is an obligation we have, regardless of whether we have a surplus or not.

Now, it so happens we do have a surplus. But regardless of whether we have a surplus or not, should we tax the event of death? We said no. The Republicans said no, and, by the way, some Democrats joined us. They also said we should not tax death. We sent that bill to the President. The President vetoed it. He put it back on. The President said death is a taxable event.

□ 2145

And by the way, I sit on the Committee on Ways and Means. I know what the President's budget is. The President's proposal this year was not only do not eliminate the death tax; he has actually proposed in his budget to increase the death tax by $9.5 billion. So the Democratic policy and the President's policy, and again not getting personal here, but, look, there is a difference and the American people, we need to talk about these differences.

They want to keep the death tax in place. Not all of them, but most of the Democratic leadership. They want to add $9.5 billion according to the President's new policy on taxes. We think that has gone too far. Now, there are some taxes that we have been able to persuade, that the Republican leadership has come forward with and has been able to put into the Tax Code. It is surprising how many of our constituents out there do not know that this Congress, the Republican Congress, passed a tax reduction that probably is the most significant tax break that any individual out there who owns a home has probably had in their career.

What am I talking about? Very briefly, let us take a look. What I want my colleagues to do is if any of my colleagues in here have constituents who own homes, at every town meeting they go to they should ask their constituents how many of them own homes. My guess is, and it is an exciting thing, most of the people in the audience will own homes. What is great about this country is our homeownership.

When I was younger, one expected to own their first home when they were approaching 30. Now this new generation is able to buy homes at a much earlier age. And it is an American dream. What we found happening, what we talked about our Republican leadership and our philosophy was, look, it is unfair to tax these young, especially younger families who own a home and they sell their home. We hit them with a huge capital gains tax.

What the old law was, the law that we wanted to change, it said quite simply, look, if an American sells a house for a net profit, they make a net profit and we will take an example here. Here is an individual. Let us say an individual bought a home for $100,000. They sold the home for $350,000; and they had a profit of $250,000. Under the old law, they were taxed, they had income of $250,000.

We thought what we want to do, one of the things kind of like marriage, we encourage our younger generation to get married. We want our younger generation also to enjoy the economic benefits of homeownership. So what we decided to do, and it was the Republican leadership that did it, frankly, and I do not mind. Look, I know I am standing up here saying Republican and Democrat a lot, but we need to talk about this bill and who stood up when it was time to stand up.

I was surprised in the last couple of weeks. I thought the death tax was pretty nonpartisan. We had a lot of Democrats that joined our leadership in trying to do away with it. But a lot of them walked. We had a lot of Democrats who joined, many joined to get rid of the marriage tax. But they walked. So I think it is important for us to have discussions, because there are differences.

What the Republicans felt, we made a proposal. If an individual buys the home, same example, $100,000. Same example, $350,000. $250,000 profit, under our bill, they will be taxed zero. And this passed. This passed. And for couples the news is even better. For couples it in essence doubles. If you own a home in the United States and you sell that home for a net profit. Not your equity in the home. You may buy a home for $100,000. You pay down $50,000 of it. You only own $50,000. That balance is equity. I am talking about net profit.

Say a young couple buys a house and sells the house for a profit. What our bill does, and it was signed into law so it is now the law, they get to take that profit. They get to put that money into their pocket. No taxes up to $250,000 per person or $500,000 per couple. That is significant. That makes a big difference. That is tax policy that I think makes good sense.

In the last few days I have heard people, especially with the politics going around, people saying, well, tax cuts are bad. All the Republicans want are tax cuts. I think that what we want is a fairness in the Tax Code. I would bet anything that we would have a hard time finding a young couple, go pick a 21-year-old male or female college student or a 21-year-old male or female that is working in a blue collar job and ask them do you think it is fundamentally wrong for one party wanting to advocate for changes in the Tax Code that would bring more fairness to the Tax Code? That would be an incentive to couples your age or single mothers to have the opportunity to buy a home? Of course they would agree with that.

Mr. Speaker, that is what the Republican leadership is talking about. George W. Bush and his campaign in the last month or 6 weeks has been talking about these tax reductions. He is not talking about going out and picking out the wealthiest people of the country. He is across the board. Read any analysis out there. Why? Because of the fairness of the Tax Code. When we are fairer to income producers, our income producers produce more income. That is just a fundamental law.

Let us talk about some other taxes that we have had. Capital gains, for example. It used to be the old Democratic argument was that capital gains is only for the rich. For many years I think the Democrats were probably right on that, because there were periods of time in our country where the only people who ever worried about paying capital gains taxation were the wealthy.

Now, I am not one who believes in class warfare, and I say that to my colleagues. I think over the long run, class warfare is not what the American system is about. That is not what has made the American system great. But the fact is we did at one point in time decades ago, decades ago have one segment of our society that only benefited from capital gains.

But what has happened in the last 10 or 15 years, we have lots more people investing in land. We have a lot of people in the lower-income brackets who own their homes. We have a lot of people whose employer or on their own or through their employer have gone into 401(k) plans, or they are invested in mutual funds. Now all of the sudden a much broader population faces capital gains taxation, and yet we cannot get the Democratic leadership, it was very difficult to get them to come to our side to reduce that taxation.

The reduction of that taxation was not just a reduction in taxation to the wealthy, it came across the board. And, finally, they admitted it. But now the rhetoric that I have heard the last couple of weeks, because the elections are coming up, is that any consideration of a Tax Code revision or a tax cut such as marriage tax, get rid of it, or the

death tax, get rid of it, or capital gains or elimination of the taxes on the profit of the sale of your home. Some of my colleagues on the left, the liberal aspect, act as if we are going to ruin the budget, act as if that is what led to the deficit.

Remember, in my opinion, I think a fair Tax Code is a conservative approach. I think a fair Tax Code is a moderate approach. But I do not think a fair Tax Code is a liberal approach. I think the liberal approach is bringing the money any way you can, that money belongs in Washington, D.C., it ought to be spent in Washington, D.C., as a collective benefit for the country or for people to take the individual responsibilities, move those individual responsibilities to Washington, D.C., and fund it as a collective issue.

Mr. Speaker, I disagree fundamentally with that policy, and so do a lot of American people.

But I think we have kind of disclosures in truth when we go out and speak to our constituents. I think we have an obligation when we go out there and say, look, ''tax cuts'' is a very broad term. Let us talk specifically what we mean when we talk about tax cuts. We are talking about things like the capital gains tax issue. We are talking about things like elimination of the death tax. We are talking about things like the marriage penalty. We are talking about the fact why do we go to our young people, of whom we have an obligation to act in a responsible manner for their future, why do we go to them and penalize them for being married when in fact we encourage them to be married? Those are policies that I think are fair game because they are fair on their face.

So, Mr. Speaker, I hope that my colleagues, as they go out there during this election process, that they take the time to talk to some, and by the way not just the young people. The policies for the taxes of the young, but take a look as well at what we, the Republican leadership, did, the moderate approach did for our seniors. We not only talked about the death tax issue, we not only talked about the marriage penalty, we not only reduced the capital gains taxation under Republican leadership, we not only eliminated the taxation up to $250,000 when we sell our home out here in America. But we also went to the seniors and said we have discovered another thing that is unfair with our Tax Code. We are finding out just because of the fact you are between the years 65 and 69, we are going to penalize you on your Social Security if you hold a job outside of your home.

Where is the fairness of that? For years it was like pulling teeth from the liberal contingents. From the liberals it was like pulling their teeth to get them to admit that that was unfair to seniors. Finally, this year, frankly because of some good editorials written across this country, the liberal segment of our politics back here conceded and gave in on that and we passed that into law.

I commend the moderates on this floor, and I commend the conservatives on this floor that were able to see that earnings limitation on Social Security trashed. And I also want to say, even though we did not get it passed because the President vetoed it, and by the way it is the Vice President's policy as well, I still commend my colleagues for stepping forward and standing up to the fact that death is not a taxable event and that should have been thrown out the window, that marriage is not a taxable event and that should have been thrown out the window.

Mr. Speaker, we need to have fairness and we can talk about income tax bracketing as well. But the fact is we have an obligation, a fiduciary obligation to the taxpayers and to the citizens of this country to have a Tax Code that is fair.

Let me move on to another area, one of my favorite areas: Social Security. First of all, I want to tell about what the Government does for its employees. And I am one of those employees. I hear a lot, of course, out there on the campaign trail or when I am out there in my town meetings. I go back to my district every weekend. My district is larger that the State of Florida. I put about 50,000 miles a year in my district in the car. I listen to people. I stop at the coffee stop.

A lot of people do not realize that government employees have almost essentially the same type of retirement plan, in addition to Social Security, we also have Social Security. Congress, for example, I saw somebody e-mail me the other day that they got something off the Internet that Congressmen do not have to pay Social Security. Of course we pay Social Security. But we have got about 2 or 3 million government employees on a system that is very similar to the system that George W. Bush has proposed.

Mr. Speaker, I am amazed. I am amazed of the number of my colleagues who are trashing George W. Bush's proposal on Social Security when, in fact, on the other hand, we live within a policy or a program here provided for all government employees that is almost identical to what he is proposing.

What is it? It is called ''personal choice.'' Let me explain very briefly how the government program works. The government program works this way. Every government employee has an amount of money taken out of their pay to provide for their retirement. It is an amount of money that they have no choice of how it is spent or where it is invested. On the other hand, while they have no voice or input as to what happens with that, they also get a guaranteed retirement after they put in a certain amount of years and turn a certain age; and after they vest, they get a certain guaranteed retirement. They have a safety net there. It is not a lot, but it is there and it is funded by the amount of money that they have drawn out of their check. We as government employees, all 3 million of us, have drawn out of our check.

But there is a second program in addition to Social Security, and that program is called the Thrift Savings Program. What that allows government employees to do, such as myself, I am allowed, as are 3 million other Federal employees, we are allowed to by personal choice take an amount money up to 10 percent of our pay, and we are allowed to invest that in the Thrift Savings Program, and the Federal Government will match it up to the first 5 percent. They will match the first 5 percent, although we are entitled to put in 10 percent, and we get a choice. You can put it in a risky fund like the stock market, although the higher the risk the higher the return. We can put it in a safer fund, or we can put it in a guaranteed savings fund which has low return but almost zero risk.

□ 2200

We have that right to make that choice, but it is only with 10 percent of our income, so we never overstep or never get in over our heads, so to speak, on the amount of money that we put in, and we personally get to choose how to invest it. Do you know how many people in the Federal Government participate in that program? A very, very high percentage.

Mr. Speaker, I would bet that every one of my colleagues sitting here on the floor participates in that program. Participates in choice. Why can we not do that for Social Security? If it is good for us, why is it not good for the rest of America? If it is good for us, our system, the Thrift Savings Plan works, why is not George W. Bush's plan good for the rest of America?

I know that some people have said this kind of policy is a risky policy. Risky? We have tried it and we tested it, and the government employees like it. They get involved in it. They get personal choice; that is the avenue that all of us should approach in trying to figure out how to rehabilitate the Social Security system.

Now, as you know, our Social Security system, there are some factors that put it into trouble. I mean we know that in 1935, for every worker that was retired, every person that was retired in 1935, when Social Security came in, we had 42 workers, 42 workers over here, providing for that 1 person that is retired. Today, for every person that is retired, we only have 3 workers providing for them, because we have so many people retired.

Back then in 1935, the average person lived to about, I do not know, it was probably 61, I think, for men and 65, somewhere in that range, today it is pushing the 80s. People are living longer. That is good news, but it also puts more of a burden on Social Security. And as a result of that, while Social Security is cash-rich, in other words, on a cash flow basis, the money coming in today, our Social Security is in the black.

The fact is, on an actuarial basis, the basis of which we look into the future

and say can Social Security make it, on that basis, Social Security's bankrupt. So what do we do?

First of all, if we are going to make changes in Social Security, we have to do what George W. Bush has proposed and what a number of us support very strongly; that is, one, we have to guarantee that the people like, for example, my age and the generation ahead of me are not going to lose their benefits. They are not. There is nobody on Social Security today or nobody from age 40 or above say, for example, that is going to have their benefits threatened.

The Social Security benefits will be there, and do not let the liberals use the fear tactics of telling you that we cannot be bold in Social Security, that we should not try something new, that we ought to stay with the same old thing, even though it is not working in the long run.

We have to have some kind of assurance to the workers presently in the later stages of their career that your benefits are okay. I am telling you, the generation, the X generation, or the younger generation, whatever you want to call them, these people are bright people. They are energetic people. They want choice more than ever in the history of this country. This generation following us wants independence, and they are bright enough to handle it.

They have experience in business. They want to have choice. They want to be able to choose. They want to choose more than ever, whether they live in the country or here, they want to choose whether their kids go to public school or private school. I think George W. Bush has hit the button right on the top of it, this generation, this young generation wants to make some choice in Social Security.

We have a plan that is tried, true and tried, so to speak, right here. We are part of it. What is the opposition to going to the Social Security and putting that into effect, the same kind of plan that every one on the floor of the House of Representatives and almost three million other Federal employees enjoy. It works. I think we ought to try it.

Mr. Speaker, I will tell my colleagues the biggest mistake we can make here and biggest misservice we can do to our constituents here is to sit idle. Look, this is election time, in the next 4 weeks, 5 weeks, or 6 weeks, we are going to have a lot of political rhetoric, but the minute that goes by, in 6 weeks, I think we have an obligation to step up to the plate and do it; get it done; get this train back on course.

Now, I think there is always going to be a disagreement between what I would call moderate and conservative on economics and the liberal philosophy. The liberal philosophy, in my opinion, has a huge safety net that takes care of everybody and does it on a collective basis.

Now, I am not sure how they pay for it, but they feel that the responsibility of the individual is the obligation of the government, but the moderate and the conservatives feel that the responsibility of the individual is exactly that, the responsibility of the individual with the assistance from the government, where the individual cannot provide.

I think doing something with Social Security fits in the latter category. It is allowing individuals to have some choice. It does not give them complete choice because we do not want a person who loses all of their money to still look to us and put the blame on us, the government; what we want an individual to do is to have some choice. It is at that point where I think people are economically savvy enough to make some of these choices.

Mr. Speaker, a lot of people, a lot of workers, no matter what kind of job they have decided to participate in mutual funds. They are making more choices on their personal finances. They are becoming more and more knowledgeable about it. They are becoming more and more confident about it. We have a good economy.

What is interesting, too, is when we have those down days on the stock market, these people do not hit the panic button. It is not like the great panic in the early last century. These people are more patient with it. So why can we not be? I mean we work for them. We work for the people.

Why do we not step forward and let them have more choice in the Social Security plan that they want to participate in? I mean it is a big part of their future, and they ought to play as active a role in that as they can possibly do it.

Frankly, I think the plan that the Republicans and some Democrats and George W. Bush has put forward is worth looking at. I am amazed in these last few weeks how it has been trashed and trashed and trashed, when, in fact, as I said earlier in my comments, 3 million government employees are on that type of plan right now, and it works for us. It will work for our constituents.

Let me wrap up and conclude my remarks this evening.

First of all, I think it is a mistake. And I think it has driven the policy, as underlying as its foundation, to take oil from our strategic petroleum reserve, that reserve should be restricted to true emergencies.

The fact that our gasoline prices have gone up is discouraging. Who is not angry about that? Who does not think that there is not some gouging going on out there? Sure, it is discouraging, but is that really, truly the type of emergency that we would envision, or is that driven by political policy? My position is the policy of the President is not that policy that was intended when we created the strategic petroleum reserve.

Second of all, tax; when they talk out there on the political trail and they talk about tax reductions, make a question, is it fair? Should it be there in the first place?

Third of all, give us some choice in Social Security. We need a new, bold plan that protects current beneficiaries of Social Security, guarantees certain benefits for future generations of Social Security, but also let these beneficiaries participate and help choose and help direct the investments they make with that program.

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LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGLISH (at the request of Mr. ARMEY) for today on account of weather and traffic conditions.

Mr. POMBO (at the request of Mr. ARMEY) for today on account of travel delays.

Mr. SMITH of Michigan (at the request of Mr. ARMEY) for today and September 26 on account of personal reasons.

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SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

(The following Members (at the request of Mr. HYDE) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, September 26.

Mr. SOUDER, for 5 minutes, today.

Mr. PORTER, for 5 minutes, September 27.

Mr. HYDE, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today and September 26, 27, 28, 29.

Mr. BILIRAKIS, for 5 minutes, October 2.

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SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2511. An act to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska, and for other purposes; to the Committee on Resources.

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ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 9 minutes

p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 26, 2000, at 9 a.m., for morning hour debates.

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EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10263. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Addition to Quarantined Areas; Correction [Docket No. 00–036–2] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10264. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Melon Fruit Fly Regulations; Regulated Areas, Regulated Articles and Removal of Quarantined Area [Docket No. 99–097–3] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10265. A communication from the President of the United States, transmitting the request and availability of appropriations for the Low Income Home Energy Assistance Program of the Department of Health and Human Services; (H. Doc. No. 106–295); to the Committee on Appropriations and ordered to be printed.

10266. A letter from the Director, Office of Equal Opportunity Program, Department of the Treasury, transmitting the Department's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1190–AA28) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10267. A letter from the Associate Administrator for Equal Opportunity Programs, National Aeronautics and Space Administration, transmitting the Administration's final rule—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (RIN: 1190–AA28) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10268. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6877–4] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10269. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pennsylvania: Final Authorization of State Hazardous Waste Management Program [FRL–6875–3] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10270. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6874–6] received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10271. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee: Final Authorization of State Hazardous Waste Management Program Revision [FRL#6874–6] received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10272. A letter from the Associate Bureau Chief, WTB, Federal Communications Commission, transmitting the Commission's final rule— Amendment of Parts 2 and 95 of the Commission's Rules to Establish a Medical Implant Communications Service in the 402–405 MHz Band [WT Docket No. 99–66; RM–9157] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10273. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Electronic Filing of Documents [Docket No. RM00–12–000; Order No. 619] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10274. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment sold commercially under a contract to the Netherlands [Transmittal No. DTC 101–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10275. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Norway and Spain [Transmittal No. DTC 100–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10276. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to South Korea [Transmittal No. DTC 110–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10277. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Argentina [Transmittal No. DTC 108–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

10278. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10279. A letter from the Director, U.S. Fish and Wildlife Service, Department of Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to List the Santa Barbara County Distinct Population of the California Tiger Salamander as Endangered (RIN: 1018–AF81) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10280. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Resubmission of Disapproved Measure in Amendment 9 [Docket No. 00211038–0232–02; I.D. 101499D] (RIN: 0648–AM93) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10281. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Polskie Zaklady Lotnicze Spolka zo.o. Models PZL M18A, and PZL M18B Airplanes [Docket No. 99–CE–84–AD; Amendment 39–11897; AD 2000–18–12] (RIN: 2120–AA64) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10282. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Hazardous Materials Regulations: Editorial Corrections and Clarifications [Docket No. RSPA–00–7755 (HM–189Q)] (RIN: 2137–AD47) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10283. A letter from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Underwater Abandoned Pipeline Facilities [RSPA–97–2094; Amdt. Nos. 192–89; 195–69] (RIN: 2137–AC54) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10284. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Service Difficulty Reports [Docket No. 28293; Amendment No. 121–279, 125–35, 135–77, and 145–22] (RIN: 2120–AF17) received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10285. A letter from the Commissioner of Social Securtity, transmitting a draft bill intended as an addendum to the draft bill, ''Social Security Amendments of 2000''; to the Committee on Ways and Means.

10286. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Kathy A. King v. Commissioner—received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10287. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—October 2000 Applicable Federal Rates [Rev. Ruling 2000–45] received September 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

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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. BLILEY: Committee on Commerce. H.R. 2641. A bill to make technical corrections to title X of the Energy Policy Act of 1992; with amendments (Rept. 106–886). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 591. Resolution providing for consideration of the joint resolution (H.J. Res. 109) making continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–887). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 592. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 106–888). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than September 26, 2000.

□

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS:

H.R. 5271. A bill to amend title 38, United States Code, to revise the rules applicable to net worth limitation with respect to eligibility for pensions for certain veterans; to the Committee on Veterans' Affairs.

By Mr. GILMAN (for himself, Mr. NADLER, Mr. LAZIO, Mrs. LOWEY, and Mr. REYNOLDS):

H.R. 5272. A bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state; to the Committee on International Relations, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACHUS (for himself, Mr. LEACH, Mr. LAFALCE, and Ms. WATERS):

H.R. 5273. A bill to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LAZIO (for himself, Mr. MCHUGH, Mr. RAHALL, Mr. MCKEON, Mr. OBERSTAR, and Mr. LIPINSKI):

H.R. 5274. A bill to amend title XIX of the Social Security Act to provide public access to quality medical imaging procedures and radiation therapy procedures; to the Committee on Commerce.

By Mr. BOUCHER (for himself, Mr. BURR of North Carolina, Mr. LAHOOD, and Mr. UPTON):

H.R. 5275. A bill to amend title 17, United States Code, with respect to personal interactive performances of recorded nondramatic musical works, and for other purposes; to the Committee on the Judiciary.

By Mr. CAMP:

H.R. 5276. A bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare Program; 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. DOGGETT (for himself, Mr. STARK, Mr. MATSUI, Mr. LEVIN, Mr. CARDIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. MCNULTY, Mr. MOORE, Mr. FARR of California, Mr. TIERNEY, Mr. LANTOS, Mrs. THURMAN, Mr. OLVER, Mr. NADLER, Mr. GREEN of Texas, Mr. BENTSEN, Mr. CROWLEY, Mr. WEINER, and Ms. SLAUGHTER):

H.R. 5277. A bill to amend the Internal Revenue Code of 1986 to avoid duplicate reporting of information on political activities of certain State and local political organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 5278. A bill to express the sense of Congress that the President should take action to develop a comprehensive energy policy and to amend the Internal Revenue Code of 1986 to repeal the 1993 4.3-cent increases in highway motor fuel taxes; 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. MINGE (for himself, Mr. POMEROY, Mr. THUNE, Mr. EVANS, Mr. GUTKNECHT, and Mr. PETERSON of Minnesota):

H.R. 5279. A bill to amend the Internal Revenue Code of 1986 to allow allocation of small ethanol producer credit to patrons of cooperative, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota (for himself, Mr. SABO, Mr. OBERSTAR, and Mr. MINGE):

H.R. 5280. A bill to amend the Equity in Educational Land-Grant Status Act of 1994 to add White Earth Tribal and Community College to the list of 1994 Institutions; to the Committee on Agriculture.

By Mr. PETERSON of Minnesota (for himself, Mr. SABO, Mr. RAMSTAD, and Mr. MINGE):

H.R. 5281. A bill to amend title XXI of the Social Security Act to provide for more equitable distribution of block grant funds under the State children's health insurance program; to the Committee on Commerce.

By Mr. RYAN of Wisconsin:

H.R. 5282. A bill to establish a demonstration project to waive certain nurse training requirements for specially trained individuals who perform certain specific nursing-related tasks in Medicare and Medicaid nursing facilities; 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. SALMON:

H.R. 5283. A bill to amend the Telemarketing and Consumer Fraud and Abuse Prevention Act to authorize the Federal Trade Commission to issue new rules regulating telemarketing firms, and for other purposes; to the Committee on Commerce.

By Mr. SCOTT (for himself, Mr. BLILEY, Mr. DAVIS of Virginia, Mr. GOODE, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SISISKY, Mr. WOLF, and Mr. GOODLATTE):

H.R. 5284. A bill to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the ''Owen B. Pickett United States Customhouse''; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas (for himself and Mr. FOLEY):

H.R. 5285. A bill to amend the Immigration and Nationality Act to prevent human rights abusers from being eligible for admission into the United States and other forms of immigration relief, and for other purposes; to the Committee on the Judiciary.

By Mr. WELDON of Florida (for himself and Mr. GREEN of Texas):

H.R. 5286. A bill to provide for a study of anesthesia services furnished under the Medicare Program, and to expand arrangements under which certified registered nurse anesthetists may furnish such services; 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. YOUNG of Alaska (for himself, Mr. GIBBONS, Mr. SAXTON, Mr. POMBO, and Mr. DOOLITTLE):

H.R. 5287. A bill to establish the National Museum of Jewish Heritage and the National Museum of Jewish Heritage Board of Directors; to the Committee on Resources.

By Mr. SHERWOOD (for himself, Mr. PETERSON of Pennsylvania, and Mr. MINGE):

H.R. 5288. A bill to amend part C of title XVIII of the Social Security Act to increase the minimum payment amount to MedicareChoice organizations offering MedicareChoice plans to correct inequities in amounts paid in rural and urban areas; 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. YOUNG of Florida:

H.J. Res. 109. A joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. UPTON:

H. Con. Res. 407. Concurrent resolution to direct the Secretary of the Senate to correct technical errors in the enrollment of S. 1455; considered and agreed to

By Mr. METCALF:

H. Con. Res. 408. Concurrent resolution expressing appreciation for the United States service members who were aboard the British transport HMT ROHNA when it sank, the families of these service members, and the rescuers of the HMT ROHNA's passengers and crew; to the Committee on Armed Services.

By Mr. TALENT:

H. Res. 590. A resolution providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2392; considered and agreed to

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PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PASCRELL:

H.R. 5289. A bill for the relief of Moise Marcel Sapriel; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H.R. 5290. A bill to provide private relief for Salah Idris of Saudi Arabia and El Shifa Pharmaceuticals Industries Company relating to the bombing and destruction of the El Shifa Pharmaceutical plant in Khartoum, Sudan, and for other purposes; to the Committee on the Judiciary.

By Mr. ROHRABACHER:

H. Res. 593. A resolution to provide for the consideration of a private relief bill by the United States Court of Claims, and for other purposes; to the Committee on the Judiciary.

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ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 284: Mr. SHIMKUS, Mr. EVANS, Mr. HORN, Mr. JONES of North Carolina, Mr. BORSKI, and Ms. SANCHEZ.

H.R. 534: Mr. GEJDENSON.

H.R. 783: Mr. DIXON.

H.R. 983: Ms. RIVERS.
H.R. 1071: Ms. ROYBAL-ALLARD, Mr. TANNER, Mr. EDWARDS, Mr. THOMPSON of California, and Mr. MCINTYRE.
H.R. 1194: Mr. GRAHAM.
H.R. 1217: Mr. MEEKS of New York and Mr. BONILLA.
H.R. 1248: Mr. CRAMER, Mr. CASTLE, Mr. SHERMAN, Mr. DIXON, Mr. SERRANO, and Mr. LEVIN.
H.R. 1275: Mr. MINGE, Mr. POMEROY, Mr. GONZALEZ, Mrs. KELLY, Mr. MASCARA, Mr. GILCHREST, Mr. BORSKI, Mr. HOEFFEL, Mr. BARTLETT of Maryland, Mr. BOUCHER, Mr. JONES of North Carolina, Ms. MCCARTHY of Missouri, and Mr. OSE.
H.R. 1399: Mr. WEXLER.
H.R. 2025: Mr. STUPAK.
H.R. 2166: Mr. METCALF, Mr. OLVER, and Mr. THOMPSON of California.
H.R. 2200: Mr. MINGE and Mr. UDALL of Colorado.
H.R. 2308: Mr. STUPAK and Mr. HAYWORTH.
H.R. 2380: Mr. SANDERS.
H.R. 2620: Mr. KUCINICH.
H.R. 2710: Mr. PORTMAN, Mr. PORTER, and Mr. BASS.
H.R. 2722: Mr. BROWN of Ohio.
H.R. 2900: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LIPINSKI, Mr. CARDIN, Mr. GONZALEZ, Mr. RODRIGUEZ, and Mr. FROST.
H.R. 3250: Ms. DEGETTE and Mr. LAMPSON.
H.R. 3325: Mr. WYNN.
H.R. 3463: Mr. RANGEL.
H.R. 3466: Ms. DUNN.
H.R. 3633: Ms. WATERS and Mr. PORTER.
H.R. 3766: Mr. ROEMER, Mr. ROMERO-BARCELO, Mr. GEPHARDT, Ms. DEGETTE, Mr. SERRANO, and Mr. POMEROY.
H.R. 3842: Mr. BARCIA.
H.R. 3850: Mr. SNYDER.
H.R. 3881: Mr. SHADEGG.
H.R. 3982: Mr. SHADEGG.
H.R. 4025: Mr. HORN.
H.R. 4028: Mr. OLVER.
H.R. 4082: Mr. HOYER, Mrs. MORELLA, and Mr. FRANK of Massachusetts.
H.R. 4259: Mr. HAYES, Mr. RYAN of Wisconsin, Mr. BISHOP, Mr. BOEHNER, Mr. RADANOVICH, Mr. PRICE of North Carolina, Mrs. LOWEY, Mrs. ROUKEMA, Ms. BALDWIN, Mr. CRAMER, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. STEARNS, Mr. DELAHUNT, Mr. GOODLATTE, Mr. BOUCHER, Mr. FARR of California, Ms. DEGETTE, Mr. BALDACCI, Mr. CAPUANO, Mr. COSTELLO, Ms. ESHOO, Mr. EHLERS, Mr. HOEKSTRA, Mrs. JOHNSON of Connecticut, Mrs. EMERSON, Mr. MANZULLO, Mr. BARR of Georgia, Mr. BARTLETT of Maryland, Mr. VISCLOSKY, Mr. CLYBURN, Mr. DREIER, Mr. FRANK of Massachusetts, Mr. LEACH, Mrs. CAPPS, Mr. EHRLICH, and Mr. TANNER.
H.R. 4328: Mr. KUCINICH and Mr. DELAHUNT.
H.R. 4330: Mr. HOLT, Ms. ROS-LEHTINEN, and Mr. DOYLE.
H.R. 4395: Mr. BRYANT, Mr. WEYGAND, Mr. UPTON, and Mr. BLAGOJEVICH.
H.R. 4483: Ms. ESHOO.
H.R. 4493: Mr. BACHUS, Mr. VITTER, and Mr. HORN.
H.R. 4547: Mr. TERRY and Mr. PETERSON of Pennsylvania.
H.R. 4592: Mr. BLUNT.
H.R. 4634: Mrs. MALONEY of New York, Mr. BONIOR, and Mr. STARK.
H.R. 4640: Mr. ROTHMAN.
H.R. 4649: Mr. ALLEN and Mr. BISHOP.
H.R. 4689: Mr. DIAZ-BALART.
H.R. 4723: Mr. TALENT.
H.R. 4740: Mr. MOAKLEY, Mr. SABO, Mr. CAPUANO, Ms. DEGETTE, Mr. SHIMKUS, Mr. ETHERIDGE, Mrs. MCCARTHY of New York, and Mr. HILL of Montana.
H.R. 4827: Mr. CAMP.
H.R. 4838: Mr. DIAZ-BALART,
H.R. 4841: Mr. CAMP and Mr. JONES of North Carolina.
H.R. 4894: Mr. EVANS, Mr. DINGELL, Mr. JOHN, Mr. BISHOP, and Mr. MCINTOSH.
H.R. 4895: Mr. EVANS, Mr. JOHN, Mr. BISHOP, and Mr. MCINTOSH.
H.R. 4926: Ms. BERKLEY, Mr. BERMAN, Ms. DELAURO, Mr. KILDEE, Mr. UDALL of Colorado, and Mr. GEPHARDT.
H.R. 4939: Mr. BONIOR, Ms. NORTON, Mr. KUCINICH, and Mrs. MEEK of Florida.
H.R. 4964: Mr. CLEMENT and Mr. BILBRAY.
H.R. 4966: Mr. ABERCROMBIE.
H.R. 4971: Mr. BOYD, Mr. SWEENEY, Mr. BURR of North Carolina, Mr. SISISKY, and Mr. INSLEE.
H.R. 4976: Mr. WAMP, Mrs. MYRICK, Mr. STUPAK, Ms. WOOLSEY, Mr. RAMSTAD, Mr. WEYGAND, and Mr. LAMPSON.
H.R. 4977: Mr. CRANE.
H.R. 5065: Mr. WEXLER.
H.R. 5066: Mr. BLUMENAUER.
H.R. 5067: Mr. MEEHAN.
H.R. 5095: Mr. NADLER, Mr. MCGOVERN, Mr. CONYERS, and Mr. MARKEY.
H.R. 5114: Mr. SKELTON and Mr. TANCREDO.
H.R. 5117: Mr. TALENT and Mr. POMBO.
H.R. 5151: Mr. MCHUGH, Mr. FOLEY, and Mr. LATOURETTE.
H.R. 5152: Mr. PICKERING.
H.R. 5175: Mr. FOSSELLA, Mr. ROEMER, Mr. GILLMOR, Mr. SHOWS, Mr. GARY MILLER of California, Mr. BACA, Mr. FRELINGHUYSEN, Ms. DANNER, Mr. LARGENT, Mr. TURNER, Mr. BILIRAKIS, Mr. BISHOP, Mr. KINGSTON, Mr. MCINTYRE, Mr. GOODLING, Mr. SANDLIN, Mr. SWEENEY, Mr. REYNOLDS, Mr. DEAL of Georgia, Mr. BUYER, Mr. MCHUGH, and Mr. BLUNT.
H.R. 5178: Mr. FRANKS of New Jersey, Mr. HOBSON, Mr. UPTON, Mr. WEYGAND, Mr. FILNER, Mr. GILMAN, Mr. FOLEY, Mr. SANDERS, Mr. SAXTON, and Mr. HILLIARD.
H.R. 5180: Mrs. JOHNSON of Connecticut.
H.R. 5211: Mr. HINCHEY, Mr. HOLDEN, Mr. MASCARA, and Mr. DOYLE.
H.R. 5228: Mr. MOLLOHAN.
H.R. 5257: Mr. DAVIS of Virginia and Mr. SOUDER.
H.R. 5267: Mr. MCHUGH and Mr. SWEENEY.
H. Con. Res. 58: Mr. UDALL of New Mexico.
H. Con. Res. 62: Mr. ROTHMAN.
H. Con. Res. 341: Mr. ISAKSON and Mr. SPENCE.
H. Con. Res. 357: Mr. KUCINICH, Mrs. MINK of Hawaii, Mr. DOGGETT, and Mr. LANTOS.
H. Con. Res. 370: Mr. SHERMAN and Mr. KLINK.
H. Con. Res. 376: Mr. ROMERO-BARCELO.
H. Con. Res. 382: Mr. NADLER.
H. Con. Res. 389: Mr. BARRETT of Wisconsin and Mr. SCHAFFER.
H. Con. Res. 399: Mr. SCHAFFER, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. KOLBE, Ms. MILLENDER-MCDONALD, Mr. MOORE, Mr. MORAN of Kansas, Mrs. NORTHUP, Mr. SHIMKUS, and Ms. SLAUGHTER.
H. Con. Res. 404: Mr. OSE, Ms. HOOLEY of Oregon, Mr. UDALL of Colorado, Mr. FOLEY, and Mr. THOMPSON of California.
H. Res. 576: Mr. REYNOLDS, Mrs. FOWLER, Mrs. BIGGERT, Mr. PORTMAN, Mr. HOBSON, and Mr. MORAN of Virginia.
H. Res. 577: Mr. PAYNE and Mr. GILLMOR.
H. Res. 578: Ms. SANCHEZ, Mr. SESSIONS, Mr. SMITH of Washington, Mr. TOOMEY, Mr. MCINTOSH, Mrs. CHENOWETH-HAGE, Mr. WELDON of Florida, and Mr. HAYWORTH.

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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. 5194: Mr. STUPAK.

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, MONDAY, SEPTEMBER 25, 2000 *No. 115*

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 12 noon 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, Dr. James D. Miller, First Presbyterian Church of Tulsa, OK.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Dr. James D. Miller, offered the following prayer:

Let us pray together.

Almighty God, who flings galaxies into space, who plays with quarks and quasars—how stunning it is, as the prophet Isaiah puts it: that You call us each by name, and we are Yours.—43:1.

It's because of such grace, O God, that we choose to begin our work this day by commending these Senators, their families, and those who work most closely with them into Your care. And as we do, we remember especially those here today who come from home carrying personal burdens that have little to do with the pressures of public service. You know our individual needs, O God. Wrap Your arms around those who find this day difficult; surprise them with Your life-giving grace and strength.

Grant these Senators a heart for the people whom they serve, especially those Americans whose hopes are diminished today, whose dreams constricted, who wonder if there's any voice that really speaks on their behalf.

We thank You for blessings that come through those who serve with energy, intelligence, imagination, and love. Grant these leaders humility in discourse, courage to follow convictions, and wisdom to be led by conscience. May they be honoring of one another, and may the work done here bring honor supremely to You, Sovereign Lord, before whom all of us will one day stand and give account.

We offer our prayers from the different faith traditions in which we live, and as a Christian I pray in Jesus' name. Amen.

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PLEDGE OF ALLEGIANCE

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

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

—

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Oklahoma is recognized.

—

DR. JAMES D. MILLER, GUEST CHAPLAIN

Mr. INHOFE. Mr. President, I was very honored to have the opening prayer given by my pastor in Tulsa, OK—a church where my wife, who is present today, and I were married 41 years ago—when he was a very small baby, I might add. It is kind of unique, Mr. President. You know Oklahoma quite well. Oklahoma wasn't even a State until 1907, and yet the First Presbyterian Church started in 1885. For the first 15 years, the congregation was made up entirely of Cree Indian. It is an unusual type of church. I might also add that in all those years—that would be what, 115 years—there have only been six pastors of the First Presbyterian Church of Tulsa. Dr. Jim Miller is the sixth pastor. So once they come, they do not want to leave.

We are honored also to have with us his wife Diana and two of his children, David and Courtney, who are in attendance with my wife.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Nevada is recognized.

Mr. REID. I also enjoyed the prayer.

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RESERVATION OF LEADER TIME

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

—

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m.

—

SCHEDULE

Mr. INHOFE. Mr. President, today the Senate will be in a period of morning business until 2 p.m. Senator DURBIN will be in control of the first hour and Senator THOMAS will be in control of the second hour.

Following morning business, the Senate will begin debate on the motion to proceed to S. 2557, the National Energy Security Act. At 3:50 p.m. today, the Senate will begin closing remarks on the Water Resources Development Act of 2000, with a vote scheduled to occur at 4:50 p.m. As a reminder, cloture was filed on the pending amendment to the H–1B visa bill on Friday.

—

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I now ask unanimous consent that the Senate convene at 9:30 a.m. tomorrow; that the time until 10:30 be equally divided between the two managers; and that the cloture vote on the pending amendment to the H–1B visa bill occur at 10:30 a.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

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

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Mr. INHOFE. I thank my colleagues for their attention.

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H–1B AND LATINO AND IMMIGRANT FAIRNESS ACT

Mr. REID. Mr. President, on Friday I moved that we proceed to the Latino and Immigrant Fairness Act, and my good friend, the majority leader, objected to our proceeding to that bill. I was disappointed, and I am sorry that we are not going to be able to debate this issue, and hope that there will come a time before this Congress ends when we will be able to do so.

Those who are watching for action on this important piece of legislation should understand why we are at this point; that is, why we are not debating the Latino and Immigrant Fairness Act, but, rather, why we are now on H–1B only, and why tomorrow there is going to be a motion to invoke cloture on the underlying bill.

I consider myself to be one of the strongest supporters for increasing visas for highly skilled workers. I have spent an enormous amount of time over the past several years working on this legislation in an effort to expedite its consideration. As a matter of fact, this legislation should have been brought forward to the Senate many months ago. It should have been taken up and debated under the normal process of considering legislation. I believe an H–1B bill would have passed quickly and the legislation would have already been signed into law. But it also would have provided other Members opportunities, as is their right, to offer related immigration amendments for what we all agree is the only immigration bill that we would consider this year as a freestanding bill.

Hindsight is 20–20. The majority decided not to consider this measure under the traditional rules that have served the Senate for more than 200 years. I believe, however, as I have indicated, that we will have time to debate the legislation about which I speak.

I think it is unfortunate that we at this stage are going to do the H–1B bill, apparently, alone. I say that because we were so close to an agreement on this underlying legislation. The details were set—the minority agreed each side would have 10 amendments, an hour each. That was compressed to five, then four. We agreed to do that. But we were turned down, and today we find ourselves in this parliamentary situation.

We could pass this legislation, including the amendment about which I speak, in a day—day and a half at the most. Instead, the majority is insisting on closing off all debate and preventing the consideration of immigration amendments.

I believe that offering and voting on amendments is a right, not a privilege. H–1B was designed so trained professionals could work for a limited time in the United States. It has become widely popular, especially in an age such as this, when Microsoft, IBM and other high-tech companies decided they needed people to fill jobs that were simply not being filled. Hundreds of start-up high-tech companies, in addition to the big ones such as Microsoft and IBM, began using this tool, H–1B, in an effort to recruit an army of high-tech workers for programming jobs. Mostly these people came from India, China, and Great Britain. We now have almost half a million people in this country who came as a result of H–1B. Individuals have filled a critical shortage of high-tech workers in this country and, in fact, the demand still exists. That is why we need to raise the cap for H–1B immigration.

But I also believe strongly that we cannot serve one of our country's very important interests and needs at the expense of others—in particular, when the stakes are people's families and their labor.

The needs of the United States are not subject to the zero sum theory. We cannot afford to deal or choose or prioritize between people and who we will serve as their legislators. We must try to serve them all. That is our cause, and that is what we promised our constituents.

This applies specifically to the other pieces of legislation that have been part of this discussion—in particular with the Latino and Immigrant Fairness Act, the piece of legislation I moved to proceed on last Friday. This piece of act seeks to provide permanent and legally defined groups of immigrants who are already here, already working, and already contributing to the tax base and social fabric of our country with a way to gain U.S. citizenship.

This piece of legislation provides these people with a way to benefit from the opportunities our country affords good citizenship and hard work. While sectors of this economy have benefited from this extended period of economic growth, and with unemployment rates approaching zero in some parts of our country, employers in all sectors, skilled and semi-skilled, are finding themselves with a tremendous shortage of labor. These views are echoed in many quarters.

I would like to refer, for example, to a letter sent to me by the Essential Worker Immigration Coalition, which is a group of businesses and trade associations from around the country which was formed specifically to address the shortage of workers in this country. This letter, dated September 8, is addressed to me.

I ask unanimous consent it be printed in the RECORD.

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

ESSENTIAL WORKER IMMIGRATION COALITION,
September 8, 2000.

Hon. HARRY REID,
Minority Whip, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: The Essential Worker Immigration Coalition (EWIC) is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled (''essential worker'') labor.

While all sectors of the economy have benefited from the extended period of economic growth, one significant impediment to continued growth is the shortage of essential workers. With unemployment rates in some areas approaching zero and despite continuing vigorous and successful welfare-to-work, school-to-work, and other recruitment efforts, some businesses are now finding themselves with no applicants of any kind for numerous job openings. There simply are not enough workers in the U.S. to meet the demand of our strong economy, and we must recognize that foreign workers are part of the answer.

Furthermore, in this tight labor market, it can be devastating when a business loses employees because they are found to be in the U.S. illegally. Many of these workers have been in this country for years; paying taxes and building lives. EWIC supports measures that will allow them to remain productive members of our society.

We believe there are several steps Congress can take now to help stabilize the current workforce.

Update the registry date. As has been done in the past, the registry date should be moved forward, this time from 1972 to 1986. This would allow undocumented immigrants who have lived and worked in the U.S. for many years to remain here permanently.

Restore Section 245(i). A provision of immigration law, Section 245(i), allowed eligible people living here to pay a $1,000 fee and adjust their status in this country. Since Section 245(i) was grandfathered in 1998, INS backlogs have skyrocketed, families have been separated, businesses have lost valuable employees, and eligible people must leave the country (often for years) in order to adjust.

Pass the Central American and Haitian Adjustment Act. Refugees from certain Central American and Caribbean countries currently are eligible to become permanent residents. However, curent law does not help others in similar circumstances. Congress needs to act to ensure that refugees from El Salvador, Guatemala, Haiti and Honduras have the same opportunity to become permanent residents.

We are also enclosing our reform agenda which includes our number one priority: allowing employers facing worker shortages greater access to the global labor market. EWIC's members employ many immigrants and support immigration reforms that unite families and help stabilize the current U.S. workforce. We look forward to working with you to pass all of these important measures.

Sincerely,

ESSENTIAL WORKER IMMIGRATION COALITION.

MEMBERS

American Health Care Association.
American Hotel & Motel Association.
American Immigration Lawyers Association.
American Meat Institute.
American Road & Transportation Builders Association.
American Nursery & Landscape Association.

Associated Builders and Contractors.
Associated General Contractors.
The Brickman Group, Ltd.
Building Service contractors Associated International.
Carlson Hotels Worldwide and Radisson.
Carlson Restaurants Worldwide and TGI Friday's.
Cracker Barrel Old Country Store.
Harborside Healthcare Corporation.
Ingersoll-Rand.
International Association of Amusement Parks and Attractions.
International Mass Retail Association.
Manufactured Housing Institute.
Nath Companies.
National Association for Home Care.
National Association of Chain Drug Stores.
National Association of RV Parks & campgrounds.
National Council of Chain Restaurants.
National Retail Federation.
National Restaurant Association.
National Roofing Contractors Association.
National Tooling & Machining Association.
National School Transportation Association.
Outdoor Amusement Business Association.
Resort Recreation & Tourism Management.
US Chamber of Commerce.

Mr. REID. Mr. President, this letter, among other things, states:

The Essential Worker Immigration Coalition is a coalition of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both semi-skilled and unskilled . . . labor.

That is why it is called the Essential Worker Immigration Coalition. Among other things, they want to update the registry, they want to restore section 254(I), and also, as part of their plea, they desire we pass the Central American and Haitian Parity Act.

This coalition has many members. To mention a few: American Health Care Association, American Hotel & Motel Association, American Immigration Lawyers Association, American Road & Transportation Builders Association, Ingersoll-Rand, Cracker Barrel Old Country Store, Carlson Restaurants, National Retail Federation, National Restaurant Association, and the U.S. Chamber of Commerce, among many others.

As you can tell, this piece of legislation has widespread support. This is not a feel-good piece of legislation, that is only attempts to bring more people into the country. It is legislation that is supported by business people in this country who do not have workers to do the work that is essential for them to conduct their business.

Take Nevada as an example. We, of course, depend on tourism as our No. 1 industry. But every State in the Union does. Tourism is ranked in the top three; in many instances, one or two, in every state of the Union. Nevada is an example of why we need this, as it mirrors the country as a whole.

We have to build a new school in Clark County, Las Vegas, every month to keep up with the growth. We have as many as 10,000 people a month moving into Las Vegas. We have jobs in the service industry that simply cannot be filled. We have one hotel that has 5,005 rooms. It takes people to cook the food for the guests, to make the beds, do all the maintenance work in this massive facility, and we are having trouble finding people to do this work. That is another reason why we support this legislation.

This bill aims to correct flaws in current immigration policy that have separated families and denied individuals an opportunity to apply for legal immigrant status by addressing three main issues. First, it would address the Central American and Haitian Parity Act of 2000, otherwise known as NACARA. This important legislation codifies that Central American and Haitian immigrants be granted the same rights that are currently granted to Nicaraguans and Cubans coming to the United States. There is no reason in the world that other people who come under basically the same basis as Nicaraguans and Cubans should not be given the same privileges. Second, 245(I) reauthorizes legislation which would allow immigrants meeting certain criteria to remain in the United States with their families and loved ones, rather than being forced to leave the country while their status is being adjusted.

Every one of us in the Senate have heard these heartbreaking examples, getting calls from our State offices where people are forced to go back to their country of origin when they already have a job here, and a quirk in the law is the only reason that they are ordered to go home. Section 245(I) would reauthorize legislation which would allow these immigrants meeting these criteria to remain in the United States while their status is being adjusted, rather than having them go home, lose their job here, leave their family here. It serves no purpose for the country they go to, and certainly not the country from which they come, the United States.

The third main component of the Latino and Immigrant Fairness Act incorporates legislation I introduced earlier this year in S. 2407 that would change the date of registry from 1972 to 1986.

I would like to provide a little background as to why I thought it was necessary to introduce the Date of Registry Act of 2000. We all remember the massive immigration reform legislation we considered in 1996 during the last days of the 104th Congress. Pasted into that was the Immigration Reform and Immigrant Responsibility Act of 1996, an obscure but lethal description which stripped the Federal courts of jurisdiction to adjudicate legalization claims against the Immigration and Naturalization Service.

First of all, let me say no one who supports this legislation supports illegal immigration.

We believe people who come here should play by the rules. But some people are found in predicaments that need to be readjusted and need to be reexamined.

That is why this legislation is so important.

That provision I talked about was sneaked into the 1996 act, section 377. This has caused significant hardship and denied due process and fundamental fairness for, not hundreds, not thousands, but hundreds of thousands of hard-working immigrants, including about 20,000 in the State of Nevada.

With its hands tied by section 377 language, the Ninth Circuit Court of Appeals issued a series of rulings in which it dismissed the claims of class action members and revoked thousands of work permits and stays from deportation.

As I said, in Nevada alone, about 20,000 people have been affected. These are good, hard-working people who have been in the United States and paid taxes for more than a decade. Suddenly they lose their jobs and ability to support their families.

I can remember Bill Richardson came to the State of Nevada. He was then the ambassador to the United Nations. We have a large Hispanic population in Nevada. Over 25 percent of the kids in our six largest school districts in America have Latino ancestry.

Recently I took part in an event with Secretary of Energy Richardson. We were going to this recreation center. It was kind of late at night. We were told before going there that there were a lot of demonstrators and we should go in the back way, not go in the front way.

Ambassador Richardson and I decided we would go in the front way and walk through these people out there. There were hundreds of people there, none of whom were there to cause any trouble. They were there to tell a story, and the stories they told were very sad. These were people who had American children who were born in the United States and either a husband or wife had improper paperwork done. There were problems. For example, one of the attendees gave a large sum of money to an individual who said he could help them with their citizenship papers. Later he found out that they had not been properly filled out. They were being cheated. There were all kinds of reasons why these people did not meet the program that was necessary to allow them to be here legally. But the main problem they had was section 377 because they could not have a due process hearing. It was outlawed in the 1996 act.

There were terribly sad stories of these people who had lost their homes because of having no work permits. Employers were there saying: Why can't this man or woman work? I need them. I can't find anybody to replace them.

This was one occasion I met with these people. I met with them on several other occasions, and I have seen firsthand the pain this cruel process has caused. Men and women who once knew the dignity of a decent, legal wage have been forced to seek work underground in an effort to make ends meet. Mortgages have been foreclosed

when families who lived in their own homes have been unable to pay their mortgages. They have lost their cars. Parents who had fulfilled dreams of sending their children to college, as they themselves had not been able to do, have seen those dreams turn into nightmares.

What could have happened to create these most unfortunate consequences? As I said, there are lots of reasons. For example, during the 99th Congress, we passed the Immigration Reform and Control Act of 1986, which provided a one-time opportunity for certain aliens already in the United States who met specific criteria to legalize that status.

The statute established a 1-year period from May of 1987 to May of 1988, during which the INS was directed to accept and adjudicate applications from persons who wished to legalize their status. However, in implementing the congressionally mandated legalization program, the INS created new criteria and a number of eligibility rules that were nowhere to be found in the 1986 legislation.

In short, the INS failed to abide by a law passed by a Democratic Congress and signed by a Republican President, President Reagan.

Thousands of people who were, in fact, eligible for legalization were told they were ineligible or were blocked from filing legalization applications. Thousands of applicants sued, but by the time the Supreme Court ruled in 1993 that the INS indeed contravened the 1986 legislation, the 1-year period for applying for legalization had passed. They were in a Catch-22.

While conceding that it had unlawfully narrowed eligibility for legalization, the INS was clearly dissatisfied with the Supreme Court decision. So the court cases dragged on, and the agency employed a different, much more clever approach.

Rather than affording the people within these classes due process of law, the INS succeeded in slipping an obscure amendment into the massive 1996 Illegal Immigrant Reform and Responsibility Act which, in effect, as I said, stripped the Federal courts of their jurisdiction to hear claims based upon the 1986 legislation. That provision was section 377 and is now, unfortunately, the law of the land.

Changing the date of registry to 1986 would ensure that those immigrants who were wrongfully denied the opportunity to legalize their status would finally be afforded that which they deserved 13 years ago.

It is of interest to note that it was also during 1986 that the Congress last changed the date of registry. The date of registry exists as a matter of public policy, with the recognition that immigrants who have remained in the country continuously for an extended period of time—and in some cases as many as 30 years—are highly unlikely to leave, and that is an understatement.

Today we must accept the reality that many of the people living in the United States are undocumented immigrants who have been here for a long time. Consequently, they do pay some taxes, but they could be paying more. They pay sales tax, and many times they do not pay income taxes. As a result, the businesses that employ these undocumented persons do not pay their fair share of taxes.

These are the facts, and coupled with the knowledge that we cannot simply solve this problem by wishing it away, this is the reality we must face when considering our immigration policies today and tomorrow.

We last changed the date of registry in 1986 with the passage of the Immigration Reform and Control Act which changed the date from January 1, 1972. In doing that, the 99th Congress employed the same rationale I have outlined above in support of a registry date change.

Furthermore, my date of registry legislation included in this bill is critical in another aspect. It establishes an appropriate 15-year differential between the date of enactment and the updated date of registry.

This measure builds upon the 15-year differential standard established in the 1986 reform legislation by implementing a ''rolling registry'' date which would sunset in 5 years without congressional reauthorization. In other words, on January 1, 2002, the date of registry would automatically change to January 1, 1987, thereby maintaining the 15-year differential. The date of registry would continue to change on a rolling basis through January 1, 2006, when the date of registry would be January 1, 1991. Limiting this automatic change to 5 years would allow the Congress to examine both the positive and negative effects of a rolling date of registry and make an informed decision on reauthorization.

I should note again that the Immigration Reform and Control Act of 1986, which last changed the date of registry, was passed by a Democratic Congress and a Republican President. I mention these facts to highlight my hope that support for this legislation will be bipartisan and based upon our desire to ensure fundamental fairness as a matter of public policy in our country.

We hear many of our friends on the other side of the aisle, particularly the Republican candidate for President, talking about how the priorities of the Latino community are his priorities. I can tell everyone within the sound of my voice that I have met with many members of the Latino community, and whether it is members of the Hispanic caucus in the Congress or community activists in Nevada or other parts of the country, I am consistently reminded that the provisions contained in the Latino and Immigrant Fairness Act are of their highest priority.

Vice President GORE recognizes this fact and believes he is truly in touch with the concerns and needs of the Latino community by supporting this legislation. If Governor Bush were really serious about the priorities of the Latino community, he would follow Vice President GORE's lead and demand that Congress take up and pass this act today.

This bill would solve the problems of many who have lived in this country for many years but have been wrongly denied the opportunity to legalize their status. This bill would solve the problem of workers who have been paying taxes, who have feared having their work permits stripped, or worse, being deported and separated from their families.

Consider for a moment U.S. citizens of Latino ancestry—past immigrants—who have made significant contributions to American society and culture in every sphere, as have other immigrants from other parts of the world. I am very proud of the fact my father-in-law immigrated to this country from Russia. We are a nation of immigrants. My grandmother came from England.

Throughout our short history as a nation, immigrants have fueled the engine of our economy, and Latino immigrants are no different. Latino purchasing power has grown 43 percent since 1995, reaching over $400 billion this year. Because Latinos create jobs, the number of Latino-owned firms grew by over 76 percent between 1987 and 1992, and will employ over 1.5 million people by next year.

Latinos care about the United States and are willing to fight for it too. Americans of Latino ancestry have fought for the United States in every war beginning with the American Revolution. Currently, approximately 80,000 Latino men and women are on active duty, and over 1 million Latinos are veterans of foreign wars.

Finally, Latinos participate in the American democracy. Of registered voters, Latinos have a higher voter turnout than the population as a whole. Latinos, both established and those new to our hometowns, contribute greatly to the United States. What better time to reconsider our Latino immigration policy and make it more practical and more fair than this month as we celebrate Latino Heritage Month.

America has always drawn strength from the extraordinary diversity of its people, and Latino Heritage Month presents an opportunity to commemorate the history, achievements, and contributions of Americans of Latino ancestry, as well as think to the future.

Immigrants' love for this country is predicated by the recognition of firsthand knowledge of how special this country is and how privileged they are and we are to live here. I believe Latinos will continue to make important contributions to America's future, but in order for Latinos to continue helping America, America must help them with this legislation.

Mr. President, I ask unanimous consent that a letter from the National Restaurant Association be printed in the RECORD.

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

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, May 11, 2000.

Hon. HARRY REID,
U.S. Senate,
Washington, DC.

DEAR SENATOR REID: On behalf of the National Restaurant Association and the 815,000 restaurants nationwide, we want to thank you for introducing S. 2407, the Date of Registry Act of 2000, and urge the prompt passage of this legislation.

The restaurant industry is the nation's largest private sector employer, providing more than 11 million jobs across the nation. Restaurants have long played an integral role in this country's workforce. Not only does the restaurant industry provide a first step into the workforce for thousands of new workers, for many of them it provides a career. In face, 90 percent of all restaurant managers and owners got their start in entry-level positions within the industry. Throughout the next century, restaurants will continue to be the industry of opportunity. However, there will be many challenges for the restaurant industry in the face of a growing global economy and a tightening labor market. Addressing the labor shortage is of critical concern.

The restaurant industry is the proud employer of many immigrants and has long supported immigration reforms that unite families and help stabilize the current U.S. workforce. While S. 2407 does not address our key concerns about labor shortages, we believe it will help stabilize the current workforce. Nearly 15 years ago, Congress enacted a legalization program that the INS, through action and regulation, wrongly prohibited many qualified immigrants from using. Furthermore, in 1996 Congress stripped federal courts of their ability to hear those immigrants' cases. S. 2407 would address the problems created by these circumstances. The National Restaurant Association strongly supports passage of S. 2407.

We look forward to working with you long-term to address the labor shortage issue and to passing S. 2407 this year. Thank you for your efforts to reform immigration laws.

Sincerely,

STEVEN C. ANDERSON,
President and Chief Executive Officer.
LEE CULPEPPER,
Senior Vice President, Government Affairs and Public Policy.

Mr. REID. Mr. President, 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. GRAHAM. 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. GRAHAM. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

VICTIMS OF GUN VIOLENCE

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

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

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

September 25, 1999: Salvatore Bonaventure, 34, Detroit, MI; Darnell Butler, 26, Baltimore, MD; Rodney Campbell, 35, Tulsa, OK; Lewis Crouch, 68, Gary, IN; Roy Dunbar, 31, Chicago, IL; Zachery Gordon, Jr., 25, Baltimore, MD; Gordon Green, 42, Philadelphia, PA; Dominic Hunt, 21, Baltimore, MD; Richard Love, 15, St. Louis, MO; Gerardo R. Martinez, 29, Chicago, IL; Jesus Revron, 32, Philadelphia, PA; Duane Russell, 26, Minneapolis, MN; Fabian Venancio, 41, Tulsa, OK; Unidentified Female, 15, Chicago, IL; Unidentified Male, 46, Long Beach, CA; Unidentified Male, 48, Long Beach, CA; Unidentified Male, 31, San Jose, CA.

One of the victims of gun violence I mentioned, 31-year-old Roy Dunbar of Chicago, was an art teacher who worked at his local boys and girls club. Every day at that club, more than 300 kids participated in athletics and other after-school activities. Known as the ''professor'' at the club, Roy tried to steer youngsters away from gangs, violence and drugs. One year ago today, Roy was driving home when a gang member he knew from the neighborhood flagged him down. Roy expressed concern for the boy and encouraged him to stop associating with gangs. Evidently, the boy was insulted by Roy's words because the boy pulled a gun and shot at Roy until the gun was out of ammunition.

Another victim, 15-year-old Richard Love of St. Louis, died after he was shot in the abdomen by two of his friends while they were playing with his .22 caliber pistol.

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

September 22, 1999: Telly Butts, 22, Gary, IN; Ray Clay, 40, Detroit, MI; Emmitt Crawford, 54, Oklahoma City, OK; Berneal Fuller, 27, Gary, IN; Ricardo Griffin, 22, Detroit, MI; Benjamin Hall, 45, New Orleans, LA; Desean Knox, 14, Gary, IN; Randy Ladurini, 29, Minneapolis, MN; William McClary, 29, Detroit, MI; Yonatan Osorio, 17, Dallas, TX; Victor Richardson, 28, Denver, CO; Marice Simpson, 26, New Orleans, LA.

September 23, 1999: Domingo Alvarez, 63, Miami, FL; William Belle, 70, Miami, FL; James Bonds, 43, Baltimore, MD; Peter A. Cary, 50, Seattle, WA; Jean Paul Henderson, 20, New Orleans, LA; Alfred Hunter, 26, Detroit, MI; Kenneth Ponder, Sr., 27, Louisville, KY; Jason L. Ward, 28, Oklahoma City, OK; Eric D. Williams, 24, Chicago, IL.

September 24, 1999: Dudley R. Becker, 52, Seattle, WA; Sher Bolter, 57, Louisville, KY; Barry Bell, 27, Oakland, CA; Alexander Brown, 33, Philadelphia, PA; Arletha Brown, 32, Toledo, OH; Ryan V. Coleman, 29, Chicago, IL; Teddy Garvin, 17, Washington, DC; James Hojnacki, 34, Toledo, OH; Michael Irish, 55, Denver, CO; Dianne Jefferson-Nicolas, 53, Chicago, IL; Odel Norris, 20, Philadelphia, PA; Eric Leron Martin, San Francisco, CA; Paul Rexrode, 34, Baltimore, MD; Aaron Walker, 18, Washington, DC; Unidentified Male, 14, Chicago, IL.

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

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PRESCRIPTION DRUG BENEFIT

Mr. GRAHAM. Mr. President, for the past 2 weeks, my colleagues have heard me speak regarding the need to add a prescription medication benefit to Medicare. I indicated that in my judgment the most fundamental reform for Medicare is to shift it from a program which, since its inception, has focused on illness and accident—that is, providing services after one becomes sick enough, generally, to go into the hospital or has suffered an accident that requires treatment and hospitalization—and move to a system that also emphasizes prevention; that is, to maintain the highest state of good health and not wait until the state of good health has been destroyed.

If we are to adopt that fundamental shift, it will necessitate that Medicare provide a prescription drug benefit. Why? Because virtually every regimen that is prescribed to stabilize a condition or reverse a condition involves prescription drugs. So a fundamental component of reforming Medicare is to provide prescription drugs.

I have also spoken about the skyrocketing drug prices which are now affecting virtually all of our older citizens.

Today, in my fifth and final statement in this series, I want our colleagues to hear from real people, the people who are affected by the decisions we are about to make. These stories remind us that we have little time to waste.

Unfortunately, some of the voices I am going to present are probably going to be too far gone in their need for prescription drugs and in their personal circumstances to benefit by a program which, under the most optimistic timetable, would not commence until October 1, 2002 and, under other proposals, would be even 2 years beyond that in terms of being available through the Medicare program as a universal benefit.

While we are arguing as to whether to put a prescription medication benefit into effect and start the clock running towards the time when it will actually be available, people are breaking bones. They are going blind. While we are debating which party would benefit

from the passage of a prescription drug program this year, people are in pain.

This is not a hyperbole. This is not rhetoric. This is reality for hundreds of thousands of seniors from every State and from every political persuasion. This is a 911 call. If we fail to pass a prescription drug benefit this session, if we fail to start the clock running towards the time when this benefit will be available to all Medicare beneficiaries, we will have ignored their pleas for help.

I appreciate being provided with a few moments to share some of these voices of pain. I am also painfully aware that the stories I am going to tell are not unique. They are common. They have become near cliches here in Washington. I would wager that every one of us has a constituent who has written us about splitting pills to make prescriptions last longer. My guess is that every Member of this Chamber has heard from someone who has to make that difficult choice between food or prescription drugs. And we hear from doctors handing out free samples of medicine whenever they can get them and begging for help on behalf of their patients.

We get letters describing situations as ''desperate'' and from numerous people who tell us they are at wits' end. The tragedy is that we have been telling these stories for so long they are beginning to sound like nothing more than 30-second TV clips. The fault is ours for failing to act. These are not 30-second sound bits. These are real stories of our friends, our neighbors, in many cases our parents and grandparents. Someday they could be all of us.

These are people such as Nancy Francis of Daytona Beach, FL. Ms. Francis used to be able to get the medication she needs through Medicaid as a medically indigent older person. Then the Government did her a great favor. It raised her monthly Social Security check. Because of that raise, she is now too rich by all of $6.78 a month, to qualify for Medicaid. This $6.78 leaves her fully dependent upon Medicare for health care financing.

Medicare is a good system with a gaping hole. It does not cover prescription drugs. Medicaid, the program for the medically indigent, paid for nine prescriptions Ms. Francis takes in order to stay active and well. Medicare pays for none. Ms. Francis can put every penny of that $6.78 a month towards her prescriptions and it won't make a dent. So for some months, Ms. Francis just doesn't buy any prescription drugs. Then she waits and hopes she will be able to stay alive long enough for help to arrive.

Then there is Mary Skidmore of New Port Richey, FL. Mrs. Skidmore worked for 20 years renting fishing boats. Her late husband worked on the railroad. Now she thinks she may have to get another job. Mrs. Skidmore is 87 years old. She has two artificial knees. No one, she says, will hire her. She needs a job to pay for a new hearing aid. Without a hearing aid, she cannot hear sermons at her church on Sunday. But with $300 a month in prescription medication bills, a hearing aid is a luxury that Mrs. Skidmore cannot afford.

She takes medication for her heart, cholesterol, bones, and blood pressure. Giving up this medicine is not an option. It is, in her words, ''what keeps me going.''

Mrs. Skidmore's medication bills have even kept her from marrying her boyfriend. He has enough to pay for the utilities in the home they share, but not much else. If she marries him, she will lose her former husband's railroad pension—a pension that she counts on to survive.

Marsaille Gilmore of Williston, FL, is a little bit luckier. Between Social Security and a little bit of income from investments, she and her husband can usually pay for the $300 to $400 per month she spends on prescription medication. Sometimes they even have a little left over to go out to dinner—but not to the movies. Mrs. Gilmore says the movies are too expensive.

Some months, the Gilmores are not so lucky. Recently, their truck broke down. It is now in the shop, and things are stretched pretty tight. Sometimes things are so tight that the Gilmores think about going to Mexico to stock up for half the price on the very same medications they now buy in Williston.

Remember Elaine Kett? I told her story last week. Elaine is 77 years old. She spends nearly half her income on medication. This chart indicates the number of prescription drugs which Mrs. Kett fills every month. The total is $837.78 a month or $10,053.36 a year. That figure is almost exactly half of Mrs. Kett's total annual income. Her prescriptions are helping to keep her alive. How ironic then that in her plea for help she writes that the cost of medication is ''killing her.'' It is the very thing she depends upon for life; it is the source of her quality of life.

Dorothy Bokish is in a similar trap. She pays $188 in rent each month and $162 for her prescription drugs. That leaves her with $238 a month for food, heat, air-conditioning, and gas. It doesn't leave much for her to buy gifts for her grandchildren or to take herself to an occasional show. I shudder to think what would happen should something go wrong—or, if I may say, more wrong—for Mrs. Bokish.

What would she have to give up if her water heater broke or a storm knocked out a window in her home? What does she have left to give up? What some seniors are considering giving up is unconscionable.

A central Florida man told his family, which is helping to buy his medication so his wife can afford to continue to take hers, he is considering giving up his medication so that his wife can live. If he does so, he will certainly die.

Another Florida senior has gone through two grueling heart surgeries and has been prescribed medication to stave off a third. But he can't afford to fill the prescription. He says he thinks sometimes he would rather die than go through surgery again. He says that sometimes the struggle to survive is just too much.

I am profoundly embarrassed when I tell these stories. I am embarrassed that in these times of unprecedented prosperity as a nation, we have not come together to find some way to ease this pain. These seniors and countless others wait and wait and wait. There are those who now say we have to wait until another election to even begin the process of providing meaningful prescription drug coverage. Many of them won't be able to wait until the next month, much less until another extended period of indecision here.

The time to act is now. This is quite literally a matter of life and death. It is also quite literally a challenge to our Nation's basic sense of decency and values. It is my hope that before this session of the Congress concludes, we will have responded to the highest values of our American tradition.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry: How much time do I have?

The PRESIDING OFFICER. The Senate is in morning business. Under the previous order, this hour is under the control of the Senator from Wyoming, Mr. THOMAS.

Mr. DOMENICI. I thank the Chair.

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ENERGY

Mr. DOMENICI. Mr. President, I would like to talk about two things today. The first is energy policy—or America without an energy policy.

Let me say with as much certainty as I can muster that we have no energy policy because the Interior Department of the United States, the Environmental Protection Agency of the United States, and the Energy Department all have priorities, and they are ideological priorities that put the production of energy for the American people last. There is some other objective, motive, or goal that is superior to the production of oil and gas and the development of an energy policy that uses coal.

Do you think Americans know today that we have not built a coal-burning powerplant in America in 12 years? Do you think Americans know that the only thing we are doing to increase our electric capacity so they can have light, electricity, and everything else in their homes is to build a powerplant

with natural gas? We have built five—all with natural gas. And we sit back and wonder why natural gas has gone from $2 to $5.63 in 9 months.

Let me be the first to predict that the next crisis will be when natural gas goes even higher, because we have made it the only fuel we can use—under what? Under the policies of the Environmental Protection Agency, which has their own rules, their own regulations, and their own ideologies. I have not heard them say once we have adjusted an environmental concern because we are worried about America's energy policy.

I wonder if the occupant of the chair has ever heard the Environmental Protection Agency say we must be doing something wrong because there are no new refineries being built in America—none, zero, zip. The greatest nation on Earth has not built a new refinery to convert crude oil into the products of everyday use for years. We have, in fact, closed 38 refineries to environmental concerns—albeit they are small.

We own millions of acres of land. That is why I say the Interior Department is part of our energy policy. But they have different concerns. They never consult on energy issues. So what do they do? They lock up millions of acres of land that could produce oil or natural gas and say, We are not going to touch them.

Why don't you ask Americans? Why don't you ask Americans whether they want to be more beholden to the cartel or whether they would like to use a little bit of their property to go in and drill an oil well? Do it with whatever protection you want for the environment.

Let's have a serious debate about ANWR, an American piece of real estate that is beautiful and something we should protect. It has many millions and millions of barrels of American oil that could be produced by American companies for American use. And every time it is brought up on the floor of the Senate, the environmentalists in America consider that even to take a little, tiny piece of that huge refuge and go see how many millions of barrels of oil are there would be the biggest environmental disaster ever.

But who is worrying about Americans who want to use oil and have it refined so they can drive their automobiles? Who would like to use the coal we have in abundance and make sure we use it as cleanly as possible, and build powerplants so we don't run out of electricity and so we don't have brownouts in California?—Brownouts which some are predicting today because the policies that could have affected the production of electricity for California have not been judged on the basis of our energy needs, they have been based only upon environmental purity.

That is why the United States of America is the most difficult piece of geography occupied by humans in the world in terms of establishing in America a powerplant. It is the most difficult and expensive place in the world to build a powerplant with the greatest engineers and scientists around. We can't build one because there is no agreement between the Environmental Protection Agency and the public holders of land to work together. The question is never asked: What would be good for American energy policy?

Let me move on. Let me make sure we understand. We don't have someone making energy policy, or setting the rules, or saying to the American private sector: Here are the rules; go work under them. We have none because Interior, EPA, and Energy all have priorities, and none of their priorities makes the production of oil and gas and the development of our coal high priorities.

The Interior Department is making the drilling for oil and natural gas as difficult as possible. EPA, rather than devising good environmental policy based on sound science, it has become the enemy. This is due to an ideological, pure environmental policy at the expense of providing energy we need. This is not understood by most Americans. Yet we have an Energy Department. Sometimes I feel sorry for the Secretary of Energy because there is no authority for them to do much about anything. But we do have a strange oxymoron. We have an Energy Department that is anti-nuclear power and pro-windmills to produce electricity and sources of electrical power for America.

I might repeat, we have an Energy Department that is pro-windmill and anti-nuclear. I give Secretary Richardson credit for moving slightly under the prodding of Congress to do a little bit of research in future years on the use of nuclear power, which may end up falling on America as being the only thing we can do in 15 or 20 years that is environmentally clean by the time we get around to explaining it as safer than most any other source of energy. Yet only recently do we have an energy policy that would consider anything that has to do with nuclear power now or for the future.

Treasury Secretary Summers warned the President that the administration's proposal—now a decision—to drive down energy prices by opening the Government's emergency oil reserves—and I quote—''would be a major and substantial policy mistake.'' Summers wrote the President—and Greenspan agreed—that using the Strategic Petroleum Reserve to ''manipulate prices rather than adhering to its original purpose of responding to a supply disruption is a dangerous precedent.''

You see, fellow Senators, we have established a Strategic Petroleum Reserve in the afterglow of some foreign country saying, ''We are cutting off your oil supply.'' And, even though it was a small amount, they said, We are cutting it off—and we were dependent on it. Lines were forming at our gasoline stations. Do you recall? In the State of New York, the lines were forming at 5:30 in the morning, to my recollection. People were so mad at each other that, if they thought somebody went ahead of them in line—in one case in eastern America, they even shot the person who went ahead of them in the line.

We said we ought to find a place to put crude oil so that if anybody stops the flow of crude oil to America, or engages in some kind of war, or mischief that denies us our energy, we will have a certain number of days of supply in the ground for use. Mr. President, that is a lot different than an America which is now without any energy policy.

We say the prices have gone too high, even though everything I have said contributed to it: An Interior Department that won't let you produce oil, an Environmental Protection Agency that has no reason to consider whether their rules and regulations are so stringent, too stringent, beyond reasonable, whether in the area of refineries, in the area of building a powerplant, in the area of producing more energy through wells that we drill, their policies have nothing whatever to do with energy needs of our country.

With all that piled on America, we have an election coming up and the oil prices are a little too high. We would like to take a little bit of that oil out of the reserve and put it on the market and use it. Secretary Summers added that the move ''would expose us to valid charges of naivete, a very blunt tool to address heating oil prices.'' That is from the Secretary of the Treasury a couple of weeks ago.

Of course, over the weekend, a spokesman for this administration and for the Gore campaign got on the national networks and said: The Secretary is with us. Of course, he works for the President.

They all sat down and said: What is the worse thing that can happen to the Gore campaign? Clearly, they all said if these oil prices keep going up. It is not a question of, can we produce heating oil; our refineries are at the maximum production already. This release of additional barrels from the reserve can do nothing for that. It is just that the price is so high that a lot of poor people in northeastern America who still use heating oil, and those in the West are not aware how many, but there are millions; they are not going to be very happy. That is the issue. That is why the petroleum reserve is being used.

The truth is, in our country it behooves people like myself and many others to at least make sure the public understands why we are in the mess we are, who got us there, what was done to make it so that it wouldn't happen the way it has. All the answers come down to the fact that nobody was worried so long as the prices were cheap, so long as those OPEC countries were producing more than was needed in the world, keeping the prices down at $10 or $11 or $12 a barrel.

While we lived happily and merrily, month by month, with that situation, firing up our great economic recovery, at the same time we were destroying millions of little stripper wells that were producing three and four barrels per well. They closed down because the price was too cheap. Even today, we are producing less oil than we were 3 or 4 years ago because we destroyed oil production capacity when we let it go too low, while we were exhilarated with the fact that the cartel was cheating on itself and the price of oil was coming down. We didn't bother to find out how much that was affecting New Mexico in an adverse manner. When it went up in price, we went to them and said: Now it ought to come down; it is too high. I don't imagine for the first few months they greeted us with too much joy or willingness to help us after we sat by and watched it go so low without any concern for what happened to them.

Refineries were running at 95 percent last week. To take a supply out of SPR, it would still need to be refined into heating oil. Obviously, I have explained that isn't the issue. The issue will be the price. We don't have enough refining capacity to take the SPR and add to the supply of heating oil.

What else does this using the reserve as it was not intended by Congress do? It sends the wrong signal to the private industry in America. If I am in the business of storing heating oil, and the Federal Government starts stockpiling, I cut my reserve and I assume somebody will come in here asking us to prohibit them from cutting their own reserves. Clearly, they cannot keep their storage to maximum capacity while the government is building its own capacity to compete—something we won't figure out until it is too late. Then somebody will say: Why did this happen? They should not have cut back on their reserves.

I indicated natural gas prices were going up, up, and away. This fantastic fuel is $5.35 per 1,000 cubic feet; 6 months ago it was $2.16. We are talking about oil and derivatives of oil because of the cartel. From $2.16 to $5.35 is not because of any cartel; it is because of the huge demand for natural gas. When the demand gets so big the production can't go up so fast, what happens? The price goes up. That is a big signal and a sign to us.

No one seems to be concerned in this administration that we haven't built a powerplant to generate electricity for the growing demand, such as in California. We haven't built a new powerplant of any significance because the only thing we can build it with is natural gas. We cannot build it with coal, even though they were being built around the world. America's environmental laws are out of tune with America's energy needs. They haven't been tuned to be concerned about America's energy future. It is just ideological—as pure as you can get it in terms of environmental cleanliness. That is it for America.

Inventories are 15 percent below last winter's level and 50 percent of America's homes are heated with natural gas. They are beginning to see it in their bills. Clearly, America has almost no competitor for that. We don't have an abundance of electricity to take its place. In fact, brownouts are expected in many parts of the country because we are underproducing what we need by way of electricity.

Natural gas fires 18 percent of the electric power. I am sure there are many sitting back saying: Isn't that neat? We haven't had to worry about nuclear. We don't have to clean up coal to the maximum and use some of it to produce electricity in America. We just build natural gas powerplants. We used to forbid it. I think the occupant of the Chair remembers that during the crisis we said don't use natural gas for powerplants. We took that out.

Here goes America. Next crisis, will there be enough natural gas or will the price be so high? It will not be just to those who are burning it for powerplants. It will be in 50 percent of the homes in America. They will start asking: Where is an energy policy with some balance between energy sources instead of moving all in one direction because all we were concerned about was the environment?

Compared to 1983, 60 percent more Federal land is now off limits to drilling. I spoke generally of that. Now I will be specific. As compared with 1983, there is 60 percent more Federal land that is off limits for drilling. On October 22, 1999, Vice President GORE said in Rye, NH: I will do everything in my power to make sure there is no new drilling.

I guess what we ought to be working on is when will we no longer need any crude oil, which is refined into gasoline and all those wonderful products? Because, if you brag to America that you will do everything in your power to make sure there is no new drilling, we have to ask the question: Where are we going to get the oil?

I will move to another item that I spoke of generally a while ago, a great American reserve of crude oil called ANWR, up in Alaska. I believe any neutral body of scientists—geologists, engineers—could go up there and take a look and report to the Congress and the people of this country that ANWR could produce oil for America without harming that great natural wilderness. I am absolutely convinced that is the case. Yet you cannot believe the furor that attends even a mild suggestion that we ought to do something such as that. Perhaps somebody will even quote what I just said, saying that I am for destroying the ANWR, that I am for destroying that wilderness area, that natural beauty.

No, I am not. I am for trying to put together a policy that increases our production of crude oil so we can at least send a signal to the world that we do not want to increase our dependence. We want to do something for ourselves, and wouldn't it be nice if there were a stable oil market so Americans could get involved in production here at home, hiring Americans? It would be owned by Americans if that happened in ANWR. What a stimulus for American growth in oil-patch-type activities.

OCS, offshore drilling—off limits. There is no question we could double our domestic supply if we could open up some of the offshore drilling areas. Clearly, the more we have to import crude oil, the more the environmental risk in getting it here in tankers where something could happen to them. The amount keeps going up. Yet right in various of our bays and ocean fronts, there is natural gas in abundance. And there exist wells where we have proved we know how to do it. But somebody says: Oh, my, no more of that. That's environmentally degrading.

What are we going to talk about when Americans say we cannot afford the natural gas because the only thing we are fueling powerplants with and using in America is natural gas? We have it out there in the oceans and in some bays—yet we would not dare touch it? There are 43 million acres of forest land that are off limits for roadbuilding, thereby making exploration and production impossible.

The Kyoto agreement would envision doubling the use of natural gas, thus doubling electricity costs. No policies address either consequence. Multiple use, which we used to think was a great thing for our public lands, is only words today. Multiple use means if there are natural resources that can help Americans and can help prosperity and help us grow, that ought to be used along with recreation and other things. That has almost left the vocabularies of those in high places who manage our public lands. There are 15 sets of new EPA regulations that affect the areas we are talking about. Not one new refinery has been built since 1976. This administration's energy policy has, in my opinion, been in deliberate disregard of the consequences on the consumers' checkbook and their standard of living and the way people will be living in the United States.

This summer we had soaring gasoline prices and that left motorists in America—as prices soared they got more and more sore, but they didn't know who to get sore at. The prices are still pretty high.

Other consequences that have been deliberately disregarded are the electricity price spikes California experienced this summer. Californians usually spend about $7 billion a year in electricity. This spike was so dramatic they spent $3.6 billion in the month of July, only half of what they spent annually before that. That is a great question to be asked—why? California is a big electricity importer. They have ever-growing demands because of Silicon Valley. These companies use a lot of electricity and a lot of energy. Demand was up 20 percent in the San

Francisco area last year, but there is no new capacity. Environmental regulations make building a new powerplant in California impossible. That may be what they want. But I wonder where they are going to get the energy? Where are they going to get the electricity when nobody else has any to spare?

I predict in a very precise way that home heating bills this coming winter will be exorbitant, even while we are experiencing the gasoline spikes in the Midwest. It used to be one type of gasoline was suitable for the entire country. You remember those days. There are now 62 different products—one eastern pipeline handles 38 different grades of gasoline, 7 grades of kerosene, 16 grades of home heating oil and diesel, 4 different gasoline mixtures are required between Chicago and St. Louis, just a 300-mile distance.

As a result of these Federal and local requirements, industry has less flexibility to respond to local and regional shortages. There are 15 sets of environmental regulations—tier II gasoline sulfur, California MTBE phaseout, blue-ribbon panel regulations, and regional haze regulations—on-road diesel, off-road diesel, gasoline air toxics, refinery MACK II, section 126 petitions, and there are 6 more.

S. 2962 includes a wide array of new gasoline requirements that are both irrelevant and detrimental to tens of millions of American motorists. Legislation mandates the use of ethanol in motor vehicles that would cut revenues to the highway trust fund by $2 billion a year as one side effect. The U.S. Department of Energy has projected this one bill would increase the consumption of ethanol in the Northeast from zero to approximately 565 million gallons annually.

I have taken a long time. I have given a lot of specifics and some generalities. But I conclude that it is not difficult to make a case that we do not have an energy policy; that the U.S. Government has not been concerned enough about the future need for energy of our country, be it in natural gas, in the products of crude oil, how do we use coal, how do we make electricity.

Frankly, things were very good. They were good because the cartel was selling oil in abundance. While America was enjoying its economic success story, a big part of that was because the cartel was having difficulty controlling its own producers. We lived happy and merrily on cheap oil as our production went down and we sought no other alternatives, and our demand grew as did our use of natural gas. Americans and American consumers are left where, in many cases, they are going to be put in a position where they can't afford the energy that will permit them to live the natural lifestyle that is typically American—living in a home and having in it electric appliances and whatever else makes for a good life, with an automobile, or maybe two, in the driveway. It will not be long that the voices from those situations, those events in America, those kinds of living conditions will be heard loud and clear. There will not be enough of a Strategic Petroleum Reserve to solve their problems because we have not cared enough to do something about it.

I yield the floor.

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SCIENCE AND SECURITY IN THE SERVICE OF THE NATION

Mr. DOMENICI. Mr. President, I am pleased to make these remarks while the occupant of the chair is the distinguished junior Senator from Arizona because these remarks have to do with the Baker-Hamilton report. The Secretary of Energy asked these two men—one an ex-Senator, one an ex-House Member—to compile a report with reference to the national weapons laboratories and the missing hard drive incident. These hard drives were apparently taken out, put back, and found behind a copy machine, and everybody is wondering what happened. I will talk about this report.

I urge—and I do not think I have to—the occupant of the chair to read it soon. It is short and to the point.

The findings of this Baker-Hamilton report confirm what some of us suspected and have said in one way or another many times about the science and security at our National Laboratories.

The report concludes that the vast majority of employees of our National Laboratories are ''dedicated, patriotic, conscientious contributors to our national security and protectors of our national secrets.''

The report states, however, that these individuals, the ones who are responsible for the viability of America's nuclear deterrent, have been hounded by ongoing investigations and security procedures that render them incapable of achieving their mission.

That is a very powerful statement. This commission is very worried about how the morale of the scientists at our National Laboratories, in particular Los Alamos, is affecting their ability to do their momentous work.

They go on to say that while new security measures and processes continue to be imposed, the authors found that X Division—the one that was involved in the last episode—is: ambiguously lodged in a confused hierarchy, subject to unclear and diffuse authority, undisciplined by a clear understanding of accountability for security matters, frightened or intimidated by the heightened sense of personal vulnerability resulting from the efforts to address recent security lapses.

These are hard-hitting, accurate findings.

The scientists at our laboratories need clear lines of authority and accountability. The Department of Energy needs to simplify the lines of command and communication.

The report overwhelmingly endorses the creation of the National Nuclear Security Agency—which we are beginning to understand exists, and we are going to begin to understand what it means when we say the NNSA—and the need to reinforce ''the authority of the NNSA Administrator.''

The NNSA Administrator must have more authority, not less. General John Gordon, the general who is in charge, is in fact the head man and is an excellent person to lead this agency and implement the organizational structure needed for the job.

They reached some other very important conclusions on the current environment at our national laboratories: Demoralization at Los Alamos is dangerous; that poor morale breeds poor security.

There is a severe morale problem at the labs, and they cite four or five general conclusions:

''Among the known consequences of the hard-drive incident, the most worrisome is the devastating effect on the morale and productivity at the laboratory. . . .''

They also say that ''. . . (the) current negative climate is incompatible with the performance of good science.''

The report states, ''It is critical to reverse the demoralization at LANL before it further undermines the ability of that institution both to continue to make its vital contributions to our national security and to protect the sensitive national security information.''

They recommend ''urgent action (is required) . . . to ensure that LANL gets back to work in a reformed security structure . . .''

Incidentally, they conclude that while they laud the Secretary of Energy for trying to create more security with the appointment of a security czar and the like, as some of us said when it was created, it fails to do a job; and remember the Senator from New Mexico saying we are creating another box but it is not going to have clear lines of authority, it is not going to have accountability, people are still not going to be in a streamlined process of accountability. I said it my way, they said it another way, but we concluded the same thing.

There are many other conclusions in this brief report. I urge all of my colleagues to read this report and reflect on their conclusions.

They call for a review of security classifications and procedures, security upgrades at LANL, need to deal with cyber security threats, and adopt or adapt ''best practices'' for the national labs.

Then, under ''Resources'' they underscore:

> Provide adequate resources to support the mission of the national laboratories to preserve our nuclear deterrent, including the information security component of that mission.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DOMENICI). Without objection, it is so ordered.

Mr. KYL. Mr. President, the reason I wanted to exchange places with you for a moment was to commend you on the statement you just made from the floor regarding our Nation's energy policy. Related to that, of course, is the work of the Department of Energy on other matters, including our nuclear facilities, on which you reported with respect to the Baker-Hamilton report. I appreciate that report as well.

Back to the energy policy, I have not heard as good a statement of the overall problem in this country as the Presiding Officer just presented: The fact that in each of the different components of the national energy potential, we have developed policies or, in some cases, failed to develop policies, all of which combine to result in a lack of capacity to provide the fuels to create the energy which our society is going to continue to demand more and more.

When we put it all together, as the Presiding Officer did, it becomes very clear that there is no integration of policy; that the Departments of Government that, in effect, have a veto over the development of these resources prevail, so that there is no capacity to literally have an energy policy that produces the fuel with which we can produce the energy.

An administration that had a policy would coordinate the activities of each of these Departments of Government—the EPA, the Interior Department, the Energy Department, and all of the others mentioned. But that has not been done. Instead, each has been allowed, as the Presiding Officer pointed out, to develop their own policy for their own reasons. The net result is to diminish the capacity of the United States to produce the fuel to produce the energy we need. I think his explanation that we are likely to see an even higher price because of the concentration now into one area—natural gas—is also something that is bound to come true. But I doubt people are thinking that far ahead at this moment.

The last thing I would like to say is about the comments in relation to ANWR. I would like to expand on that a little bit because I get so many letters and calls from constituents of mine in Arizona who are very concerned about the protection of our environment, as am I. They have heard: If we were to allow exploration of oil in this area, it would destroy the environment. I write back to them and say: Look, I have been there. Now, granted not very many of our constituents can afford to go up north of the Arctic Circle a couple hundred miles. You have to work to get there. You have to have some people who know what they are doing to get you there and show you around.

But when you have been there, you realize that the exploration that we have been talking about is in no way degrading of the environment. When you go there, the first thing you see is that in the other place where we have developed the oil potential—it is an area not much larger than this Senate Chamber—they have been able to put all of the wells—I think there are 10 of them; two rows of 5, or that is roughly the correct number—those wells go down about 10,000 feet, and then they go out about 10,000 or 15,000 feet in all directions, so that, unlike the typical view that Americans have of oil wells scattered over the environment, they are all concentrated in one little place, in an artificially built area out into the water.

So it does not degrade the coastal areas at all. It is all focused in one place. It is totally environmentally contained. There is absolutely no pollution. There is no degradation of the environment. There is no impact on animals. There is no environmental damage from this. The pipeline is already there. It is undercapacity. So it is a perfect way to use our Nation's resource for the benefit of the American people.

When this wildlife refuge was created, an area was carved out for oil exploration. This was not supposed to be part of the wilderness. We flew over that area. As far as the eye can see for an hour, there is nothing but snow and ice—nothing. There are no trees. There are no animals. There are no mountains. There is nothing but snow and ice.

You finally get to the little place where they would allow the exploration. There is a little Eskimo village there where you can land. You go to the village, and the people say: When are you going to bring the oil exploration for our village? Because they are the ones who would benefit from it. It is not part of the wildlife refuge. When you say: What is the environmental impact of this? They say there is none.

For almost all of the year, what you see is this snow and ice. For a little bit of the year—a few weeks in the summer—there is a little bit of moss and grass there where some caribou will come to graze and calve. The reason the caribou herds have about quadrupled in size in the area where the oil exploration has occurred is because there is some habitation in that area. And, of course, the caribou are a lot like cows; They like people just fine. They are willing to come right up to the area of habitation and have their little calves. But the wolves do not like people, so the wolves do not prey on them as much, and they don't eat as many of the calves. Therefore the herd is able to grow.

So the only environmental impact anyone has figured out is we have helped the caribou herds expand. This is an area where we can explore for oil without doing any environmental damage. We need the resources, as the Presiding Officer pointed out.

I commend the Presiding Officer for his expertise in this area, for his ability to put it all together in a very understandable way, and for urging this administration to get on with the development of a true energy policy.

Does the Senator from Idaho want to speak now?

Mr. CRAIG. Yes.

Mr. KYL. Mr. President, I yield the floor to the Senator from Idaho, and I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I join with my colleague from Arizona in thanking you for your leadership in the work you have done on energy. I remember, several years ago, when the Senator from New Mexico was talking about the state of play of the nuclear industry and that failure to respond to an equitable process to bring about the appropriate handling of waste would ultimately curtail the ability of this industry to grow and provide an environmentally sound and clean source of electrical energy. That is when we were talking about energy when most of our supplies were in some margin of surplus. Today that surplus does not exist.

In the past eight years, with no energy policy from the Clinton administration, we are now without surplus. We are now entering what could well be an energy crisis phase for our country and our economy. If that is true—here we stand with the longest peacetime growth economy in the history of our country—could this be the tripwire that brings mighty America down? Because we have a President and a Vice President without an energy policy. In fact, under their administration, we have seen a drop in the energy production of our traditional kind. They even want to knock out big hydrodams out in the West that are now supplying enough electricity for all of the city of Seattle, WA. And they say, in the name of the environment, we would take these down. Shame on them.

Why aren't they leading us? Why aren't they providing, as they should, under policy and direction, abundant production and reliable sources?

Historically, our economy has been built on that. America has been a beneficiary of it.

(Mr. KYL assumed the Chair.)

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THE BUDGET PROCESS

Mr. CRAIG. Mr. President, what I thought I might do for a few moments this afternoon is talk about the state of play of where we are as a Senate and as the 106th Congress trying to complete its work and adjourn for the year.

I think a good many of us are frustrated at this point. We have tried mightily to produce the appropriations bills, to work with our colleagues, Democrat and Republican. Obviously,

there are differences in how to resolve those differences. We are spending billions and billions of dollars more than we spent a year ago. Yes, we have a surplus. But, yes, the American people are telling us government is as big as it ought to be. There are new national priorities, and we are attempting to address those.

But what I think needs to happen, and what has historically happened, at least, is an effort to move the 13 appropriations bills through the process, to vote them up or down, and get them to the President. We tried that last week, to move two of them together: the Legislative Branch appropriations bill and the Treasury-Postal bill. Out of frustration on the floor, and our colleagues on the other side deserting us, those bills failed.

I think the average public listening out there says: What's happening here? Why are we almost at the end of the fiscal year and yet a fair amount of the budgetary work needed to be accomplished in the form of appropriations bills to fund the Government for the coming year have not been accomplished?

You saw Senator BOB BYRD lament on the floor of the Senate last week, about the Senate working and getting the appropriations bills passed and sent to the President. And I have to lament with him. I agree that this work should go on. He said: There are Senators in this body who have never seen a situation work as it has been meant to work. I think he was denoting the budget process itself and whether it worked and functioned on a timely basis. How well has the appropriations process worked?

I began to ask that question of my staff, and we did some research over the weekend. I thought it was important that I come to the floor today to talk a little bit about it because I, too, am concerned.

Since 1977, Congress has only twice—in 1994 and in 1988 —passed all of the 13 appropriations bills in time for the President to sign all into law before the October 1 legal fiscal year deadline. Let me repeat that. Only twice since 1977 has Congress passed all of the 13 appropriations bills in time for the President to sign all into law before the October 1st deadline.

Now, that either says something about the budget process and the appropriations process itself, or it says how very difficult this is in a two-party system, and how difficult it is to make these substantive compromises to fund the Government of our United States.

Most years, the Congress only gets a handful of appropriations bills through all the congressional hurdles by October 1, and so, more often than not, has had to pass some, what we call, a stopgap funding bill before it adjourns for the year.

Senator BYRD, on Thursday, said that huge omnibus appropriations bills make a mockery of the legislative process. They certainly don't subscribe to the budget process under the law that we have historically laid out. But, then again, from 1977 until now only twice has that budget process worked effectively.

So I could lament with Senator BYRD about huge omnibus bills or I could simply say how difficult it really is. Yet bundling the funding bills has been more the exception than the rule in the last 23 years. In other words, what we were attempting to do on the floor of the Senate last week was not abnormal. We were trying to expedite a process to complete our work and to do the necessary budget efforts. In fact, in 1986 and in 1987, Congress was unable to send even one funding bill to the President by the legal deadline of October 1. That is an interesting statistic. Let me say it again. In 1986 and 1987, by the October first deadline, the President of the United States had not received one funding bill for Government from the Congress of the United States. In 1986, one of those years when Congress passed zero funding conference reports, Senator Robert Dole was the majority leader of the Senate.

I am here today to say I agree with Senator BYRD, and I lament the fact that bundling is not a good idea. But in 1987, he took all 13 of the appropriations bills, put them together, and sent them down to the President as one big bill. I think a little bit of history, maybe a little bit of perspective, adds to the value of understanding what the Congress tries to do. That was 1987. All 13 appropriation bills bundled and sent to the President before one separate bill was ever sent to the President.

The year 1986 was the first time since 1977. In 1987—I want to be accurate here—was the second time. In 1986 Republicans were in charge. They couldn't get it done. And in 1987, when Senator BYRD was in charge, they couldn't get it done. So here are 2 years, two examples, one party, the other party, 1986 and 1987, that all 13 appropriation bills were bundled into one and sent down for the President's signature.

Let's take a closer look at 1987. On October 1, the legal deadline, not a single appropriation bill that passed the Congress had been transmitted to the President. Compare this year, when two have already been signed. That is now, the year 2000, two have already been signed by the President, and we expect to send additional bills to the President before October 1. At least that is our goal. We will work mightily with the other side, whether we deal with them individually or put a couple of them together. In fact, no appropriation bill ever went to the President, I am told by our research, in 1987. Of the 10 funding bills both Houses of Congress passed, none emerged from the Democrat-controlled House and Senate conferees. It was a difficult year.

President Reagan was the first to sign an omnibus 13-bill long-term continuing funding bill on December 22 of 1987. Remember, the Congress continued to function late into the year and up until December 22, just days before Christmas, so we could finally complete the work and get it done. Of course, during those years I was not in the Senate. I was in the U.S. House of Representatives.

Now, all said, during that budget battle in 1987, we passed four short-term CRs. During that time, we kept extending the deadlines necessary and passed four short-term CRs to complete the work of the Congress. President Reagan did not even receive a bill until the morning after the final short-term CR had expired. The CQ Almanac described it as a 10-pound, 1-foot-high, mound of legislation. I remember that well. In fact, I was involved in a debate on the floor of the House that year when I actually helped carry that bill to the floor.

All 13 bills were passed and signed twice in 1994 and 1998. Excuse me, 1988; I said 1998. That is an important correction for the RECORD.

On October 1, the Senate had passed only four appropriation bills, and this was with a 55–45 majority. Compared to this year, as of September 7, this body had passed nine bills so far.

I think it is important to compare. It is not an attempt to criticize. Most importantly, it is an attempt to bring some kind of balance and understanding to this debate.

I have been critical in the last several weeks. I have come to the floor to quote minority leader TOM DASCHLE talking about ''dragging their feet and not getting the work done, expecting Republican Senators to cave.'' Well, certainly with those kinds of quotes in the national media and then watching the actions on the floor of this past week, you would expect that maybe that is a part of the strategy.

On October 1, only seven bills had been reported to the Senate. This, according to the 1987 CQ Almanac, is because the Appropriations Committee could not even agree how to meet its subcommittee allocations. Compare that to this year. As of September 13, all 13 bills have been reported to the Senate.

Well, I think what is recognized here is that while bundling bills is not a good idea—and I see the Senator from West Virginia has come to the floor; he and I agree on that. He and I agree that bundling is not a good process because it does not give Senators an opportunity to debate the bills and to look at them individually and to understand them.

At the same time, both sides are guilty. Certainly when Senator BYRD was the majority leader of the United States Senate, that was a practice that had to be used at times when Republicans and Democrats could not agree. That is a practice that we will have to look at again here through this week and into next week as we try to complete our work and try to deal with these kinds of issues.

You can argue that some of these bills did not get debated on the floor of

the Senate. That is true now; it was true in 1987. You can argue that they didn't get an opportunity to have individual Senators work their will on them by offering amendments. That is going to be true now; it was clearly true in 1987.

The one thing that won't happen this year—I hope, at least—is that 13-bill, 10-pound, 1-foot-high mound of legislation. Clearly, I don't think it should happen, and I will make every effort not to let it happen. That isn't the right way to legislate, and we should not attempt to do that.

The leadership, last year, in a bipartisan way, along with the White House, ultimately sat down and negotiated the end game as it related to the budget. Many of our colleagues were very upset with that. They had a right to be because they didn't have an opportunity to participate in the process.

The reason I come to the floor this afternoon to talk briefly about this is that, clearly, if we can gain the cooperation necessary and the unanimous consents that must be agreed to, that very limited amendments should be applied to these appropriation bills, then we can work them through. I am certainly one who would be willing to work long hours to allow that to happen. But to bring one bill to the floor with 10 or 12 or 13 amendments with 60 percent of them political by nature, grabbing for a 30-second television spot in the upcoming election really does not make much sense this late in the game. We are just a few days from the need to bring this Congress to a conclusion, to complete the work of the 106th Congress and, hopefully, to adjourn having balanced the budget and having addressed some of the major and necessary needs of the American people. It is important that we do that.

I am confident we can do that with full cooperation and the balance, the give-and-take that is necessary in a bipartisan way to complete the work at hand.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the pending question?

The PRESIDING OFFICER. The period for morning business has just expired.

Mr. BYRD. Mr. President, I ask unanimous consent to speak out of order.

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

—

COOPERATION AMONG SENATORS

Mr. BYRD. Mr. President, I was sitting in my office when I heard the very distinguished Senator from Idaho speaking on the floor and using my name. He asked for cooperation, and, of course, we all want to cooperate. We want good will and we want cooperation. But one way to get cooperation from this Senator when his name is going to be used is to call this Senator before the Senator who wishes to call my name goes to the floor and let me know that I am going to be spoken of.

I have been in the Senate 42 years, and I have never yet spoken of another Senator behind his back in any critical terms—never. I once had a jousting match with former Senator Weicker. He called my name on the floor a few times, and so I went to the floor and asked the Cloakroom to get in touch with Senator Weicker and have him come to the floor. I didn't want to speak about him otherwise, without his being on the floor. Frankly, I don't appreciate it. I like to be on the floor where I can defend myself.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. I am glad to yield.

Mr. CRAIG. First, let me apologize to you that a phone call was not made. I meant it with all due respect. I did not misuse your name nor misquote you. Certainly, speaking on the floor in the Senate in an open, public forum is not speaking behind your back. That I do not do and I will not do.

Mr. BYRD. Whatever the Senator wants to call it, in my judgment, it is not fair.

Mr. CRAIG. OK.

Mr. BYRD. I will never call the Senator's name in public without his being on the floor. I like to go face to face with anything I have to say about a Senator, and I would appreciate the same treatment.

Mr. CRAIG. Will the Senator yield again?

Mr. BYRD. Yes.

Mr. CRAIG. You know how much I respect you, Senator BYRD.

Mr. BYRD. I hope so.

Mr. CRAIG. In no way do I intend to speak behind your back. It is an important issue that you and I are concerned about.

I think it was important to demonstrate what the real record of performance here is in the Senate under both Democrat and Republican leadership—how difficult it is to bring about the final processes of the appropriations. You and I would probably agree that maybe we need to look at the process because it hasn't worked very well. We have not been able to complete our work in a timely fashion, and it does take bipartisan cooperation.

I have been frustrated in the last couple of weeks by quotes such as the one on this chart, which would suggest if the other side does absolutely nothing, somehow we would cave. Last week appeared—I know you had a different argument, and I agreed with you—not to debate an appropriations bill on the floor separate from another. That is not good for the process, not good for the legitimacy of getting our work done. But it did seem to purport and confirm the quote on this chart.

Again, if I have in some way wronged you, I apologize openly before the Senate. But you and I both know that that which we say on the record is public domain. But I did not offer you the courtesy of calling you, and for that I apologize.

Mr. BYRD. It is for the public domain, no question about that. But if my name is going to be used by any Senator, I would like to know in advance so that I may be on the floor to hear what he says about me so I may have the opportunity to respond when whatever is being said is said. That is the way I treat all other Senators; that is the only way I know to treat them.

Mr. CRAIG. That is most appropriate.

Mr. BYRD. It is the way I will always treat Senators. I will never speak ill of the Senator, never criticize the Senator, unless he is on the floor. I would like to be treated the same way.

Mr. CRAIG. Will the Senator yield one last time?

Mr. BYRD. Yes.

Mr. CRAIG. I have made statistical statements. When I prepared this today, I double-checked them, to make sure I was accurate, with the Congressional Quarterly Almanac so the RECORD would be replete. If I am not accurate, or if I have misspoken in some of these statements, again, I stand to be corrected. I was simply comparing the years of 1986, a Republican-controlled Senate, and 1987, a Democrat-controlled Senate, when you were the majority leader—recognizing that in both of those years major budget battles ensued and we bundled tremendously in those years individual appropriations bills—in fact, in a considerably worse way than we are actually doing this year. I thought that was a reasonable thing to discuss on the floor.

Mr. BYRD. Mr. President, I am not sure that is accurate.

Mr. CRAIG. You can check it.

Mr. BYRD. Mr. President, may we speak of another Senator in the second person?

The PRESIDING OFFICER. The Senator is correct. The Senator should address the Chair.

Mr. BYRD. And speak to another Senator in the second person.

The PRESIDING OFFICER. And not refer directly to another Senator.

Mr. BYRD. Exactly. I think that rule keeps down acerbities and ill will. I want to retain good will. So when I refer to the distinguished Senator, I don't want to point the finger at him by saying ''you.''

Now, Mr. President, I am not sure the Senator is entirely accurate in everything he has said. I didn't hear everything he said, but I have the impression that what he was saying was that we bundled bills together in times when I was majority leader, and so on.

I am not sure that is even accurate. But let me say to the distinguished Senator that I haven't complained about bundling bills together. That is not my complaint at all. My complaint is in avoiding debate in the Senate and sending appropriation bills directly to conference. That is my problem because that avoids the open debate in the Senate, and Senators are deprived of the opportunity, thereby, to offer amendments.

I don't mind bundling bills together in conference if they have passed the Senate. But if they haven't passed the Senate, I am very critical of sending those bills to the conference. I think the framers contemplated both Houses acting upon bills—and that is the way we have done it heretofore until the last few years; appropriation bills have passed the Senate; they have been amended and debated before they went to conference. That is my complaint.

So I hope the Senator will not feel that I have been complaining about bills being joined in conference. I am not complaining about that.

According to the CRS, all regular appropriation bills were approved by or on October 1 in 1977—the first year I became majority leader—in 1989, in 1995, and in 1997. So I have the record before me that shows that four times in those years—that is not a great record, but four times in those years all of the regular appropriations bills were approved by or on October 1.

The distinguished Senator, if I understood him correctly, said only twice. Am I correct that only twice had all appropriations bills been approved on or before October 1?

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. I may have misheard the Senator. Yes. I yield.

Mr. CRAIG. What I quoted was the Congressional Almanac—the CQ Almanac—that said since 1977 only twice, in 1994 and in 1998, has the Congress passed all 13 appropriations bills in time for the President to sign them into law before the October 1 deadline.

Mr. BYRD. Therein lies the tale. The Senator uses the phrase ''in time for the President to sign them into law.''

Mr. CRAIG. By October 1.

Mr. BYRD. By October 1. The RECORD shows that in 4 years, all of the regular appropriations bills were approved by or on October 1.

I can remember in 1977, I believe it was, that all of the appropriations bills were passed but the last one, which passed the Senate by just a few seconds before the hour of midnight at the close of the fiscal year. Obviously, it would not have been in time for the President to have signed the bill by the next day. But all bills did pass the Senate even though the last of the appropriations bills only made it by a few seconds or a few minutes. And in 1987, more than 100 amendments were offered, debated, and disposed of in the consideration of the continuing resolution. We took up amendments, we debated them, and disposed of them.

That is what I am complaining about. I will have more to say about this in a few days. But I am complaining about the fact that appropriations bills are brought to the Senate floor, and in many instances Senators don't have the opportunity to offer amendments and have them debated. They don't have the opportunity to debate the bills fully.

Secondly, I am complaining about sending appropriations bills directly to conference without the Senate's having an opportunity to debate those appropriations bills and to amend them prior to their going to conference. That short-circuits the legislative process. We represent the people who send us here. This is the only forum of the States. I represent a State, the distinguished Senator from Idaho represents a State, and represents it well. But it doesn't make any difference about the size of the State. Each State is equal in this body—meaning that small, rural States like West Virginia are equal to the large States of New York, California, Texas, and so on.

But when the Senate is deprived of the opportunity to debate and to amend by virtue of appropriations bills being sent directly to conference, this means the people of my State, the people of the small States, the people of the rural States—the people of every State, as a matter of fact, represented in the Senate—are deprived of the opportunity to debate and are deprived of the opportunity to offer amendments through their Senators.

This is what I am complaining about. I have tried to avoid personalities. I could do that. I don't like to do that. I am just stating a fact that we are being deprived, the Senator from Idaho is being deprived of debating and offering amendments. His people are being deprived. That is the important thing—his constituents are being deprived. I think we ought to quit that. I think we ought to stop it.

I hope the distinguished Senator will stand with me in opposition to what I call the emasculation of the appropriations process when that is done.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes. I yield.

Mr. CRAIG. The State of West Virginia and my State of Idaho are very similar. Both are small, rural States. Both the Senator from West Virginia and I are very proud of the fact that we have equal power in the Senate. Our Founding Fathers assured that. That is what created this marvelous balance. Both the Senator from West Virginia and the Senator from Idaho serve on the Appropriations Committee. Obviously, the Senator from West Virginia has tremendous seniority and is former chairman of that committee. I am still pretty much a freshman. We appreciate that debate process. There is no question about it.

At the same time, I am one of those Senators who, before the August recess, turned to my majority leader and said something he didn't want to hear. I said: You know, I am going to start researching the need for a lame duck session because we are not going to get our work done. We have not been allowed to move bills to the floor without 100 amendments or 50 amendments. The Senator from West Virginia can certainly characterize those amendments the way he wants. I will characterize them by saying at least 50 percent of them are political. They come from both sides.

I cannot say that the other side is any more guilty than we are for making a public political statement on an amendment that never passes. We are all frustrated by that. But when you subject a bill to full debate on the floor without being able to get a unanimous consent agreement to govern the time, then we could go on for days and sometimes an entire week on the floor on a single bill.

Is that necessary?

Mr. BYRD. May I regain the floor for just a moment?

Mr. CRAIG. It is the Senator's time.

Mr. BYRD. We have had those experiences. That is not an unheard of experience.

Mr. CRAIG. That is correct.

Mr. BYRD. That is part of the process.

When I was majority leader of the Senate in 1977, 1978, 1979, and 1980 and, again, when I was majority leader of the Senate in 1987 and 1988, not once did I attempt to say to the leader on the other side of the aisle that I will not take this bill up if you are going to call up amendments, or if you call up 5 or 10 or whatever it is, I will not call it up; or having called it up, if Senators on the other side of the aisle persisted in calling up amendments, I didn't take the bill down. That is part of the process.

That is where we differ. There are now Senators in this body who think that that is the way the Senate has always been. I would say to Senator Baker, or to Senator Dole, let's have our respective Cloakrooms find out how many amendments there are. And the Cloakrooms would call Senators. They would bring back a list of the Senators on the Republican side and a list of the Senators on the Democratic side who indicated they had amendments. I never said: Well, we ought to cut them down. I said: Let's list them.

Sometimes there would be 65 amendments, sometimes 80, or whatever. I would say: Let's get unanimous consent that the amendments be limited to those on the list. I never attempted to keep Senators from calling up their amendments, or to insist the leader of the other side cut down his amendments before we would call up the bill. We listed the amendments. Then we sought to get unanimous consent. Usually we could because we worked well together. Once we had the finite list of amendments and got unanimous consent that that would be all of the amendments, we began to then work with each individual Senator—Mr. Dole and Mr. Baker, through their staff on that side, and myself on my side. Our staff attempted to get time limitations on those amendments. Many of the amendments just went away. Senators would do as I have done on several occasions: I had my name put on the list just for a ''germane'' amendment and just for self-protection. So that is the way it is. Many times, amendments fall off.

I have to say that this new way of doing things here is not the way the

Senate has always done it. There are 59 Senators today in this body—I believe I am correct—there are 59 Senators out of 100 Senators who never served in the Senate prior to my giving up the leadership at the end of 1988.

Rules VII and VIII—there are two rules I just happened to think of that have never been utilized since I was majority leader. Never. And there are other rules that have never been utilized since I was majority leader. Fifty-nine Senators have come into the Senate not having seen the Senate operate as it did when Mr. Mansfield was here, when Lyndon Johnson was here, and when I was leader. What they see is a new way of operating in the Senate.

Many of those Senators—I believe 48 of the Senators—here I am speaking from memory; I may have missed one or two—have come over from the other body. I am one of them. But there are 48, maybe 47 or 52, or thereabouts, of today's Senators who have come over to the Senate from the House. They have never seen the Senate operate under its rules, really, unless we call operating by unanimous consent operating by the rules—which would be accurate to say, up to a point. But 48 Senators have come over from the House and many of those Senators would like to make the Senate another House of Representatives. The Senate was not supposed to be an adjunct to the House.

I have been in the other House. I have long studied the rules and the precedents and worked in the leadership in one capacity or another in this Senate. I served in the Democratic leadership 22 years here, as whip, as secretary of the conference, as majority leader, as minority leader, as majority leader again.

I grieve over what is happening to the Senate. I say we need to get back to the old way of doing things because we are short circuiting the process. In so doing, we are depriving the people of the States of the representation that they are entitled to in this Senate. By that I mean that the people's Senators are not allowed to call up amendments, they are not allowed to debate at times. This way of operating would certainly, I think, bring sadness to the hearts of the framers because they intended for this Senate to be a check on the other body. They also intended for this Senate to be a check against an overreaching executive. But if Senators can't call up bills from the other body and debate them and amend them, then the Senate cannot adequately check the other body against the passions that may temporarily sweep over the country. The Senate cannot bring stability to the body politic and to the government that the framers intended.

I am happy to yield again.

Mr. CRAIG. If the Senator will yield for one last question.

Mr. BYRD. Yes.

Mr. CRAIG. I made this comment, and the Senator made a corresponding comment that appears to suggest that my comment is in conflict with his and they may not be. I want to correct this for the record.

The Congressional Quarterly Almanac says that only seven appropriations bills had passed the Senate on October 1 of 1987. But we did not provide for the President an omnibus bill with 13 in it until December 22, 1987.

I am not suggesting by this statement that the Senate didn't go on to debate those individual bills on the floor between October 1 and December 22; I didn't draw that conclusion.

Mr. BYRD. May I comment?

The Senator is only telling half the story.

Mr. CRAIG. I am only quoting the Almanac.

Mr. BYRD. Well, my memory, which is not infallible, reminds me that the President of the United States asked for an omnibus bill that year. He didn't want separate bills. Mr. Reagan didn't want separate bills that year. He wanted an omnibus bill. I hope I am not mistaken in the year that we are discussing.

But does the Senator not recall one year in which Mr. Reagan did not want—he wanted one bill because we were entering into some kind of an agreement amongst us; he wanted one bill to sign rather than several. So we accommodated him.

Mr. CRAIG. If the Senator will yield.

Mr. BYRD. Yes.

Mr. CRAIG. I don't recall what President Reagan did or did not want. I know what the record shows he got.

I guess the question I ask the Senator from West Virginia, from October 1 to until December 22, did the Senate debate and pass out the remainder of the appropriations bills that had not been completed by October 1, which would have been a total of six, I believe, if the Congressional Quarterly Almanac is correct, and we only worked up seven prior to the deadline?

Mr. BYRD. I am looking at the chart, ''Final Status of Appropriation Measures, First Session, 100th Congress.'' That would have been 1987. Every bill was reported. I think I am getting now to the question that the Senator asked.

Some of the bills were reported but not taken up, but floor action shows that the Senate continued to act upon appropriations bills: Treasury-Postal Service was acted upon on the floor September 25; Transportation, October 29; military construction, October 27; legislative, September 30; Labor-HHS-Education, October 14; Interior, September 30; energy and water, November 18; Commerce-Justice, October 15.

So they were all acted on. And, yes, the answer is, the Senate continued to act upon those bills even through the latter months of the year.

Mr. CRAIG. Will the Senator yield?

Mr. BYRD. Yes.

Mr. CRAIG. Those records comport with what I have said. I wanted to make sure I was not inaccurate. My concern is that we will have not completed our work on the floor by the deadline unless we can gain the kind of cooperative effort to move these pieces of legislation.

And by your observation, I was accurate in the sense that five were debated and passed or voted on after the October deadline of 1987.

Mr. BYRD. Mr. President, let me respond to that. The Senator] speaks of cooperation from the other side. I note that 1, 2, 3, 5, 6—9 of these appropriations bills—10, 11—11 of them were reported from the Senate Appropriations Committee this year no later than July 21, reported and placed on the calendar—11 of them.

Why weren't they called up in the Senate? The Appropriations Committee, on which the distinguished Senator from Idaho and I sit, the Appropriations Committee, under the excellent leadership of Senator TED STEVENS, reported those bills out; 11 of them, I believe—no later than—what date was that? No later than the 21st of July. Why weren't they called up? We had plenty of time. Why weren't they called up?

May I say, in addition to that, the Senate certainly had the time to act on those bills. We were out of session on too many Fridays. We come in here on Monday, many Mondays, and we do not cast a vote, or we cast a vote at 5 o'clock, or we go out on Fridays, we don't have any session at all, or we go out by noon with perhaps one vote having been taken.

The Senator and I could talk until we are each blue in the face, but it seems to me that someone needs to explain in a reasonable way as to why we don't act on Mondays and Fridays, act as we ought to as a legislative body—be in session. We are getting paid for the work. Why don't we act on these appropriations bills?

When I was majority leader, I stood before my caucus in 207. I can remember saying it: ''We are not here to improve the quality of life for us Senators. Our constituents send us here to improve the quality of life for our constituents. I am interested in the quality of work.''

My own colleagues were doing some complaining. I said: We are going to be here, we are going to vote early on Mondays, and we are going to vote late on Fridays. You elected me leader. As long as you leave me in as leader, I am going to lead.

Now, I said, we will take 1 week off every 4 weeks, and we can go home and talk to our constituents, see about their needs. So we will have 1 week off and 3 weeks in, but the 3 weeks that we are in, we are going to work early and we are going to work late. And we did that in the 100th Congress.

If one looks over the records of the 100th Congress, one will find that Congress was one of the best Congresses, certainly, that I have seen in my time here in Washington. The productivity was good, we worked hard, there was good cooperation between Republicans

and Democrats. We all worked, and appropriations bills didn't suffer. Appropriations bills were never sent to conference without prior action by this body. Every Senator in this body on both sides of the aisle was allowed to call up his amendment, to offer amendments, as many as he wanted to. Nobody was shut off. We just simply took the time. We stayed here and did the work.

Nobody can say to me, well, we don't have the time to do these bills. Mr. President, we have squandered the time. We have squandered the time already. I used to have bed check votes on Monday mornings at 10 o'clock, bed check votes so that the Senators would be here at 10 o'clock. It didn't go over well with some of the Senators, even on my side. But one leads or he doesn't lead. When one leads, he sometimes runs into opposition from his own side of the aisle. I was not unused to that. But nobody can stand here and tell me that we have fully utilized our time and that we have to avoid bringing bills up in the Senate because Senators will offer amendments to them. I am ready to debate that anytime.

I thank the distinguished Senator. I will yield again if he wishes.

Mr. CRAIG. I have one last question because you have got your ledger there, which is very valuable, making sure that statements are accurate, because I focused on 1987, the year of your majority leadership.

We talked about the bills. I think we confirmed one thing. The Congressional Quarterly Almanac also goes on to say that foreign ops, Agriculture, and Defense were never voted on on the floor and never debated, that they were incorporated in the omnibus bill. So, in fact, the practice you and I are frustrated by was incorporated that year into that large 13-bill omnibus process; is that accurate?

Mr. BYRD. This is accurate. During Senate consideration of the continuing resolution for fiscal year 1987, which contained full year funding for all 13 appropriations bills, more than 100 amendments were offered, debated, and disposed of.

Mr. CRAIG. But my question is: The individual foreign ops, Agriculture, and Defense bills were in fact not individually debated on the floor and amended?

Mr. BYRD. They were in the CR and therefore subject to amendment.

Mr. CRAIG. I see. But not individually brought to the floor? I understand what you are saying. I am not disputing what you are saying about incorporating them into a CR.

Mr. BYRD. The Senator—my distinguished friend from Idaho—misses the point. There may be CRs this year. There have been CRs before.

Mr. CRAIG. Yes.

Mr. BYRD. I have never denied that. The point is that the CRs were called up on the floor, they were debated, and they were amended freely. That is what I am talking about. The Senate had the opportunity to work its will even if those bills, two or three, were included in the CR. That is the point. The Senate was able to work its will on the CR and to offer amendments and debate and have votes.

Mr. CRAIG. No, that is not the point.

If the Senator will yield, we are not in disagreement. We are not yet to the CR point. If we get there, I have not yet heard any leader on either side suggest that we not amend it. We hope they could be clean. We hope they could go to the President clean, without amendments.

But if we are going to incorporate in them entire appropriations bills that have not yet been debated—and that was my point here with bringing that up; they were in CRs but they were not brought to the floor individually and debated. There was an opportunity—you are not suggesting, you are saying—and it is true—that there was an opportunity at some point in the process for them to be amended.

Mr. BYRD. Yes.

Mr. CRAIG. Yes. We are not in disagreement.

Mr. BYRD. Except this: The Senator says we hope they can go to the President clean. I don't hope that.

Mr. CRAIG. Oh.

Mr. BYRD. No, indeed. Never have I hoped that. I would like to have seen a time when Senators didn't want to call up amendments. Maybe I could have gone home earlier. But I have never thought that was a possibility. And I wouldn't hope they would go to the President clean because I think Senators ought to have the opportunity to clean up the bills, to improve them. Surely they are not perfect when they come over from the other body, and Senators ought to be at liberty to call up amendments and improve that legislation. That is the legislative process. Let's improve it.

I thank my colleague.

Mr. CRAIG. I thank the Senator for yielding. You see, we do agree on some things but we also disagree on others. There we have a point of disagreement.

Mr. BYRD. The Senator ought not disagree with me on saying that Senators ought to have an opportunity to call up amendments and that we don't necessarily wish to see clean bills sent to the President. I didn't want to see a clean trade bill sent to the President.

Mr. CRAIG. If the Senator will yield just one last time?

Mr. BYRD. Yes.

Mr. CRAIG. If we are attempting to complete our work on a bill-by-bill basis and we extend our time to do that with a clean CR, simply extending the processes of Government and the financing of Government for another week or two while we debate individual bills—that is what I am suggesting.

If we are going to incorporate other bills, appropriations bills, in the CR, I am not objecting to amendments. I am saying that if we are going to deal with them individually on the floor, as you and I would wish we could and should, then the CR that extends us the time to do so, in my opinion, should be clean in going to the President so he will not argue or attempt to veto something because we would stick an amendment on it with which he might disagree.

Mr. BYRD. I think we are ships going past one another in the dark, the Senator and I, on this. I am for having full debate, having Senators offer their amendments. Whether or not bills sent to the President are clean, to me, I think, is not a matter of great import. I think the framers contemplated that each House, the House in the beginning on revenue bills and then the Senate on revenue bills by amendment and the House and Senate on other bills, sometimes one House would go first, sometimes the other House would go first except on revenue bills, by practice, appropriations bills.

To me, in the legislative process, the people are getting their just rights, the people are getting what they are entitled to, and the Republic will flourish and the liberties of the people will endure if Senators have an opportunity to debate fully—disagree, agree, offer amendments, have them tabled, have them voted up or down. This Republic will be in a much safer position and in a much better condition if the Senate is allowed to be what the Senate was intended to be by the framers.

I hope the Senator will join with me in protecting this Senate and in doing so will protect the liberties of the people. Protect the Senate. Forget about party once in a while. George Washington warned us against factions and about parties. I have never been such a great party man myself, and the Senator will not find me criticizing the ''other side'' very often, or the ''Republicans'' very often. I can do that and have been known to do it, but there are other things more important, and the Senate is one of the other things that is more important. We are talking about the Senate. We are talking about the cornerstone of the Republic. As long as we have freedom to debate in the Senate and freedom to amend, the people's liberties will be secured. I thank the Senator.

Mr. CRAIG. I thank the Senator for yielding.

Mr. BYRD. I yield the floor.

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NATIONAL ENERGY SECURITY ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. The question now pending is the motion to proceed to S. 2557.

The Senator from North Dakota.

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SENATE SCHEDULE

Mr. DORGAN. Mr. President, I was listening to the discussion among my colleagues, Senator CRAIG, Senator BYRD, and Senator DASCHLE was here earlier. I thought it would be useful to discuss the concept that has been discussed. In the end, it does not matter

what is said one way or the other about who is at fault for this or for delaying that. The question people ask at the end of a legislative session is, Are things a little better in this country because those folks met and discussed things in the United States, what works, what does not, what we can do and cannot do?

If the answer to that is yes, none of this matters much. But the Senator from West Virginia, in responding to some discussions earlier by the Senator from Idaho, makes a very interesting point. I have not been here nearly as long as the Senator from West Virginia has been.

This is a calendar which shows this year, the year 2000. The red days on this calendar are the days the Senate was not in session. We will see the Senate was not in session a fair part of the year. In fact, another chart will show the number of days we have been in session. It is now the end of September, and we have been in session 115 days out of all of this year. Of those 115 days we were in session, on 34 of them, there were no votes at all. So we have been in session 115 days, but on 34 of those days, there have been no votes.

There have been only two Mondays in this entire year in which the Senate has voted, and if I may continue with this chart presentation, there have been only six Fridays in all of this year on which the Senate has voted. Out of 13 appropriations bills, only two have been signed into law by the President. In the month of September, when we must try to finish the remaining 11 appropriations bills, we have not had any votes on Mondays, except for possibly today if we have a vote later today. And there have been no votes on Fridays in the month of September.

I thought it would be useful to describe what is going on here. Let me read this statement from my friend and colleague, the Senate majority leader, earlier in the year. He said:

We were out of town two months and our approval rating went up 11 points. I think I've got this thing figured out.

I know Senator LOTT wants this place to work and work well. I mentioned the other day to Senator LOTT that there is a television commercial about these grizzled, leather-faced cowboys on horseback herding cats. It is actually a funny commercial because they even get those cats in a river and try to move them across the river. These big cowboys with these leather coats, the big dusters they wear for storms, are holding these little stray cats.

I said to the Senate majority leader: That reminds me a little perhaps of the job you and others have of keeping things moving around here.

The Senator from West Virginia makes a very important point, and I want to outline it. We have had plenty of time to get to work to pass this legislation. We just have not been in session in the Senate much of the year. Frankly, most people run for the privilege of serving in the Senate because they have an agenda, too, and they want to offer amendments. They want to offer ideas that come from their constituencies that say: Here is what we think should be done to improve life in this country; here is what we think should be done to deal with education, health care, crime, and a whole range of issues.

When there are circumstances like we have seen this year where legislation does not even, in some cases, come to the floor of the Senate, but instead goes right to conference, it says to Senators: You have no right to offer any amendments. That does not make sense.

The reason I came over, I say to the Senator from West Virginia, is that I heard the discussion by my colleague from Idaho saying Senator DASCHLE is to blame for all of this. Nonsense. Winston Churchill used to say the greatest thrill in the world is to be shot at and missed. The Senator from Idaho has just given all of us a thrill. But Senator DASCHLE is at fault?

Senator DASCHLE does not schedule this Senate. We are not in charge. I wish we were, but we are not in charge. We are the minority party, not the majority party. I hope that will change very soon.

What Senator DASCHLE said is clear. In fact, he said it again last week: If I had been majority leader, and I am not, today would be a day in which we take up an appropriations bill and we would be in session until we finish that bill and everybody has a chance to offer amendments. If it takes 24 hours, then we will not get a lot of sleep, but we will finish that bill.

Senator DASCHLE said: My preference is to take these bills up individually. I would be willing to do an appropriations bill a day—long days, sure; tough days, absolutely. But he said let's do them. Bring them to the floor. Open them up for amendment. Let's have debates, offer amendments, and then let's vote. Democracy, after all, is about voting. It is not always convenient.

The Senator from West Virginia had a reputation for not always making it very convenient for people because he has insisted that appropriations bills be brought to the Senate floor and that they be debated fully and that everybody have the opportunity to bring their amendments to the floor of the Senate, have a debate, and then have a vote.

Again, sometimes that is difficult. People want to be here and there and everywhere else on Fridays and Mondays and parts of the week. But the fact is, we are now in September, towards the end of the month, and 11 of the 13 appropriations bills are not yet signed. I am a conferee on at least two of them for which no conference has been held.

I might mention to the Senator from West Virginia, I think perhaps you were referring earlier to the Agriculture appropriations bill. The House passed it July 11. The Senate passed it July 20. I am a conferee. There has been no conference. The House has not even appointed its conferees. In today's edition of the CQ Daily Monitor, one of my colleagues is quoted as saying that ''aides'' have worked out a compromise in the Agriculture spending conference report, and it will come to the floor on Wednesday.

Now, that is a surprise to those of us who are supposed to be conferees. This is a bill on which there has been no conference, and someone in the majority party is saying aides have worked this all out, and it is going to come to the floor of the Senate on Wednesday. Boy, I tell you, this system is flat out broken. That is not the way this system ought to work. Aides do the work without a conference?

Mr. BYRD. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. BYRD. The Senator is precisely correct. The system is not operating as it was intended to operate. We are improvising it as we go along. We are changing it all the time. The Senate is changing. And I regret to say that.

I simply want to thank the Senator for using the charts. They are very persuasive. They tell the story. They tell it concisely.

I also thank the Senator for standing up for the Senate and the true system. The Appropriations Committee was created in 1867. So for 133 years we have had this system. The Appropriations Committee was very small in the beginning. I think it was made up of only five members.

The system is being changed by Senators who have come here, most of them, from the other body. They don't know how the Senate is supposed to work. They never saw it operate under the rules. It is being run mostly by unanimous consent now, not by the rules. For example, we never have calendar Mondays here anymore. We ought to try that just once in a while to keep the system—the real system—alive.

I thank the Senator for his timely comments.

Mr. DORGAN. I appreciate the comments of the Senator from West Virginia as well. It should never, ever be considered old-fashioned to have the Senate work in a manner in which it was intended to work; that is, to have debates and to have votes. That is not old-fashioned. That is a timeless truth about how democracy ought to work.

A timeless truth here is that we will get the best for the American people by soliciting all of the best ideas that come from every corner of this Chamber. Those ideas come from every corner of our country. People come here not for their own sake; they come to represent the people of West Virginia and Maine and California and my State of North Dakota. The development of all of those ideas—through debate, through the offering of amendments, and so on—represents what I think can contribute best to America's well-being.

There are so many things that I wanted to do this year that we are not doing. There is so little time left. We have a farm program that does not work. Families out on the land—family farmers are the best in America—are just struggling mightily. The farm program does not work. It ought to be repealed and replaced with one that does. That is not rocket science. Europe does it. We can do it.

A Patients' Bill of Rights: We debated that forever. We ought to pass that. A prescription drug benefit in the Medicare program: We know we should do that and do it soon. Fixing the education system: Again, we know what needs to be done there. There is a whole series of things we ought to be doing that have not been done this year, let alone most of the appropriations bills, which we should pass.

Mr. BYRD. Mr. President, would the Senator yield?

Mr. DORGAN. Of course, I yield.

Mr. BYRD. Mr. President, I am constrained to say, as I have said before, that the fault is not all on one side. And I have complained about this to my own caucus. Too many times, on this side of the aisle, we have called up the same old amendment over and over and over again. I have said this in my own caucus, and I have said this before to my colleagues. So we are at fault to an extent in that regard. That is not to say a Senator does not have the right to call up an amendment. He has the right to call up his amendment as many times as he wishes. But I see no point in beating a dead horse over and over and over. That is something I think we, on our own side, should talk about and try to avoid.

Now, there are occasions when, for one reason or another, perhaps a Senator is absent or a supporter of a given amendment may be away for a funeral or something else, and the amendment may be called up, and it loses. Then I think there is real justification for calling up that amendment again on a future date.

But there are times here when it seems to me my own side is only interested in sending a ''message.'' We want to send ''messages.'' This is alright up to a point. I have kind of grown tired of just sending ''messages.''

For example, nobody has supported campaign financing longer than I have in this Senate. As a matter of fact, I offered a campaign financing bill with former Senator David Boren in this Senate in the 100th Congress. Now, I offered cloture on that bill eight times. No other majority leader has ever offered cloture on the same bill eight times. But I was disappointed eight times because only four or five Members of the Republican Party ever joined the Democrats in supporting that campaign financing bill. So we tried and we tried again.

I think we send too many ''messages'' on this side of the aisle. I can understand the majority leader, in trying to avoid this repetition of having to vote on the same old amendment—and they are political amendments—has attempted to bypass the Senate by not calling up bills.

Many authorization bills—if one will take a look at this calendar, look at the bills on this calendar. If the Senator will look at the bills on this calendar, we have a calendar that is 71 pages in length. Some of those probably are authorization bills. They are not called up. So, Senators all too often only have appropriations bills to use as vehicles for amendments which they otherwise would call up if the authorization bills were on the calendar and were called up.

The authorizing committees need to do their work. They need to get the bills out on the calendars. And then, when the bills are on the calendar, if they are not called up, Senators are going to resort to calling up amendments on appropriations bills. So there is enough fault and enough blame here to go around.

But I think the greatest danger of all is for the Senate to be relegated to a position in which it cannot be effective in carrying out the intentions of the framers. And that can best be done by not calling up appropriations bills, sending them directly to conference, and preventing Senators from carrying out the wishes of their constituents, by not allowing Senators to debate and call up amendments.

I thank the distinguished Senator. He has taken the floor on several occasions to mention this and to call our attention to it. I thank him.

(Ms. COLLINS assumed the chair.)

Mr. DORGAN. Madam President, the Senator from West Virginia will recall that he told me a story some long while ago about this desk that I occupy in the Senate. This desk, as do all of these desks, has an interesting history. This desk was the desk of former Senator Robert La Follette from Wisconsin. It was Senator BYRD who informed me of something that happened 91 years ago, I believe, in late May in the year 1909.

Senator La Follette was standing at this desk—this desk may not have been in this exact spot, but it was this desk—involved in a filibuster.

During those days, this Senate had a lot of aggressive, robust debates. Senator La Follette was a very forceful man with strong feelings, and he stood at this desk engaged in a filibuster. As the story goes, apparently someone sent up a glass of eggnog for him to sip on during the filibuster. He brought that glass of eggnog to his lips and drank then spat and began to scream that he had been poisoned. He thought he had tasted poison in this glass of eggnog. The glass was sent away—I believe this was in 1909—to have it evaluated. They discovered someone had, in fact, put poison in his drink. They never found the culprit.

I think of stories such as this one about this Chamber, what a wonderful tradition in the Senate of people who feel so strongly. We should not diminish the role of the Senate as the place of great debates.

I served in the House. It is a wonderful institution. There are 435 Members. There they package their debates through the Rules Committee. They say: You get 1 minute, you get 2 minutes, you get 5 minutes. We will entertain these 10 amendments, and that is all. And if you are not on the list, you are not there. That is the way the House works because that is the only way it could work with 435 Members. But the Senate was never designed to work that way. It was never intended to work that way. The Senate was to be the center of the great debates, debates that are unfettered by time, unfettered by restriction. Is that in some ways inefficient? Yes. Is it cumbersome, sometimes inconvenient? Sure. It is all of that. But it is also the hallmark of the center of democracy. We ought not ever dilute that, nor should we ever dilute the opportunity of every single person who comes to sit and at times stand in the Senate to represent his or her constituents to make the strongest case they can make on whatever the issue is that day.

Mr. BYRD. Madam President, will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. BYRD. Speaking of the old days, I sat in that presiding chair up there on one occasion 22 hours. I sat there 22 hours, through a night of debate on civil rights legislation, when I first came here. It fell to my lot to have that as a chore, as it falls to the lot of newer Senators. I sat there 22 hours.

I can remember the civil rights debate of 1964. I hope my memory is not playing tricks on me. One hundred sixteen days elapsed between the day that Mr. Mansfield motioned up that bill and the day that we cast the final vote on that bill, 116 days. We were on the motion to proceed for 2 weeks. I believe the Senate spent 58 days, including 6 Saturdays and, it seems to me, 1 Sunday—the Parliamentarian will remember this—but 6 Saturdays, get me now, in debating the Civil Rights Act of 1964.

I voted against the act. I was the only Northern Democrat who voted against it. I was the only northern Democrat who voted against cloture. And the only other Democrats who voted against cloture were Alan Bible of Nevada—and I am talking about Senators outside the South—and perhaps Senator Hayden of Arizona. We spent six Saturdays. We didn't go home on Saturdays. We stayed here and we voted. I forget how many rollcall votes we cast. Even following the cloture, we were on that bill, I believe, 10 days or so, on the bill even after cloture was invoked but we stayed here and did the work.

Had Everett Dirksen, the Republican leader, not voted for cloture and led some of the Senators on the other side to vote for cloture, had that Republican leader not worked with Mr. Mansfield and Hubert Humphrey in those

days to pass an important act, that act would not have passed. Cloture would never have been invoked on that act, if Everett Dirksen, the leader on the other side, and some of the Senators who went with him, had they not decided to vote for cloture and vote for the bill. That was teamwork. That was cooperation. That was stick-to-itiveness. That was the Senate at its best.

I spoke against that bill. I spoke 14 hours 13 minutes against that bill. If I had it to do over again, I would vote for it. But I was just out of law school. I thought I knew a lot about constitutional law. And there were some great constitutional lawyers here then. Sam Ervin was here, Lister Hill, John Sparkman, Richard Russell, Russell Long; these were men who had been in this chamber for a long time. They didn't come to the Senate in order to use it as a stepping stone in a lateral move to the Presidency. They came here to be Senators. But the Senate argued. It debated. It amended. It took whatever time was necessary, and the Senate spoke its will. That is what we don't have these days. We don't have that these days.

I thank the Senator for the service he is performing.

Mr. DORGAN. Madam President, let me try to summarize what brought me to the floor.

A colleague arrived on the Senate floor and said the reason we are in the circumstance in which, at nearly the end of a legislative session and only 2 of 13 appropriations bills have been completed by the Congress, and not much of the major legislation we had hopes for in the 106th Congress has been passed, is that Senator DASCHLE is stalling, causing problems, is just not going to wash.

It is sheer nonsense to suggest somehow that the minority leader of the Senate is determining the schedule of the Senate. There are times when one has to be repetitious in the Senate.

Let me give an example: increasing the minimum wage. When it comes time for increasing the tax benefits for the highest income groups in America, we have people rushing to the floor, standing up and talking about tax cuts. Good for them. If you happen to be in the top one-tenth of 1 percent of the income earners, there are people here coming to the floor of the Senate saying: Let's give you a big tax cut. They won't call it that. They will say it is for the little guy. But just unwrap the package and see what is there.

If you are in the top one-tenth of 1 percent of the income earners, good for you. You have great representation in the Senate. At least on a half dozen occasions this year, you had people coming over to vote for big tax cuts for you.

But what if you are at the bottom of the economic ladder? What if you are a single mother, working the midnight shift for the minimum wage, trying to make ends meet, trying to pay the rent, trying to buy food and see if there is any way you can scratch out money to have health insurance for your children? What about you? Who is rushing to the Senate floor to say perhaps we ought to provide a small increase in the minimum wage?

An increase in the minimum wage doesn't happen very often. Time and time again, we have tried to address the needs by increasing the minimum wage. It hasn't gotten done. We are near the end of the session. Is it repetitious to bring it back up? You bet it is. But some of us intend to be repetitious when it means standing up for the rights of the people at the bottom of the economic ladder who are working hard but who are losing ground because the cost of living is going up and their wages are not.

How about the issue of trying to keep guns out of the hands of criminals? Let me describe that problem in this session of the Congress. Most everybody agrees—certainly the law requires—that we prevent criminals from having access to guns. If you have been convicted of a felony, you don't have a right to own a gun. The second amendment doesn't apply to you, but it applies to law-abiding citizens. Criminals have no right to have a gun.

The NRA and virtually everybody else has agreed that we ought to have an instant check system where, if somebody wants to buy a gun, there name will be run through a computer check to see if this person is a convicted felon. If in running this check you discover the person has previously been convicted of a felony, that person has no right to a gun. At every gun store in this country, when you go in to buy a gun, that happens.

Everybody supports that—the National Rifle Association, Republicans, and Democrats; everybody supports that. But there is a loophole. If you don't go to a gun store but instead go to a Saturday gun show, there is no requirement when you purchase a gun at that Saturday gun show that they run your name through an instant check.

A fair number of guns are passing from one hand to another on Saturdays and Sundays at gun shows with no determination of whether the person buying the gun is a felon. So we in the Congress pass a provision that closes that gun show loophole. Is it erratic? Not at all. It is very simple, common sense. It says no matter where you buy a gun, a gun store or a gun show, your name has to be run through an instant check to determine whether you are a convicted felon. If you are not, you can buy the gun. If you are a convicted criminal, you can't because you don't have a right to a gun. That bill passed the Senate by one vote. It went into a piece of legislation and went to conference and never came back out.

A week or so ago, an appropriations subcommittee was considering legislation that would have allowed the introduction of an amendment to close that loophole once again because that provision is on a bill that apparently is not going to move in this session. This would have provided an opportunity to offer an amendment to close the gun show loophole. Instead of allowing that, guess what? They took that appropriations subcommittee bill and moved it directly to conference. It never came to the floor of the Senate. Those who would have offered the amendment to close the loophole were never offered the opportunity to do that. That is not the regular process in the Senate, not the way things ought to be done.

So there are reasons to insist on some of these issues from time to time. We wish, for example, that on many of these days when we weren't in session, we would have been in session. Perhaps we would have finished most of the appropriations bills. Perhaps we would have been able to reach agreement on issues such as education.

We have had a fairly significant debate, over many months in the 106th Congress, on the issue of education. We know that smaller class size means better instruction and better education. We know that 1 teacher with 30 students is less able to teach those students than 1 teacher with 15 students. So we have a proposal to help in that regard by helping school districts and States have the resources to hire more teachers. Yet we are not able to get that completed because there is controversy in this Congress about that issue.

There are also schools in this country that are crumbling. Anybody who visits any number of schools will recognize that there are a lot of schools in this country that were built after the Second World War when the folks came back from that war and got married and had families. They built schools in a prodigious quantity all across the country. School after school was built in the fifties, and now many of those schools are 50 years old and in desperate need of repair.

Every Republican and Democrat, man or woman, ought to understand that when we send a kid through a schoolroom door, as I have described Rosie Two Bears going through a third grade door the day I was visiting her school, we ought to have some pride in that school, some understanding that every young ''Rosie'' who is walking through the school doors is walking into a classroom that is the best we can provide, that will offer that child the best opportunity for an education we can offer that child.

But I have been to schools where 150 kids have 1 water fountain and 2 toilets. I have been to schools where kids are sitting at desks 1 inch apart, and there is no opportunity to plug in computers and get to the Internet because the school is partially condemned and they don't have access to that technology; they don't have a football field, a track, or physical education facilities. I have been to those schools. We can do better than that. There are

ways for us to help school districts modernize, rehabilitate, and rebuild some of those schools, and proposals to do that have largely fallen on deaf ears in this Congress.

Prescription drugs: We know what we should do on that issue. We know lifesaving drugs only save lives if you can afford to access those drugs. The current Medicare program doesn't provide a prescription drug benefit. 12 percent of our population are senior citizens and they consume one-third of all the prescription drugs. The cost of prescription drugs increased 16 percent last year alone. It is hard when you go to the homes of older Americans or go to meetings and have them come talk to you about the price of prescription drugs and see their eyes fill with tears and their chins begin to quiver as they talk about having diabetes, heart troubles, and other problems. They say they have been to the doctor and the doctor prescribed drugs, but they can't afford them. They ask, ''What shall we do?'' It happens all across the country all the time. We know we should add a prescription drug benefit to the Medicare program.

The Patients' Bill of Rights: If any issue ought to be just a slam dunk, it is this issue. Yet we are at the end of this session and can't pass a real Patients' Bill of Rights. The House passed one; it was bipartisan. And then the Senate passed a ''patients' bill of goods''—well, they don't call it that, but that is what it is. It is just an empty vessel to say they have done something.

We should pass the Patients' Bill of Rights and make sure that in doctors' offices and in hospital rooms across this country, medical care is administered by the doctors and by skilled medical personnel.

I won't recite all the stories. One is sufficient to make the point.

A woman fell off a cliff in the Shenandoah mountains and was in a coma. She had multiple broken bones. She was taken to an emergency room on a gurney and unconscious. She was treated and eventually recovered. Her managed care organization said it would not pay for her emergency care because she didn't have prior approval to visit the emergency room. This is a person hauled in on a gurney, unconscious, and she was told she needed prior approval in order to have the emergency room treatment covered by her managed care organization. Examples of that sort of treatment go on and on and on.

Patients should have a right to know all of their medical options, not just the cheapest. Patients ought to have a right to get emergency room treatment during emergencies. A patient ought to be able to continue treatment with the same oncologist. If a woman is being treated for breast cancer and her spouse has an employer who changes health care plans, she ought to be able to continue treatment with the same cancer specialist she had been working with for 3 or 5 years. Those are basic rights, in my judgment, which are embodied in the Patients' Bill of Rights. It is so simple and so straightforward and so compelling. Yet this Congress has not been able to get it done.

The list goes on. Agriculture sanctions: We have sanctions prohibiting food shipments to so many countries—about a half dozen around the world. We have economic sanctions against them, and those sanctions include a sanction on the shipment of food. President Clinton has relaxed that some; he is the first President to do so, and good for him. But he can't relax it, for example, with respect to Cuba. That is a legislative sanction, and we have to repeal it.

We ought not to use food as a weapon in the world. There should be no more sanctions on food shipments anywhere. The same ought to be true with medicine. The Senate has spoken on that by 70 votes. We said let's stop it. We are too big and too good a country to use food as a weapon. We try to hit Saddam Hussein and Fidel Castro and we end up hitting poor, sick, hungry people. It ought to stop. Yet we are near the end of this session and we don't seem to be able to do that.

It does not wash for anyone to come to this Chamber and say the problem is the minority party. That is nonsense. The problem is we haven't been in session a majority of this year. These red dates are the dates in which we have not been in session. The problem is we have people who do not want to schedule debate on the floor of the Senate on amendments because they do not want to cast votes on those amendments. We ought to change that. Let's decide whatever the amendments are and whatever the policy is and debate it and vote and whoever has the votes wins. In a democracy, you don't weigh votes. You count votes. Whoever ends up with the most votes at the end wins. That, again, is not rocket science. But that is the way democracy ought to work.

We have not been in session most of the year, and now we have people coming out suggesting that somehow the minority leader is responsible for the problems of scheduling in this session. It just does not wash. It is just not so.

I hope perhaps in the coming 2 weeks that remain in this 106th Congress that we will have some burst of energy, some burst of creativity, and perhaps some industrial strength vitamin B–12 administered to the entire Congress as a whole that would make us decide to do the things we know need doing.

As I indicated when I started, at the end of the day, the American people do not care much about who offered amendments and who didn't, and who brought legislation to the floor trying to shut debate off and who didn't. They are interested at the end of the day in whether this 106th Congress met and made much of a difference in their lives and in their families' lives. What people care about is the things they talk about around the supper table: Are my kids going to a good school? If not, what can I do about that? Do I have a good job that has some job security? Do I have a decent income? Am I able to believe that my parents and grandparents will have access to good health care? Do I live in a neighborhood that is safe?

All of these are issues that affect American families. All of these are issues that we are working on. And, regrettably, in the 106th Congress we are not working on them in a very effective way because we have not been meeting most of the year.

On those critical issues—health care, education, economic security, and a range of other issues—the things that will most affect working families in this country are things that this Congress is not inclined to want to work on, or are not inclined to want to pass. It would be one thing if we couldn't pass legislation addressing these issues because we had votes on these matters and we lost. But often we discover there are other ways to kill something by denying the opportunity to bring up the amendment for a vote.

It is interesting. In this Congress, we have had something pretty unusual. We have actually had legislation brought to the floor of the Senate and then cloture motions are filed to shut debate off before the debate even begins. We have had legislation brought to the floor of the Senate with cloture motions designed to shut amendments off before the first amendment was offered.

You wonder: How does that work? How does that comport with what the tradition of the Senate should be as a great debating society on which we take on all of the issues and hear all of the viewpoints and then have a vote about the direction in which we think this country should be moving?

When I came to the Congress some years ago, one of the older Members of Congress was Claude Pepper, who was then in his eighties—a wonderful Congressman from Florida. He used to talk about the miracle in the U.S. Constitution—the miracle that says every even-numbered year the American people grab the steering wheel and decide which way they want to nudge this country. That is how he described the process of voting. That is the power that the American people have. The American people choose who comes to this Chamber. The rules of this Chamber provide that we do the same as the American people. We take their hopes and we take their aspirations and their thoughts for a better life and we offer them here in terms of public policy. Then we are supposed to vote. That is the bedrock notion of how you conduct democracy.

Yet we are all too often getting in this rut of deciding that we don't have time; we don't want to have a vote on this; we want to sidetrack that; we want to hijack this.

That is not the way the Senate ought to work.

Again, I didn't intend to come to the floor this afternoon, but nor did I want to sit and listen to debate which suggests that the minority leader, or the Democratic caucus, or anybody else for that matter, is at fault for what is taking place.

As the Senator from West Virginia indicated, there is perhaps sufficient blame to go around. I don't disagree with that. But I also know that we didn't win the election. I wish we had. We don't control the Senate. I wish we did.

But between now and the date we finish in this session of Congress, let me encourage those who make schedules around here to heed the words of the minority leader, Senator DASCHLE. If we have a fair number of appropriations bills remaining and people are worrying about whether we are going to get them done, then what Senator DASCHLE suggests, and I firmly support, is to do one appropriations bill a day. Bring up a bill today. It is Monday. It is 3:30. Let's bring a bill up and debate it and stay here until it is done. That is a sure way of getting the bills done. It is a sure way of providing everybody with an opportunity to be heard. It is also a way perhaps to get the votes on the issues I described that I think this Congress ought to be doing.

I assume we will have an interesting debate in the coming days. I hope Congress will be able to finish its work in the next 2 or 3 weeks. I hope that when we finish our work Democrats and Republicans can together say at the conclusion of the 106th Congress that we have done something good for America. But that will not happen unless things change, and unless we take a different tact in the next 3 weeks. There is a list of about 8 or 10 pieces that we ought to do. Bring them to the floor. Let's get them done, and then let's adjourn sine die feeling we have done something good for our country.

I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from Maine, I suggest the absence of a quorum, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

—

WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. SMITH of New Hampshire. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. Under the previous order, the hour of 3:50 p.m. having arrived, the Senate will resume consideration of S. 2796, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and other purposes.

The PRESIDING OFFICER. There will now be 1 hour for closing remarks.

Mr. SMITH of New Hampshire. Madam President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Madam President, this is the first major piece of environmental legislation debated on the floor since I assumed the chairmanship of this committee nearly 1 year ago. I am proud to bring the Water Resources Development Act before the Senate, of which a major portion is the Everglades which I will talk about in a moment.

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

This bill gets us back on track toward regular biennial Water Resources Development Act bills. The committee produced a so-called WRDA bill last year, but that bill was 1 year late.

I am proud of the WRDA portion of this bill. This is not a bill that includes numerous unnecessary projects. The committee established some tough criteria on which we worked very closely. We evaluated the old criteria and put in new criteria. We scrupulously followed this criteria in an effort to not let projects make their way into this bill that did not belong there.

As I noted in my opening statement a few days ago, the committee received requests to authorize more than 300 new projects. By holding firm on our criteria in this WRDA bill, we only authorized 23 new projects. We authorize 40 feasibility studies, and the bill contains 65 project-related provisions or modifications that affect existing projects.

I remain very concerned about clearing the backlog of previously authorized projects that will not or should not be constructed. Along with Senator VOINOVICH, we are working very hard to clear that backlog. Called the deauthorization process, this will be an element of the committee's efforts to reform the Corps and to get those projects deauthorized that should not be there.

This bill tightens that process by shortening the length of time that an authorized project can stay on the books without actual funding. It is not the full answer, but it is a good answer, and it is a good beginning.

During floor consideration of the bill last week, we accepted an amendment that requires the National Academy of Sciences to perform two studies relating to independent peer review of the analyses performed by the Corps of Engineers.

I would like to make a few points about that amendment because it was a very important amendment. We certainly have read a lot about Corps reform in the local newspapers, specifically the Washington Post, over the last few months. The stories raised very legitimate issues about the economic modeling used to justify some of these water resources projects.

However, it is important to understand that a series of articles in a newspaper is no substitute for careful consideration of the facts and of the issues by the Congress. We have the oversight responsibility for the Army Corps, not the Washington Post.

Some Senators, such as Senator FEINGOLD, have proposed reforms that focus on one element in the Corps reform—whether or not to impose a requirement that the feasibility reports for certain water resources projects be subject to peer review. Others, such as Senator DASCHLE, introduced more comprehensive bills that would examine a number of the Corps reform issues, including peer review.

The committee needs more information before we can proceed with any bill that would impose peer review on the lengthy project development process that is already in place. We need to know the benefits of peer review and its impacts before starting down that road.

Senator BAUCUS and I are committed to examining this issue and other issues related to the operation and management of the Corps of Engineers next year. This will include hearings on Corps reform.

The hearings will take comments on the NAS study—the National Academy of Sciences study—the bills that have been introduced, as well as the issue in general.

I was very encouraged that the nominee to be the next Chief of Engineers, General Flowers, is receptive to working with the Congress on a wide range of reform-related issues.

I want to speak specifically about one major element in this legislation, the Everglades. There is an important element that separates this WRDA bill from all others, something that makes this WRDA truly historic. This WRDA bill includes our landmark Everglades bill, S. 2797, the Restoring of the Everglades, an American Legacy Act, very carefully named because it is an American legacy. We do have to restore it. That is what we have done. We have begun the process.

So many have asked—especially some of my conservative friends—why should the Federal Government, why should this Congress take on this long-term expensive effort? The answers really are not that difficult, if you look at them.

First, the Everglades is in real trouble, deep trouble. We could lose what is left of the Everglades in this very generation.

Secondly, the Federal Government, despite the best of intentions, is largely responsible for the damage that was done to the Everglades. The Congress

told the Corps of Engineers to drain that swamp in 1948—and drain it they did, all too well.

Finally, the lands owned or managed by the Federal Government—four national parks and 16 national wildlife refuges which comprise half of the remaining Everglades—will receive the benefits of the restoration.

So there is a lot of Federal involvement here. This is a Federal responsibility. There is a compelling Federal interest. The State of Florida, to its credit, has already stepped up and committed $2 billion to the effort. And Congress needs to respond to that pledge.

Let's be clear on one thing right now: This plan is not without risks. This comprehensive plan is based on the best science we have. Because of the very nature of the plan, and the additional requirements in the bill, we are certain we will know more about the Everglades and the success of the plan in the future.

To those of you who want guarantees, who want to be absolutely certain every dime we spend is going to be spent in a way that is going to restore the Everglades, then I say to you you probably should not support us because I cannot make that guarantee. But what I can say to you is, if we do nothing we lose the Everglades. So if you want to restore this precious national treasure, then you have to be willing to take the risk. And we are cutting that risk dramatically by the way we are doing this.

But we take risks all the time. We take risks every time we invest in a new weapons program for the Defense Department or when we invest in cancer research. I am sure there would be no Senator who would come to the floor and say: We have not yet found a cure for cancer; therefore, we should not risk any more money.

We need to take this risk to save this precious ecosystem. It is well worth it. We have cut the odds. Because of the nature of this plan, and the additional requirements in our bill, we are certain we are going to know much more about the Everglades in the future; and we are going to be able, through the process of adaptive management, to change every year or so. If something is not going right, we can pull back, try something new, so we do not waste a lot of dollars doing things that we do not want to do.

We acknowledge uncertainty. The plan acknowledges uncertainty. So when my colleagues come down and say there is some uncertainty about this, we know that. We anticipate that this plan will change as we gain more knowledge, while we implement it over the next 36 years.

This is a 36-year plan that is going to spend in the vicinity of $8 billion, split equally between the State of Florida and the Federal Government. It works out to a can of Coke per U.S. citizen per year. That is not a bad investment to be able to save the wading birds and the alligators and this precious river of grass of which we are all so proud.

I am confident, because of the time I have spent on this issue, that adaptive assessment or adaptive management—whatever you want to call it—will succeed, even if the plan is modified based on the new information that we get in the future.

The Everglades portion of WRDA has broad bipartisan support. Every major constituency involved in the Everglades restoration supports this bill—every one of them.

Is it perfect? Did everybody get exactly what they wanted? No. But everybody is on board. It is bipartisan and it is wide ranging. It goes from the liberal side of the equation to the conservative side. It includes the administration. It includes both Presidential candidates: Vice President GORE and Gov. George Bush. It includes the Florida Governor, Jeb Bush. It includes the Florida Legislature, both sides of the aisle unanimously. It includes the Seminole Tribe of Florida and the Miccosukee Tribe of Indians in Florida.

It includes major industry groups, such as the Florida Citrus Mutual, Florida Farm Bureau, Florida Home Builders, The American Water Works Association, Florida Chamber of Commerce, Florida Fruit and Vegetable Association, Southeast Florida Utility Council, Gulf Citrus Growers Association, Florida Sugar Cane League, Florida Water Environmental Utility Council, Sugar Cane Growers Cooperative of Florida, Florida Fertilizer and Agrichemical Association; and environmental groups as well, including the National Audubon Society, National Wildlife Federation, World Wildlife Fund, Center for Marine Conservation, Defenders of Wildlife, National Parks Conservation Association, The Everglades Foundation, The Everglades Trust, Audubon of Florida, 1000 Friends of Florida, Natural Resources Defense Council, Environmental Defense, and the Sierra Club.

I think it is pretty unusual to bring a major environmental bill to the Senate floor with that breadth of support. Support for the bill, as it stands today, is even broader than the support that existed for the administration's comprehensive plan.

We have taken a good product and have made it better. How have we made it better? It is more fiscally responsible. We defer decisions on some of the riskiest new technologies until we have more information from the pilot projects, which will help us to understand whether these projects should be continued. It has ground-breaking provisions to assure that the plan attains its restoration goals. It has the creation of a true partnership between the Federal Government and the State. This type of partnership—State concurrence in all important decisions and regulations—has no precedent in our environmental statutes. It has more detailed and meaningful reports to Congress on the progress of the plan, almost on a yearly basis.

The Everglades bill is a great model for environmental policy development, a model I endorse, a model I have worked hard to implement since I have been the chairman. It is cooperative. It is not confrontational. It is bipartisan. It is flexible. It is adaptive. It establishes a partnership between the Federal Government and the State.

Already, there is support for this bill in the House. Congressman CLAY SHAW introduced this bill as H.R. 5121 on September 7. He deserves credit for his leadership in that regard. Many others in the House on both sides of the aisle are ready to join the effort. I am asking my colleagues to join with me in support of this major piece of legislation.

I see my colleague and good friend from the State of Florida, Senator GRAHAM, is on the floor at this time. I will yield the floor in just a moment so he may speak.

Before doing so, I thank him, as well as Senator MACK, for his absolute and resolute involvement in this project. I went to Florida in early January at the request of Senator GRAHAM and Senator MACK to see for myself what the situation was. I spent several days there. We had a hearing in Florida. We listened to the people who were speaking on this issue.

I made a promise at that hearing that I would bring this bill to the Senate floor before the end of the year. With the help of good people such as Senator BOB GRAHAM of Florida and Senator MACK, Senator BAUCUS, and others, we have made that happen. I thank Senator GRAHAM publicly and personally for that. His cooperation has been splendid. Without him, we would not be here.

I yield the floor so my colleague from Florida may have a chance to address this issue that is so important to his State and to the Nation.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair. I express my deepest appreciation and gratitude to Senator SMITH for the great leadership he has provided to the Environment and Public Works Committee in many areas but especially for what he has done for the Florida Everglades, America's Everglades.

Senator SMITH, shortly after he assumed the chairmanship of the committee, after the untimely death of our friend and colleague Senator Chafee, made one of his first acts as chairman of the committee coming to the American Everglades. He did not just come. He absorbed the American Everglades through a series of briefings, field visits, and then concluded with a very long hearing before the annual Everglades Conference.

At that hearing, Senator SMITH gave a forum to all the diverse points of view as to what should be appropriate national policy as it relates to America's Everglades. He gave comfort to the people there that these decisions were going to be made in a rational,

thoughtful manner. That contributed immeasurably to the bringing together of all of those groups behind the plan which is before us today. I take this opportunity to thank the Presiding Officer's neighbor from New Hampshire for the tremendous leadership he has given.

Earlier today I was listening to National Public Radio where there was some grousing about the fact that bipartisanship seems to be a lost component of the congressional process. It is not lost on the Senator from New Hampshire because he has displayed it at its very best. On behalf of Senator MACK, I express our appreciation for that fact.

The legislation before us today represents an unprecedented compromise by national and State environmental groups, agriculture and industry. These diverse interests are united in support of the Everglades restoration bill, title VI of the Water Resources Development Act of 2000. This is the legislation we will have the opportunity to pass through the Senate today.

I ask unanimous consent that a letter of support for this bill be printed in the RECORD. This letter carries with it the names of many of the groups just listed by Chairman SMITH.

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

SEPTEMBER 14, 2000.

AN OPEN LETTER ON RESTORATION OF AMERICA'S EVERGLADES

DEAR FLORIDA CONGRESSIONAL DELEGATION, CONGRESSIONAL LEADERSHIP, AND COMMITTEE LEADERSHIP: We are writing to urge Congress to take immediate and decisive action on a historic accord recently reached on legislation to protect one of the nation's most precious natural resources, America's Everglades. We present a diverse group of interests that includes conservation organizations, agricultural producers, homebuilders, water utilities, and others that don't always agree on Everglades issues. However, we are united with Florida's two Senators, the bipartisan leadership of the Senate Committee on Environmental and Public Works, the Clinton Administration, and Florida's Governor Jeb Bush to endorse a legislative package that will protect America's Everglades while respecting the needs of all water users in Florida.

This legislation, currently embodied in a manager's amendment to S. 2797 and recently introduced in the House by Congressman Clay Shaw, H.R. 5121, was agreed to as a package and on the condition that all parties would support it in the Senate and the House. We are greatly encouraged that an agreement has been reached on this basis.

This legislation can be a sound framework for future management of South Florida's water resources and Congress should approve its orderly implementation as soon as possible. We consider this legislation as currently drafted to be a fair and balanced plan to restore the Everglades while meeting the water-related needs of the region. While there are other changes we all would have preferred, we believe the long and difficult process has produced a reasonable compromise.

This agreement has brought an unprecedented level of support for Everglades' restoration legislation. The greatest threat now facing the Everglades is the profound lack of time left in this Congressional session. We urge the Senate to pass expeditiously S. 2797, Restoration of the Everglades, An American Legacy Act. We further urge the Florida Congressional delegation, the Transportation and Infrastructure Committee, its Water Resources and Environment Subcommittee, and House Leadership to unite with the State, Administration, environmental organizations, and the agriculture, water utilities and homebuilders stakeholder coalition, to pass the bill in the House of Representatives and send it to the President for his signature before Congress adjourns for the November elections.

Sincerely,

Florida Citrus Mutual, Ken Keck; Florida Farm Bureau, Carl B. Loop, Jr.; Florida Home Builders, Keith Hetrick; 1000 Friends of Florida, Nathaniel Reed; Audubon of Florida, Stuart D. Strahl Ph.D.; Center for Marine Conservation, David Guggenheim.

The American Water Works Association, Florida Section Utility Council, Fred Rapach; Florida Chamber, Chuck Littlejohn; Florida Fruit and Vegetable Association, Mike Stuart; Southeast Florida Utility Council, Vernon Hargrave; Gulf Citrus Growers Association Association, Ron Hamel; Florida Sugar Can League, Phil Parsons; The Florida Water Environmental Association Utility Council, Fred Rapach; Sugar Cane Growers Cooperative of Florida, George Wedgworth; Florida Fertilizer and Agri-chemical Association, Mary Hartney.

Defenders of Wildlife, Rodger Schlickheinsen; The Everglades Foundation, Mary Barley; The Everglades Trust, Tom Rumberger; National Audubon Society, Tom Adams; National Parks Conservation, Mary Munson; National Wildlife Federation, Malia Hale; World Wildlife Fund, Shannon Estenoz; Natural Resources Defense Council, Brad Sewell.

Mr. GRAHAM. Madam President, I ask unanimous consent that immediately following my remarks, a letter from the Environmental Protection Agency Administrator, Ms. Browner; Secretary of Interior, Mr. Babbitt; and Assistant Secretary for Civil Works, Mr. Westphal; expressing their support for this legislation also be printed in the RECORD.

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

(See Exhibit 1.)

Mr. GRAHAM. The Everglades is sick. This sickness has been long coming.

It was approximately 120 years ago that man looked at the Everglades and realized that it was different, different than almost anything he or she had seen before, and seeing this phenomenon of the Everglades, made a commitment. The commitment was to turn the unique into the pedestrian by converting the Everglades into something that would look more like man and woman had seen in other areas of this country or other areas of the world.

The result of that has been 120 years of an effort to change the Everglades, to convert the singular into the common. The results of that 120 years have brought the Everglades to their current position. This cannot be cured without the serious surgery that we are about to sanction by the passage of this legislation.

Since the passage of the central and south Florida flood control project in 1948, placing the Everglades in the responsibility of the Corps of Engineers at the direction of Congress, nearly half of the original Everglades have been drained or otherwise altered. According to the National Parks and Conservation Association, the parks and the preserves of the Everglades, of whichever Everglades National Park is the jewel, are among the 10 most endangered national parks in the country.

As Florida's Governor in 1983, I launched an effort known as ''Save Our Everglades.'' Its purpose was to revitalize this precious ecosystem. The goal was simple. We wanted to turn back time. We wanted the Everglades to look and function more as they had at the end of the 19th century than they did in 1983.

In 1983, restoring the natural health and function of this precious system seemed to be a distant dream. But after 17 years of bipartisan progress in the context of a strong Federal-State partnership, we now stand on the brink of this dream becoming a reality.

I will speak for a moment about this unprecedented Federal-State partnership. I often compare this unique partnership to a marriage. If both partners respect each other and pledge to work through any challenges together, if they are willing to grow together, the marriage will be strong and successful.

Today, we are again celebrating the strength of that marriage. This legislation contains several provisions which were born out of the respect that sustains this marriage.

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

It requires that State government pay half the costs of construction. It requires the Federal Government to pay half the costs of operation and maintenance. Everglades restoration cannot work unless the executive branch, Congress, and State government move forward together. The legislation before us today accomplishes that goal.

The legislation before us today represents not only unprecedented compromise and partnership but also unprecedented complexity. Just as the Panama Canal, which this Congress authorized almost a hundred years ago, was the first of its kind, so is Everglades restoration. It is the largest, most complex environmental restoration project not only in the history of the United States of America but in the history of the world.

The lessons we will learn here will be exported to other projects throughout America and throughout the world. I trust that today the Senate will make the right choice. Today will be the day the Senate has an opportunity to make

a bipartisan commitment to an Everglades restoration plan that reflects a true partnership between the State and Federal governments. If we accomplish the historic goal of restoring America's Everglades, then today will be one of the most precious memories of our children and grandchildren.

In the words of President Lyndon Johnson:

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

Today is the day we have an opportunity to leave a glimpse of America's Everglades as they were when we first found them for future generations—beautiful, serene, a river of grass.

Madam President, we have commended a number of people who have worked hard to bring us to this day. I want to take this opportunity to commend members of the individual and committee staffs in the Senate who have played an immeasurable role in the success we will soon celebrate. Many people have worked with Senator SMITH, and I want to particularly recognize Chelsea Henderson, Tom Gibson, and Stephanie Daigle for their work on behalf of the American Everglades. With Senator BAUCUS, I thank Jo-Ellen Darcy and Peter Washburn. With Senator MACK, I thank C.K. Lee. And from my office, I thank Catherine Cyr, who has done work of negotiation that would do the most experienced diplomat honor.

So it is my hope we will grasp the opportunity that is before us and commence a long adventure—as long an adventure as is required to overturn 120 years of attempts to convert the Everglades into the common, so that we can leave to our children and grandchildren an American Everglades which salutes the highest standards of the words ''unique,'' ''special,'' and ''unprecedented.'' Those are the words that properly describe this marvelous system of nature.

Thank you.

EXHIBIT 1

DEPARTMENT OF THE INTERIOR, ENVIRONMENTAL PROTECTION AGENCY, DEPARTMENT OF THE ARMY,
Washington, DC, August 21, 2000.

Hon. ROBERT SMITH,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We strongly support your bill. S. 2797, ''Restoring the Everglades, an American Legacy Act,'' and recommend its passage by the Senate and House of Representatives as soon as possible. If enacted, this bill will help achieve the bipartisan goal of re storing a national treasure, America's Everglades.

S. 2797 is the product of hard work and negotiation among the Administration, the State of Florida and your Committee. Indeed, the proposed manager's amendment reflects full agreement between the Administration and the State of Florida on the bill. Accordingly, with adoption of the manager's amendment, we will recommend that the President sign the bill. The bill represents a highly effective approach for meeting essential restoration objectives while recognizing other issues important to the citizens of Florida.

We commend you, along with Senators Max Baucus, Bob Graham and Connie Mack, for your leadership and commitment to making Everglades legislation a top priority. We stand ready to do all we can to secure passage their year.

Sincerely,

BRUCE BABBITT,
Secretary of the Interior.
CAROL BROWNER,
Administrator, Environmental Protection Agency.
JOSEPH W. WESTPHAL,
Assistant Secretary for Civil Works Department of the Army.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Madam President, I thank my colleague for his very kind remarks. I very much appreciate his hard work on behalf of the Everglades, which dates back prior to his time in the Senate, as we all know, when he was the Governor of Florida. Then-Governor GRAHAM was very instrumental in keeping this project on line.

I think it is also important to understand that the Founding Fathers were a lot more brilliant than we sometimes give them credit. In this process, I think they foresaw an opportunity where a Senator from a State such as New Hampshire, which has nothing to do with the Everglades, could be chairman of a committee that would bring forth a major piece of environmental legislation in conjunction with the Florida Senators—a piece of environmental legislation as to another State about 2,000 miles to the south. It is a remarkable process we have here that would see that happening. I think the founders knew it. That is why we have a Senate, where we can work these things through in a way that has a national touch.

As I went down there and saw the Everglades firsthand and had the opportunity to have a hearing with Senators GRAHAM and VOINOVICH, who was also there, I realized—and I had visited there many times as a tourist—that the Everglades was in fact draining, that some 90 percent of the wading birds were lost, and animals and plant life were dying. On the one hand, on one side of the Tamiami Trial you had a desert; on the other side you basically had the wetlands that it was supposed to be. But the Tamiami Trail is a dam that needs to be removed to allow that water to flow all through that ecosystem from Lake Okeechobee to the Gulf of Mexico. It is a great project.

People might say, What is the Senator from New Hampshire doing here? Well, I remember the first time my son saw an alligator in Florida as a 6-year-old boy. It was a very poignant moment, and you don't forget those things. In talking to the park rangers over the years—and, most specifically, the last time I was there in January—you realize that the Everglades are in trouble. As I said earlier, there are no guarantees here, but I think we have cut the odds dramatically. I am very optimistic that this will work and work well. So I am certainly looking forward to the passage of this bill. I hope the House will quickly follow suit so that we can make this law before the end of the year.

I see Senator BAUCUS has arrived. I want to say before yielding to him how much I appreciate his help throughout this process. It has been a bipartisan effort. We are all guilty of partisanship from time to time, as well we should be; I think there are times when partisanship is important. But there was no partisanship on this issue. We worked together on it to bring this bill forward. Senator BAUCUS and his staff were very helpful, and we are grateful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I thank my good friend, Senator SMITH, for his comments.

I join him in urging my colleagues to support final passage of the legislation before us.

As we stated on the floor last week, this important bill authorizes projects for flood control, navigation, shore protection, environmental restoration, water supply storage, and recreation. All very important matters across the country. These projects often don't get headlines or much attention, but they clearly mean a lot to many people.

Each of these projects meet our committee criteria. That is important, too, because the Environment and Public Works Committee gets lots of requests. The projects are technologically feasible, economically justified, and environmentally sound. In addition, each project has a local sponsor willing to share a portion of the cost, which is something we insist upon in order to show that the project is important locally.

Passage of this bill will advance two projects that are very important for my State of Montana—the fish hatchery at Fort Peck Lake and the exchange of cabin site leases in the C.M. Russell Wildlife Refuge.

The fish hatchery is particularly important since it will create more jobs and help our State's economy in northeastern Montana, a part of the State which is, frankly, hurting.

The cabin lease exchange provision will also benefit the government, sportsmen, and cabin site owners by acquiring inholdings that are within the refuge and that have high value for wildlife in return for cabin sites now managed by the Corps.

Finally, this bill will start us on the path to restoration of that unique national treasure known as the Everglades.

Last week we heard my colleagues from Florida, as well as the leaders of

the Environment and Public Works Committee elaborate on the importance of this effort. We all know how important it is. It is one of our natural treasures.

This provision is a testament to true bipartisanship. Senators GRAHAM and MACK have been at the forefront of this effort. Governor Jeb Bush and the Clinton administration, particularly Interior Secretary Bruce Babbitt, have also worked closely to achieve this result.

And, of course, it could not have happened without the support of Senator SMITH, our chairman, who put this issue at the top of the committee's agenda this year and has worked tirelessly throughout the year to make this bill happen, and Senator, VOINOVICH, the subcommittee chairman. This has been an effort of his as well.

Without this bipartisan support in Washington, and throughout Florida, this project would not be where it is today. It would still be on the drawing board. And the Everglades would still be destined to die.

In conclusion, I want to assure our colleagues that this bill is the right thing to do. And it is worthy of their support.

Before yielding the floor, let me also mention some of the staff who deserve recognition for putting this bill together. I will submit a longer list for the RECORD.

But let me mention here my fine staff, particularly Jo-Ellen Darcy, who is sitting to my immediate left. Her expertise and experience in water issues has been a real asset to me and the committee.

I'll also tell you that she has become more familiar with the State of Florida than I think she ever imagined.

And Peter Washburn, who is sitting to Jo-Ellen's left, a fellow from EPA on the staff of the Environment Committee. He has provided invaluable assistance in shepherding this bill through the legislative process, and on many other issues before the committee.

Senator SMITH's staff, Chelsea Henderson, Stephanie Daigle, and Tom Gibson have similarly provided the leadership necessary to get this bill done. And Senator VOINOVICH's staff, Ellen Stein and Rich Worthington, were instrumental in negotiating this bill from the beginning.

Finally, staff from Senator GRAHAM's office, Catharine Cyr, and from Senator MACK's office, C.K. Lee, at times probably felt that they were on the staff of the committee for all the time they put into this effort.

All of us in the Senate, and all Floridians, should appreciate their dedication and hard work. They are people whose names aren't often mentioned. In fact, to be honest about it, they do most of the hard work. They are true servants in the best sense of the term because they are doing work for our country, yet do not seek to have their names in headlines.

I ask unanimous consent that a list of the many other people who deserve thanks for their part in making this bill a reality be printed in the RECORD.

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

SENATE STAFF DESERVING THANKS

EPW Committee: Tom Sliter, David Conover, Tom Gibson, Chelsea Henderson, Stephanie Daigle, Peter Washburn, and Jo-Ellen Darcy.

Catherine Cyr with Senator Graham; C.K. Lee with Senator Mack; Ellen Stein with Senator Voinovich; Rich Worthington with Senator Voinovich; Kasey Gilette with Senator Graham; Ann Loomis with Senator Warner; and Janine Johnson and Darcie Tomasallo-Chen with Legislative Counsel.

Army WRDA or Everglades Participants: Assistant Secretary of the Army for Civil Works, Dr. Joseph Westphal; Michael Davis; Jim Smyth; Chip Smith; Earl Stockdale; Susan Bond; Larry Prather; Gary Campbell; Milton Rider; and Stu Appelbaum.

Department of the Interior CERP legislative team: Secretary Bruce Babbitt; Mary Doyle, Acting Assistant Secretary for Water and Science; Peter Umhofer, Senior Advisor; Don Jodrey, Attorney, Office of the Solicitor; David Watts, Attorney, Office of the Solicitor; and Dick Ring, Superintendent, Everglades National Park.

Environmental Protection Agency: Administrator Carol Browner; Gary Guzy; Bob Dreher; Jamie Grodsky; John Hankinson; Richard Harvey; Philip Mancusi-Ungaro; Eric Hughes; and Dana Minerva.

White House Council of Environmental Quality: Bill Leary.

STATE OF FLORIDA EVERGLADES TEAM

Florida Governors Office: Governor Jeb Bush, J. Allison DeFoor, R. Clarke Cooper, Rick Smith, and Nina Oviedo.

Florida Department of Environmental Protection: Secretary David B. Struhs, Ernie Barnett, Leslie Palmer, John Outland, and Jennifer Fitzwater.

South Florida Water Management District: Executive Director Frank Finch, Kathy Copeland, Mike Collins, Tom Teets, John Fumero, Elena Bernando, Paul Warner, Abe Cooper, and Cecile Ross.

South Florida Ecosystem Restoration Task Force: Rock Salt.

Mr. SMITH of New Hampshire. Madam President, since both Senator GRAHAM and Senator BAUCUS have both mentioned so many people to thank, we always run the risk of leaving someone out whenever we do that. With apologies to anyone that I do, I would like to reiterate and reinforce some of those who have already been thanked as well as perhaps a couple more.

I think first and foremost we should mention Senator John Chafee who certainly started the process of the efforts on the Everglades, along with Senator BAUCUS. I know that John Chafee would be very proud of this moment because he felt deeply about this ecosystem. I think it is a great honor to be here now and be at this point knowing that John Chafee would have wanted this. It is a great tribute to him because he started the process. All we did was jump into the harness that he had already put on the team.

I also thank Senator VOINOVICH, subcommittee chairman, because he brought a lot of debate on this issue. He helped us correct many provisions—certainly on the financing end and the cost end. We look a lot more closely at projects because of him. He was certainly a stalwart in seeing that this was a more fiscally responsible item than perhaps it may have otherwise been.

Certainly Senator BAUCUS, who I already thanked, and Senators MACK and GRAHAM. As Senator BAUCUS correctly said, it seemed as if Senator MACK was on the committee. But that is the way we worked it. They are the two Senators. We worked with them. Senator GRAHAM, of course, is on the committee. But we worked together, knowing that we wanted all the input we could get from all of them.

The administration was helpful. Mary Doyle and Peter Umhofer at the Department of the Interior. And Secretary Babbitt who was here for a press conference when we announced and released the bill; Joe Westphal and Mike Davis from the Department of the Army; Gary Guzy from EPA; Stu Applebaum, Larry Prather, and many others from the Corps of Engineers; and Bill Leary from CEQ.

From the State of Florida—they have been absolutely fantastic on both sides of the aisle: David Struhs, Leslie Palmer, and Ernie Barnett from the Florida Department of Environmental Protection; Governor Bush himself, who has just been outstanding in conversation after conversation, working together on all of the provisions of this bill; and Kathy Copeland from the South Florida Water Management District.

From Senator BOB GRAHAM's staff, Catharine Cyr Ranson and Kasey Gilletteand, have been wonderful. We appreciate all they have done.

Senator MACK's staff has already been mentioned by Senator BAUCUS. But I would also like to thank C.K. Lee, who was really the honorary member of the committee staff.

Senator VOINOVICH's staff: Ellen Stein, Rich Worthington; and, of course, Senator BAUCUS' staff: Tom Sliter, Jo-Ellen Darcy, and Peter Washburn, all worked together in a nonpartisan way. We tried to keep the doors open at all times.

Of course, my own staff, Dave Conover, who is the chief of staff on the committee; Ann Klee, Angie Giancarlo, and Chelsea Henderson, now Maxwell—she found time to get married after they got the Everglades set and ready to go. We let her get married and go on her honeymoon and come back to be here for the finale—and Stephanie Daigle and Tom Gibson, all brought a great blend of knowledge of the water issues and engineering, as well, to the whole debate.

Let me say in closing to my colleagues that when you look back on your career in the Senate, I think you can be very proud of what you did. When you cast a vote to save the Everglades, I don't know if you are ever going to regret it. I think it is going to be a defining moment. Fifty years from

now when the historians look back, they are going to say when it came time to stand up for the Everglades, they did. I think it will be one of the finest things that you have done in your careers. I certainly feel that way about mine. The only regret would be if we didn't try. We did try, and I believe we will succeed as a result of the fact that we took this risk.

Some have said it would be ''bad politics,''—bad politics for the administration to work with the Republican Congress on an environmental issue; bad politics for Republicans to work with the administration with Florida as a ''swing State''; that maybe Governor George Bush will get too much credit, or AL GORE, who has been closely associated with the Everglades, is going to get too much credit. There is enough credit to go around. Who cares.

The point is that most everyone in Florida—and I do not know too many on the other side who do not—supports restoring the Everglades. Let the credit fall where it may. Let the credit be taken where people want to take it. But the truth is we did the right thing. That is all that matters in the long run.

There is a lot of history here. Congress initiated this plan in WRDA in 1992 when George Bush was in office and the Democrats were in the majority. It then refocused the Everglades effort in WRDA in 1996 when the Republicans were in the majority and Bill Clinton was in the White House.

I think you see that there is plenty of evidence of bipartisan support.

Congress set up the process under which this comprehensive plan was developed, but it was developed by this administration in cooperation with Florida, with tribes, and all other stakeholders.

Florida, under Jeb Bush, stepped up to the plate and passed the legislation, along with the funding, to keep this moving forward even before the Federal Government made its commitment. Florida made its commitment to put their money up.

When I became chairman, as has already been said, I took up the mantle and made this a priority. I believe in it. I made this restoration of the Everglades my highest priority. I am very grateful that my colleagues felt the same way and joined with me because, obviously, we wouldn't be here if it was just my priority. It takes at least 51 Senators to have that priority as well or we wouldn't be here.

The Senate took the plan and made some important modifications, strengthened it, broadened the support; Senator VOINOVICH's input strengthened it.

We are poised to send the bill to the House, a bill that has the support of every major south Florida stakeholder, the State of Florida, the administration, and I think most Members of the Senate.

Restoration of the Everglades is not a partisan issue. I ask my colleagues, if you have any doubts and you are worried about every single ''i'' being dotted and every ''t'' being crossed, take the risk. You will be glad you did. This is the right thing to do.

I am very excited about this action. I am very excited by the fact we have looked to the future. In politics, sometimes we look to the next election. This time, with this vote, we are going to look to the next generation and respond so our grandchildren and their children will enjoy alligators and wading birds and the river of grass once again—not only those who have had the chance to experience it now, but it will still be there for centuries to come because of what we did. I am proud of everyone for help in doing this.

EVERGLADES ECOSYSTEM

Mr. MACK. Madam President, I rise today to engage my colleague from Florida in a colloquy. Specifically, I want to clarify our understanding of the portion of the legislation we're considering today to restore, preserve and protect the Everglades ecosystem. My understanding is that the Comprehensive Everglades Restoration Plan authorized by this bill create a balance between state and federal interests in ensuring that the predicted Plan benefits—including benefits to both state and federal lands—are attained. It is my view that this bill is intended to recognize and maintain the State's interest in preserving the sovereignty, in State law, over the reservation and allocation of water within the State's boundaries. It is my further understanding that the Agreement called for between the President and the Governor of Florida will not result in a federalization of State water law. Florida water law requires that all reasonable beneficial water uses and natural system demands are subject to a public interest balancing test. Implementation of the Plan will rely upon State law and processes for reserving and allocating water for all users, according to the principles set out in the legislation before us. It is not the intent of this Act, or the President/Governor Agreement required by this Act, to create a procedure where all of the new water made available by the Plan will be allocated to the natural system leaving nothing for other water users. Rather, the agreement will simply ensure that water for the natural system is reserved first, and any remaining water may be allocated among other users according to the provisions of State water law. I yield to my colleague from Florida, Senator GRAHAM.

Mr. GRAHAM. Madam President, I would join my colleague from Florida, Mr. MACK in clarifying our understanding. I agree with his remarks, and make the further point that the Plan authorized by this bill will capture a large percentage of the water lost to tide or lost through evapotranspiration for use by both the built and natural systems, with the natural system having priority over the water generated by the Plan.

Mr. MACK. I appreciate the comments of my colleague and yield the floor.

SECTON 211, PROJECT DEAUTHORIZATION

Mr. WARNER. Madam President, Sec. 211 of the Water Resources Development Act of 2000 includes a provision to accelerate the process to deauthorize inactive civil works projects. I am concerned, however, that this provision will have unintended consequences for deep-draft navigation projects.

In 1986 the Congress authorized many port improvement projects after a 16-year deadlock with the Executive Branch. At that time, these projects were authorized according to the Report of the Chief of Engineers. Subsequently, with the concurrence of the non-Federal sponsor, elements of these major projects were constructed in phases. For example, in the case of the Norfolk Harbor and Channels Deepening Project, the project authorizes the deepening of the main channels to 55 feet, deepening anchorages to 55 feet and deepening secondary channels to 45 feet.

Significant progress has been made to deepen our nation's most active ports. These projects are critical to America's competitiveness in the global marketplace and to securing a favorable balance of trade. Like other major port navigation projects, construction under the Norfolk Harbor and Channels project has occurred in increments or phases. The outbound channel, anchorages and Southern Branch of the Elizabeth River have all been deepened under the current authorization. Work is underway to deepen the inbound channel to 50-feet, and the Commonwealth has fully funded this increment.

The remaining elements of the project are still vitally important and wholly supported by the Commonwealth of Virginia. The Port of Virginia is the second busiest general cargo port on the East Coast and the largest port in terms of total cargoes, which include bulk commodities such as coal and grain. The port complex consists of the Newport News Marine Terminal, Norfolk International Terminals, Portsmouth Marine Terminals, and the Virginia Inland Port.

In fiscal year 2000, over 12 million tons of containerized cargo moved through the ports. Virginia's general cargo facilities are responsible for more than $800 million a year in commerce and tax revenue. Also, Hampton Roads ranks among the world's largest coal exporting ports—handling more than 50 tons annually. Virginia's ports are one of the few in this country capable of loading and unloading the new generation of container ships.

I am concerned that the provision in section 211 relating to separable elements in subsection (b)(2), will deauthorize the 55-foot phases of this project within 1 year. This section fails to recognize that it makes good economic sense, from the federal and state perspective, to construct these large projects in phases.

I would ask the Chairman if my understanding of this section is correct?

Mr. SMITH of New Hampshire. The Senator from Virginia, Mr. WARNER, is correct in his understanding of the potential impact of the provision. However, it is not my intent to deauthorize large navigation projects which enjoy strong state and federal support. The Committee has discussed this matter with the Corps of Engineers and we are aware that the provision may inadvertently capture a universe of active, ongoing projects. I can assure my colleague that we will work in conference to be sure that projects like the Norfolk Harbor and Channels project, as well as other critically important projects are not deauthorized as a result of this provision.

Mr. WARNER. I thank the Chairman and I look forward to working with him on this issue. I have offered two provisions to clarify the intent of this section to the Chairman. I am aware that the Assistant Secretary of the Army's office also has provided technical assistance on this matter. I trust that before we conference with the House of Representatives, we will have language recommended by the Corps to correct the scope of this section.

HOMESTEAD AIR FORCE BASE

Mr. MACK. Madam President, I rise today to call the Senate's attention to a provision of the bill before us expressing the sense of the Senate concerning Homestead Air Force Base in Florida. I want to take a moment of the Senate's time today to express my understanding of this resolution and my own intent in agreeing to its inclusion in the bill before us today.

As my colleagues are aware, this Air Force base is currently in the disposal process set forth by Congress when it established a fair and impartial system for closing military facilities around the country. Since Hurricane Andrew devastated the region in 1992, the citizens of South Florida have waited for a disposal decision from the federal government. It is anticipated the property could provide a stable economic platform for a community that is in need of jobs and economic development. Clearly, it is my intent that whatever use to which the property is ultimately put be accomplished in a manner that does not adversely impact the surrounding environment or the Everglades restoration plan we're considering today.

But let me be clear, Mr. President. It is emphatically not my intent that this resolution be read by the United States Air Force to mean they should add to, alter, or amend the existing process for disposing the property at Homestead Air Force Base. It is my strong view that the process for conveying surplus military property is clearly set forth in the law and that process should be followed until the final Supplemental Environmental Impact Statement on the property is completed and the Air Force disposes the property.

Mr. GRAHAM. Will the Senator yield?

Mr. MACK. Yes.

Mr. GRAHAM. I agree with the remarks by my colleague from Florida, and I would add that, in my view, the resolution makes clear that—once the conveyance process is complete—the Secretary of the Army should work closely with the parties to which the property is conveyed to ensure compatibility with the surrounding environment and the restoration plan. Further, the resolution requests the Secretary of the Army report to Congress in two years on any steps taken to ensure this compatibility and any recommendations for consideration by the Congress. While this is laudable, and has my full support, this resolution should not be read to mean the Air Force must add any new hurdles to the existing base closure and disposal process.

I notice my colleague, Senator INHOFE, on the floor. I would ask my colleague for his thoughts on the Homestead matter and ask him if it is his understanding that the base closure law clearly sets out the process for disposing surplus military facilities and that this resolution does not alter or amend that law?

Mr. INHOFE. I appreciate the comments of my colleagues from Florida. I have worked in the Armed Services Committee of the Senate to protect and defend the base closure and disposal process from political manipulation. I would agree that the resolution in the legislation before us today should not be read to mean the Air Force should delay its decision on the disposal of Homestead Air Force Base or otherwise alter its decision making process. The law is clear on how surplus military facilities in this country are disposed and it is my intent that this law be followed and adhered to by the Air Force. I note the presence on the floor of the distinguished chairman of the Armed Services Committee on the floor. I yield to Senator WARNER.

Mr. WARNER. I thank my colleague for his courtesy. I have listened carefully to the discussion between my colleagues. I would agree with the remarks of Senator INHOFE. The base closure process now in law should work its will in the case of Homestead Air Force Base according to the principles set forth in the law. No new layers of decision should be added as a result of the action we're taking here today.

Mr. BURNS. Madam President, I rise today in support of S. 2796, The Water Resources Development Act of 2000. I want to thank the Chairman of the Environment and Public Works Committee, Senator SMITH of New Hampshire, and my colleague from Montana, Senator BAUCUS for working with me to include two provisions in this year's bill.

Earlier this year, I introduced the Fort Peck Fish Hatchery Authorization Act of 2000. As you may know, the Fort Peck Reservoir is a very prominent feature of North Eastern Montana. The Fort Peck project was built in the 1930s to dam the Upper Missouri River. The result was a massive reservoir that spans across my great state.

The original authorization legislation for the Fort Peck project, and subsequent revisions and additions, left a great many promises unmet. A valley was flooded, but originally Montana was promised increased irrigation, low-cost power, and economic development. Since the original legislation, numerous laws have been enacted promising increased recreational activities on the lake, and also that the federal government would do more to support the fish and wildlife resources in the area.

In this day and age, economic development in rural areas is becoming more and more dependent upon recreation and strong fish and wildlife numbers. The Fort Peck area is faced with a number of realities. First, the area is in dire need of a fish hatchery. The only hatchery in the region to support warm water species is found in Miles City, Montana. It is struggling to meet the needs of the fisheries in the area, yet it continues to fall short. Additionally, an outbreak of disease or failure in the infrastructure at the Miles City hatchery would leave the entire region reeling with no secondary source to support the area's fisheries.

We are also faced with the reality that despite the promises given, the State of Montana has had to foot the bill for fish hatchery operations in the area. Since about 1950 the State has been funding these operations with little to no support from the Corps of Engineers. A citizens group spanning the State of Montana finally decided to make the federal government keep its promises.

Last year the citizens group organized, and state legislation subsequently passed to authorize the sale of a warm water fishing stamp to begin collecting funds for the eventual operation and maintenance of the hatchery. I helped the group work with the Corps of Engineers to ensure that $125,000 in last year's budget was allocated to a feasibility study for the project, and Montanans kept their end of the bargain by finding another $125,000 to match the Corps expenditure. Clearly, we are putting our money, along with our sweat, where our mouth is.

Recreation is part of the local economy. But the buzzword today is diversity. Diversify your economy. The Fort Peck area depends almost solely on agriculture. More irrigated acres probably aren't going to help the area pull itself up by its boot straps. But a stronger recreational and tourism industry sure will help speed things up.

A lot of effort has already gone into this project. A state bill has been passed. The Corps has dedicated a project manager to the project. Citizens have raised money and jumped over more hurdles than I care to count. But the bottom line is that this is a great project with immense support. It is a good investment in the area, and it

helps the federal government fulfill one thing that it ought to—its promises.

Unfortunately, everything we wanted wasn't included in this legislation. As I originally drafted the legislation it ensured that the federal government would pick up part of the tab for operation and maintenance. Unfortunately, as Chairman SMITH and Senator BAUCUS worked out the details of the legislation for inclusion in the Water Resources Development Act, they were unable to support this provision. I had hoped that, as in the portion of this bill dealing with the Everglades, they would allow the federal government to pick up a larger portion of the operation and maintenance overhead.

Second, the legislation continues to include a section for power delivery that directs the Secretary of the Army to deliver low cost Pick-Sloan project power to the hatchery. This provision in the bill has raised the concerns of the local electric co-operatives and those that use Pick-Sloan power. I have worked with the Corps and the local interests to assure that this provision is not needed as drafted. I have discussed the need for changes with both the Chairman and Senator BAUCUS. I have secured a commitment from both of them to resolve this issue when the legislation goes to conference committee.

Despite this shortcoming with the legislation, I am have worked hard on the hatchery project and feel it is necessary that we must move ahead as it has been included. I thank the Committee for working with me to ensure the hatchery project was included on my behalf.

Another Montana specific provision, recently added to the legislation, allows the Corps of Engineers and the United States Fish and Wildlife Service to dispose of sites that are currently occupied by cabin leases and use the proceeds to purchase land in, or adjacent to, the Charles M. Russell National Wildlife Refuge that surrounds Fort Peck Reservoir. This provision is a classic example of a win-win situation that will help support recreation and wildlife habitat in the region. By selling these cabin sites, we are reducing government management considerations, offering stability to the cabin owners, and providing a revenue source to purchase inholdings. Senator BAUCUS and I have been working on this legislation for a few years, and to see it included in this legislation is a great accomplishment for both of us.

Mr. TORRICELLI. Madam President, I rise to address a provision included in WRDA that will help local communities in many parts of the nation deal with the burden they often face when the federal government undertake dredging projects in their region.

Before discussing the merits of this legislation, I want to first thank my colleagues, particularly Senators SMITH, BAUCUS, and VOINOVICH for their assistance and cooperation. My colleagues have been remarkably helpful in this matter, they have understood the need, and I am grateful that they have agreed to include it in the managers package.

Within WRDA there is a $2 million annual authorization to allow the U.S. Army Corp of engineers to develop a program that will allow all eight of its regional offices to market eligible dredged material to public agencies and private entities for beneficial reuse.

Beneficial reuse is a concept which has largely been largely underutilized. As a result, dredged material is often dumped on the shorelines of local communities to their disadvantage, instead of sold to construction companies and other developers who would be eager to have this material available. We have known about this strange and ironic, even tragic, situation for some time, yet until now, not enough has been done to bring relief to these communities.

The people of southern New Jersey are all too familiar with this situation. Current plans by the U.S. Army Corps call for more than 20 million cubic yards of material dredged from the Delaware River to be placed on prime waterfront property along the Southern New Jersey shoreline. However, with some effort and encouragement, the Army corps has recently identified nearly 13 million cubic yards of that material for beneficial reuse in transportation and construction projects that would have otherwise been simply placed in upland sites.

From this experience, which is also happening in port projects in other parts of the country, we should learn that contracting companies, land development companies, and major corporations want this material. This means we need to encourage the Army corps to be thinking about ways to beneficially reuse dredged material upfront so that communities will not be confronted with the same problems faced by the citizens of Southern New Jersey.

The program created by this legislation will give the Army Corps the authority and the funding they require to begin actively marketing dredged material from projects all across the United States. It recognizes the need to keep our nation's rivers and channels efficient and available to maritime traffic while ensuring that local communities are treated fairly.

I would again like to thank chairman SMITH, Ranking Member BAUCUS, and Senator VOINOVICH for their commitment and attention to this important issue.

Mr. SMITH of Oregon. Madam President, I rise to express my support for S. 2796, the Water Resources Development Act of 2000. This bill, which authorizes numerous Army Corps of Engineers' programs throughout the Nation, is of vital importance to my state of Oregon.

Oregon has both coastal and inland ports that rely heavily on the technical assistance provided by the Corps' programs for their continued operation. Dredging and flood control activities are also important to the economic vitality of Oregon. The Corps also operates a number of dams in the Columbia River basin and the Willamette River basin that generate clean hydroelectric power.

S. 2796 authorizes the study of several small aquatic ecosystem restoration projects in Oregon. It also designated the Willamette River basin, Oregon, as a priority watershed for a water resource needs assessment.

I would like to express my deep concerns about one provision in the bill, however. It has come to my attention that Section 207 of the bill, which is worded very innocuously, would allow for contracting out of operations and maintenance activities at Federal hydropower facilities. The dedicated men and women, many of whom are my constituents, who currently provide operations and maintenance at Corps' hydropower facilities in the Pacific Northwest are professionals of the highest order. Any problems related to the operations and maintenance at hydropower facilities on the Columbia River are the result of the Corps' failure to sign a direct funding agreement with the Bonneville Power Administration for almost 7 years after being authorized to do so.

As the Water Resources Development Act moves to conference, I urge that this provision be deleted from the bill, as it already has been in the House version.

Mr. ABRAHAM. Madam President, I rise today to offer my thanks to Senator SMITH, the chairman of the Environment Committee and commend him for his successful effort to pass the Water Resources Development Act of 2000.

Included in this legislation is language I crafted with Representatives EHLERS and CAMP to further clarify the extent of the Great Lakes Governors' authority over diversions of Great Lakes water to locations outside the basin. This amendment makes clear that both diversions of water for use within the U.S. and exports of water to locations outside the U.S. may occur only with the consent of all eight Great Lakes governors. Questions over the definition of ''diversion'' made this clarification necessary.

Almost as important, this amendment demonstrates that it is the intent of the Congress that the states work cooperatively with the Provinces of Ontario and Quebec to develop common standards for conservation of Great Lakes water and mechanisms for withdrawals. Such cooperation is crucial if we are to have equal and effective programs for conserving these waters and maintaining the health of the Great Lakes.

In closing, let me state that I regret that my colleague, the senior Senator from Michigan did not join me in this effort. We share differing opinions over

the need for clarification of the 1986 act. And while I disagreed with his interpretation of the definition of ''bulk fresh water,'' because diversions of water for use within the U.S. are already distinctly covered in the 1986 act, I nevertheless modified the amendment at his request, and I share his commitment to protecting the tremendous resources for future generations.

Mr. MACK. Madam President, I will only take a moment of the Senate's time today—prior to the vote on the Water Resources Development Act—to acknowledge the importance of this moment and the action the Senate will take today to restore and preserve America's Everglades.

My colleague, Senator GRAHAM, and I have worked for eight years to bring this bill to the floor and it gives me great satisfaction that today it will be approved by the Senate.

I want especially to thank Chairman SMITH for his dedication to this effort over the past few months. He has worked side-by-side with us to develop the consensus product we're voting on today. As we developed this legislation, he and his staff provided valuable input into the process and we appreciate the long hours they put in on our behalf.

Further, I want to—once again—acknowledge my colleague, Senator GRAHAM. He has worked on Everglades issues for years—even prior to his time in the Senate—and it has been a pleasure to work with him over the years as we worked on the legislation before us.

The Corps of Engineers, the Department of Interior, and the Council on Environmental Quality have worked long hours to turn this bill into reality. I appreciate the support of these agencies throughout the process and for the proof—once again—that saving the Everglades is not a partisan issue.

And finally, I want to acknowledge the hard work and steadfast support of Governor Bush. The State of Florida is a full partner with us in this restoration effort, and I believe the work we've put in together in writing this bill bodes well for a lasting partnership on behalf of the Everglades.

The Everglades is an American treasure. Today we in the Senate will take a major step forward in passing a restoration plan that is rooted in good science, common sense, and consensus. I thank everyone who participated in this process for their hard work and dedication to the effort.

Mr. DASCHLE. Madam President, I am pleased that the Senate is poised to pass the Water Resources Development Act of 2000 (WRDA). This legislation includes critical provisions to restore the Florida Everglades and the Missouri River in South Dakota and I am hopeful that it will be enacted this year.

Among the provisions of WRDA that will most benefit South Dakota is a section incorporating elements of S. 2291, the Missouri River Restoration Act. I introduced this legislation last May to address the siltation of the Missouri River in South Dakota and the threat to Indian cultural and historic sites that border the river. The WRDA bill under consideration today takes an important first step to address these problems, and I want to thank all of my colleagues for their help to secure the passage of this legislation. In particular, Senator JOHNSON, Senator BAUCUS, Senator SMITH of New Hampshire and Senator VOINOVICH deserve praise for their efforts to incorporate this legislation into the larger bill. It is my hope that Congress will adopt the remaining elements of my comprehensive proposal to restore the Missouri River, including the creation of a Missouri River Trust Fund, in the foreseeable future.

The need for this legislation stems from the construction of a series of federal dams along the Missouri River in the 1950s and 1960s that forever changed its flow. For decades, these dams have provided affordable electricity for millions of Americans and prevented billions of dollars of damage to downstream states by preventing flooding. They have also created an economically important recreation industry in South Dakota.

However, one of the consequences of the dams is that they have virtually eliminated the ability of the Missouri River to carry sediment downstream. Before the dams, the Missouri was known as the Big Muddy because of the heavy sediment load it carried. Today, that sediment is deposited on the river bottom in South Dakota, and significant build-ups have occurred where tributaries like the Bad River, White River and Niobrara River empty into the Missouri.

The Bad River, for example, deposits millions of tons of silt into the Missouri River each year. This sediment builds up near the cities of Pierre and Ft. Pierre, where it has raised the local water table and flooded area homes. Already, Congress has had to authorize a $35 million project to relocate hundreds of families. To prevent more serious flooding, the Corps has had to lower releases from the Oahe dam, causing a $12 million annual loss due to restricted power generation.

Farther south, near the city of Springfield, sediment from the Niobrara River clogs the Missouri's channel for miles. Boats that used to sail from Yankton to Springfield can no longer navigate the channel, eroding the area's economy. This problem will only grow worse. According to the Corps of Engineers, in less than 75 years Lewis and Clark lake will fill entirely with sediment, ending the ability of that reservoir to provide flood control and seriously threatening the economies of cities like Yankton and Vermillion.

In addition to the impact of sediment on flood control, over 3000 cultural and historic sites important to Indian tribes, including burial grounds, campsites, and ancient villages, are found along the Missouri River in the Dakotas. Many of these sites are threatened by erosion, and each year some of them are irretrievably lost as they tumble into the river. Critical points of the Lewis and Clark trail also follow the Missouri through South Dakota, and they are threatened by erosion as well.

The elements of the Missouri River Restoration Act included in WRDA today address these problems by establishing a Missouri River Task Force composed of federal officials, representatives of the State of South Dakota and area Indian tribes. It will be responsible for developing and implementing a Missouri River Restoration Program to reduce sedimentation and protect cultural and historic sites along the river.

I would like to take a few minutes to explain in detail how this process will work First, the bill establishes a 25-member Missouri River Trust. Appointments will be made to the Trust by the Secretary of the Army. These appointments must be in accordance with the recommendations of the Governor of South Dakota and area Indian tribes to ensure that there is a strong local voice on the Trust. Second, the bill establishes a Missouri River Task Force, chaired by the Secretary of the Army and including representatives of the Department of Interior, Department of Energy and Department of Agriculture. It also includes the Missouri River Trust.

Once funding for this legislation becomes available, the U.S. Army Corps of Engineers will prepare an assessment of the Missouri River watershed in South Dakota that reviews the impact of siltation on the river, including its impact on a variety of issues: the Federal, State and regional economies; recreation; hydropower; fish and wildlife; and flood control. Based upon this assessment and other pertinent information, the Task Force will develop a plan to improve conservation in the Missouri River watershed; control and remove sediment from the Missouri River; protect recreation on the Missouri from sedimentation; protect Indian and non-Indian cultural and historic sites from erosion; and improve erosion control along the river.

Once this plan is approved by the Task Force, the Task Force will review proposals from local, state, federal and other entities to meet the goals of the plan and recommend to the Secretary of the Army which of these proposals to carry out. It is the intention of this legislation that the Corps contract with, or provide grants to, other agencies and local entities to carry out these projects. To the extent possible, the Secretary should ensure that approximately 30 percent of the funds used to carry out these projects are spent on projects within Indian reservations or administered by Indian tribes. The bill authorizes a total of $4 million per year for the next 10 years to carry out these goals.

While the Task Force will have the flexibility it needs to take appropriate actions to restore the Missouri River,

it is my expectation that a significant effort will be made to improve conservation in the Missouri River watershed. Pilot projects have shown already that the amount of sediment flowing into the Missouri's tributaries can be reduced by as much as 50 percent with appropriate conservation practices. If requested, the Task Force will also have the authority to work with farmers across the river in Nebraska, for example, to reduce the amount of sediment flowing in from the Niobrara River.

The conceptual underpinnings of this legislation were developed through numerous public discussions that I have held in South Dakota over the last year. Last January, I held a Missouri River Summit in the town of Springfield with Governor Janklow, Lower Brule Sioux Tribe Chairman Mike Jandreau, and other experts to discuss how to address these critical problems. In April, Governor Janklow and I held a hearing in Pierre to gather public comment about proposals to restore the river.

I have been pleased by the outpouring of support I have seen for efforts to restore the river. Dozens of communities such as Yankton, Chamberlain, Springfield, Wagner, Pickstown, Mitchell and others have passed resolutions in support river restoration. American Rivers, a national leader in river protection, has recognized this need as well. The legislation passed today takes the first important step we need to take to get this job done. I'd like to thank all those in South Dakota who contributed to this process, and my colleagues in the Senate for all of their support. I look forward to our continued work together.

Finally, the WRDA bill includes an amendment to the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act. This amendment requires the Corps of Engineers to meet its legal responsibilities to identify and stabilize Indian cultural sites, clean up open dumps, and mitigate wildlife habitat along the river. It also makes important technical changes to that law that will help ensure its smooth implementation. It is my hope that the Corps of Engineers will respond by working closely with the tribes and the state to clean up those lands, stabilize Indian cultural sites, and transfer the lands along the river to the tribes and state in a timely manner.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, in a few minutes we will vote on final passage of the Water Resources Development Act of 2000. The bill is a product of months of hard work by the Committee on Environment and Public Works and the Subcommittee on Transportation and Infrastructure. I thank those Senators and staff members whose efforts have brought us where we are today.

First, I thank Ellen Stein, Rich Worthington, and Karen Bachman of my staff for their dedicated effort on this bill. The number of hours they put in on this is unbelievable.

I also thank my chairman, BOB SMITH, and his staff for all their efforts in making this bill a reality, particularly in the very difficult negotiations on the Comprehensive Everglades Restoration Plan.

My thanks to staff director Dave Conover, Tom Gibson, Stephanie Daigle, and Chelsea Henderson Maxwell for all the hard work they put in on this piece of legislation.

As most successful bills in the Senate—and I am learning this pretty quickly as a new Member of the Senate—ours has been a product of bipartisanship. Senator MAX BAUCUS and his staff, in putting this bill together, have put in long hours. I recognize the efforts of minority staff director Tom Sliter, Jo-Ellen Darcy, and Peter Washburn for the good work they did in putting this legislation together.

I also acknowledge the work of Senator BOB GRAHAM and Senator CONNIE MACK and their staff in helping to forge a consensus on the Comprehensive Everglades Restoration Plan. I suspect they looked at some of the things I was involved in as maybe getting in the way and holding things up, but I want them and their staff to know we were conscientiously trying to make this something we could all be proud of and get the support of the Senate. I particularly thank C.K. Lee of Senator MACK's staff and Catherine Cyr Ranson of Senator GRAHAM's staff for their work.

We know the essential role of the Senate Legislative Counsel's Office in helping to draft legislation. I thank Janine Johnson for her invaluable help. Again, I think so often we take for granted the terrific work these folks do in putting these bills together.

Further, any water resources development bill involves the evaluations of hundreds of projects and proposals. We depend on the Corps of Engineers in supplying information and expertise in this process. Larry Prather and his staff at the Legislative Management Branch at the Corps have provided invaluable assistance to the Committee on Environment and Public Works and to this Senator. I give them the recognition they deserve.

As I stated in my opening remarks, when we began debate on this legislation, I am proud of the work our committee and subcommittee have accomplished in putting together this bill. This is a disciplined bill that maintains the committee's commitment to the principles of high standards of engineering, economic, and environmental analysis, and adherence to cost-sharing principles and resistance to mission creep.

This has not been an easy process, and we have not always agreed on the content of the legislation. But this effort has been marked throughout by cooperation and compromise. To me, this was highlighted dramatically in the negotiation over the bill's discussion of the relationship between Homestead Air Force Base and Everglades restoration. I particularly thank the environmental groups—specifically, the National Resource Defense Council and the Sierra Club—for their critical roles in this effort.

All in all, I think this is a well-balanced bill that provides authorization to a number of needed water development projects across this Nation. I urge my colleagues to support this legislation.

I yield the floor.

AMENDMENT NO. 4188

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I ask unanimous consent that the amendment currently at the desk be agreed to. This amendment has been agreed to by the minority.

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

The amendment (No. 4188) was agreed to, as follows:

AMENDMENT NO. 4188

(Purpose: To express the sense of the Congress with respect to U.S.-Canadian cooperation on development of conservation standards embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin, and for other purposes)

At the appropriate place, insert the following:

SEC. . EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING. Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

(2) to encourage the Grant Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER. Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by

(1) inserting or exported after diverted; and

(2) inserting or export after diversion.

(c) SENSE OF THE CONGRESS. It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

Mr. LEVIN. Madam President, we have before the Senate the Water Resources Development Act of 2000. I had great concern with the amendment offered last week by Senator ABRAHAM because the amendment sought to define terms which could have resulted in

increased domestic diversion of Great Lakes water. This amendment, which was accepted as part of the manager's package until I asked that it be removed, could have led to the opposite of what we need for the Great Lakes. Specially, the amendment as accepted by the managers last week defined bulk fresh water as ''fresh water extracted in amounts intended for transportation outside the United States by commercial vessel or similar form of mass transportation, without further processing.'' This definition could have been interpreted as allowing more diversion of Great Lakes water within the United States. This threat to the Great Lakes was unacceptable and I would have strongly opposed the amendment with that definition.

I still have reservations about the amendment because some might try to use it to argue that the current protections against diversions of Great Lakes water provided by existing law are not sufficient. We currently have an effective veto over bulk removals of Great Lakes water outside of the Great Lakes basin. When we passed WRDA in 1986, we acted to make sure that each Great Lakes governor would have a veto over such removals. This protection is legally sufficient and we should do nothing to imply otherwise.

If the states formally adopt a conservation strategy and standards, and the governors are currently working on those standards, such standards might provide an additional safeguard to strengthen our position that our current gubernatorial veto policy over bulk removals of Great Lakes water is consistent with the rules of international trade. This conservation strategy and standards might also provide additional protection against removals from the basin. But I favor seeking that additional strength for our position in a way which has no possible implication that it is necessary. While this amendment falls short in this regard, once offered, it would be worse if it were not adopted so I will not object to it.

Mr. SMITH of New Hampshire. I yield the remainder of time to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. I thank the leader. First of all, there are no two people I respect more than the two Senators from Florida. They certainly have done a very good job on the Everglades portion of the bill.

However, I have to get on record. I will oppose the bill because of these elements that have been introduced. This is of great concern to me. Looking at the fiscal end, I see four reasons we should not have this on the bill. First of all, if we do this, and we have already done it—and on the Everglades portion I pleaded with everyone it should have been a stand-alone bill because it is too big to be incorporated into this resources bill—this will be the first time we have actually had projects without first having the Chief of the Corps of Engineers give a report. That has been something we have said is necessary.

Second, we are looking at questionable technology. Everyone has admitted this. Certainly, the chairman of the committee, the distinguished Senator from New Hampshire, was very honest about it and straightforward. He said he felt strongly enough about it that we will have to try some things that perhaps have not been proven. This is unprecedented.

Third, the amount of money we are talking about is open ended. We say this will be $7.8 billion in 38 years. But when we first started Medicare, approximately the same length of time ago, they said it would cost $3.4 billion, and this year it is $232 billion.

A major concern I have is changing a precedent that has been there for 16 years; that is, that the operation and maintenance costs should come from the States. Now we are absorbing those costs, or at least 50 percent of those costs, operation and maintenance, by the Federal Government.

I think we are opening up something here. Yes, it is popular. There is a big constituency. It is open ended. It could end up costing us a tremendous amount of money.

I wanted a chance, Madam President, to explain why I have to vote against this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for the third reading and was read the third time.

Mr. SMITH of New Hampshire. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. MCCONNELL), the Senator from Wyoming (Mr. THOMAS), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), the Senator from Oregon (Mr. SMITH) the Senator from Washington (Mr. GORTON), and the Senator from Vermont (Mr. JEFFORDS) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. LIEBERMAN) the Senator from California (Mr. MILLER), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 85, nays 1, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—85

Abraham	Edwards	Mack
Allard	Feingold	Mikulski
Ashcroft	Fitzgerald	Moynihan
Baucus	Frist	Murkowski
Bayh	Graham	Murray
Bennett	Gramm	Nickles
Biden	Grams	Reed
Bond	Grassley	Reid
Boxer	Gregg	Robb
Breaux	Hagel	Roberts
Brownback	Harkin	Rockefeller
Bryan	Hatch	Roth
Bunning	Helms	Santorum
Burns	Hollings	Sarbanes
Byrd	Hutchinson	Sessions
Campbell	Hutchison	Shelby
Chafee, L.	Inouye	Smith (NH)
Cleland	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerrey	Stevens
Conrad	Kerry	Thompson
Craig	Kohl	Thurmond
Crapo	Kyl	Torricelli
Daschle	Landrieu	Voinovich
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lincoln	Wyden
Dorgan	Lott	
Durbin	Lugar	

NAYS—1

Inhofe

NOT VOTING—14

Akaka	Jeffords	Miller
Bingaman	Lautenberg	Schumer
Enzi	Lieberman	Smith (OR)
Feinstein	McCain	Thomas
Gorton	McConnell	

The bill (S. 2796), as amended, was passed, as follows:

S. 2796

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 ''Water Resources Development 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. Definition of Secretary.

TITLE I—WATER RESOURCES PROJECTS

Sec. 101. Project authorizations.
Sec. 102. Small shore protection projects.
Sec. 103. Small navigation projects.
Sec. 104. Removal of snags and clearing and straightening of channels in navigable waters.
Sec. 105. Small bank stabilization projects.
Sec. 106. Small flood control projects.
Sec. 107. Small projects for improvement of the quality of the environment.
Sec. 108. Beneficial uses of dredged material.
Sec. 109. Small aquatic ecosystem restoration projects.
Sec. 110. Flood mitigation and riverine restoration.
Sec. 111. Disposal of dredged material on beaches.

TITLE II—GENERAL PROVISIONS

Sec. 201. Cooperation agreements with counties.
Sec. 202. Watershed and river basin assessments.
Sec. 203. Tribal partnership program.
Sec. 204. Ability to pay.
Sec. 205. Property protection program.
Sec. 206. National Recreation Reservation Service.
Sec. 207. Operation and maintenance of hydroelectric facilities.
Sec. 208. Interagency and international support.
Sec. 209. Reburial and conveyance authority.

Sec. 210. Approval of construction of dams and dikes.
Sec. 211. Project deauthorization authority.
Sec. 212. Floodplain management requirements.
Sec. 213. Environmental dredging.
Sec. 214. Regulatory analysis and management systems data.
Sec. 215. Performance of specialized or technical services.
Sec. 216. Hydroelectric power project funding.
Sec. 217. Assistance programs.
Sec. 218. Funding to process permits.
Sec. 219. Program to market dredged material.
Sec. 220. National Academy of Sciences studies.

TITLE III—PROJECT-RELATED PROVISIONS

Sec. 301. Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi.
Sec. 302. Boydsville, Arkansas.
Sec. 303. White River Basin, Arkansas and Missouri.
Sec. 304. Petaluma, California.
Sec. 305. Gasparilla and Estero Islands, Florida.
Sec. 306. Illinois River basin restoration, Illinois.
Sec. 307. Upper Des Plaines River and tributaries, Illinois.
Sec. 308. Atchafalaya Basin, Louisiana.
Sec. 309. Red River Waterway, Louisiana.
Sec. 310. Narraguagus River, Milbridge, Maine.
Sec. 311. William Jennings Randolph Lake, Maryland.
Sec. 312. Breckenridge, Minnesota.
Sec. 313. Missouri River Valley, Missouri.
Sec. 314. New Madrid County, Missouri.
Sec. 315. Pemiscot County Harbor, Missouri.
Sec. 316. Pike County, Missouri.
Sec. 317. Fort Peck fish hatchery, Montana.
Sec. 318. Sagamore Creek, New Hampshire.
Sec. 319. Passaic River Basin flood management, New Jersey.
Sec. 320. Rockaway Inlet to Norton Point, New York.
Sec. 321. John Day Pool, Oregon and Washington.
Sec. 322. Fox Point hurricane barrier, Providence, Rhode Island.
Sec. 323. Charleston Harbor, South Carolina.
Sec. 324. Savannah River, South Carolina.
Sec. 325. Houston-Galveston Navigation Channels, Texas.
Sec. 326. Joe Pool Lake, Trinity River basin, Texas.
Sec. 327. Lake Champlain watershed, Vermont and New York.
Sec. 328. Mount St. Helens, Washington.
Sec. 329. Puget Sound and adjacent waters restoration, Washington.
Sec. 330. Fox River System, Wisconsin.
Sec. 331. Chesapeake Bay oyster restoration.
Sec. 332. Great Lakes dredging levels adjustment.
Sec. 333. Great Lakes fishery and ecosystem restoration.
Sec. 334. Great Lakes remedial action plans and sediment remediation.
Sec. 335. Great Lakes tributary model.
Sec. 336. Treatment of dredged material from Long Island Sound.
Sec. 337. New England water resources and ecosystem restoration.
Sec. 338. Project deauthorizations.
Sec. 339. Bogue Banks, Carteret County, North Carolina.

TITLE IV—STUDIES

Sec. 401. Baldwin County, Alabama.
Sec. 402. Bono, Arkansas.
Sec. 403. Cache Creek Basin, California.
Sec. 404. Estudillo Canal watershed, California.
Sec. 405. Laguna Creek watershed, California.
Sec. 406. Oceanside, California.
Sec. 407. San Jacinto watershed, California.
Sec. 408. Choctawhatchee River, Florida.
Sec. 409. Egmont Key, Florida.
Sec. 410. Fernandina Harbor, Florida.
Sec. 411. Upper Ocklawaha River and Apopka/Palatlakaha River basins, Florida.
Sec. 412. Boise River, Idaho.
Sec. 413. Wood River, Idaho.
Sec. 414. Chicago, Illinois.
Sec. 415. Boeuf and Black, Louisiana.
Sec. 416. Port of Iberia, Louisiana.
Sec. 417. South Louisiana.
Sec. 418. St. John the Baptist Parish, Louisiana.
Sec. 419. Portland Harbor, Maine.
Sec. 420. Portsmouth Harbor and Piscataqua River, Maine and New Hampshire.
Sec. 421. Searsport Harbor, Maine.
Sec. 422. Merrimack River basin, Massachusetts and New Hampshire.
Sec. 423. Port of Gulfport, Mississippi.
Sec. 424. Upland disposal sites in New Hampshire.
Sec. 425. Southwest Valley, Albuquerque, New Mexico.
Sec. 426. Cuyahoga River, Ohio.
Sec. 427. Duck Creek Watershed, Ohio.
Sec. 428. Fremont, Ohio.
Sec. 429. Grand Lake, Oklahoma.
Sec. 430. Dredged material disposal site, Rhode Island.
Sec. 431. Chickamauga Lock and Dam, Tennessee.
Sec. 432. Germantown, Tennessee.
Sec. 433. Horn Lake Creek and Tributaries, Tennessee and Mississippi.
Sec. 434. Cedar Bayou, Texas.
Sec. 435. Houston Ship Channel, Texas.
Sec. 436. San Antonio Channel, Texas.
Sec. 437. Vermont dams remediation.
Sec. 438. White River watershed below Mud Mountain Dam, Washington.
Sec. 439. Willapa Bay, Washington.
Sec. 440. Upper Mississippi River basin sediment and nutrient study.
Sec. 441. Cliff Walk in Newport, Rhode Island.
Sec. 442. Quonset Point Channel reconnaissance study.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Visitors centers.
Sec. 502. CALFED Bay-Delta Program assistance, California.
Sec. 503. Lake Sidney Lanier, Georgia, home preservation.
Sec. 504. Conveyance of lighthouse, Ontonagon, Michigan.
Sec. 505. Land conveyance, Candy Lake, Oklahoma.
Sec. 506. Land conveyance, Richard B. Russell Dam and Lake, South Carolina.
Sec. 507. Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota terrestrial wildlife habitat restoration.
Sec. 508. Export of water from Great Lakes.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

Sec. 601. Comprehensive Everglades Restoration Plan.
Sec. 602. Sense of the Senate concerning Homestead Air Force Base.

TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

Sec. 701. Short title.
Sec. 702. Findings and purposes.
Sec. 703. Definitions.
Sec. 704. Missouri River Trust.
Sec. 705. Missouri River Task Force.
Sec. 706. Administration.
Sec. 707. Authorization of appropriations.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

Sec. 801. Short title.
Sec. 802. Purpose.
Sec. 803. Definitions.
Sec. 804. Conveyance of cabin sites.
Sec. 805. Rights of nonparticipating lessees.
Sec. 806. Conveyance to third parties.
Sec. 807. Use of proceeds.
Sec. 808. Administrative costs.
Sec. 809. Termination of wildlife designation.
Sec. 810. Authorization of appropriations.

TITLE IX—MISSOURI RIVER RESTORATION

Sec. 901. Short title.
Sec. 902. Findings and purposes.
Sec. 903. Definitions.
Sec. 904. Missouri River Trust.
Sec. 905. Missouri River Task Force.
Sec. 906. Administration.
Sec. 907. Authorization of appropriations.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 101. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.—The project for shore protection, Barnegat Inlet to Little Egg Inlet, New Jersey, at a total cost of $51,203,000, with an estimated Federal cost of $33,282,000 and an estimated non-Federal cost of $17,921,000, and at an estimated average annual cost of $1,751,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,138,000 and an estimated annual non-Federal cost of $613,000.

(2) NEW YORK-NEW JERSEY HARBOR.—The project for navigation, New York-New Jersey Harbor: Report of the Chief of Engineers dated May 2, 2000, at a total cost of $1,781,234,000, with an estimated Federal cost of $743,954,000 and an estimated non-Federal cost of $1,037,280,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2000:

(1) FALSE PASS HARBOR, ALASKA.—The project for navigation, False Pass Harbor, Alaska, at a total cost of $15,164,000, with an estimated Federal cost of $8,238,000 and an estimated non-Federal cost of $6,926,000.

(2) UNALASKA HARBOR, ALASKA.—The project for navigation, Unalaska Harbor, Alaska, at a total cost of $20,000,000, with an estimated Federal cost of $12,000,000 and an estimated non-Federal cost of $8,000,000.

(3) RIO DE FLAG, ARIZONA.—The project for flood damage reduction, Rio de Flag, Arizona, at a total cost of $24,072,000, with an estimated Federal cost of $15,576,000 and an estimated non-Federal cost of $8,496,000.

(4) TRES RIOS, ARIZONA.—The project for environmental restoration, Tres Rios, Arizona, at a total cost of $99,320,000, with an estimated Federal cost of $62,755,000 and an estimated non-Federal cost of $36,565,000.

(5) LOS ANGELES HARBOR, CALIFORNIA.—The project for navigation, Los Angeles Harbor, California, at a total cost of $153,313,000, with

an estimated Federal cost of $43,735,000 and an estimated non-Federal cost of $109,578,000.

(6) MURRIETA CREEK, CALIFORNIA.—The project for flood control, Murrieta Creek, California, at a total cost of $90,865,000, with an estimated Federal cost of $25,555,000 and an estimated non-Federal cost of $65,310,000.

(7) PINE FLAT DAM, CALIFORNIA.—The project for fish and wildlife restoration, Pine Flat Dam, California, at a total cost of $34,000,000, with an estimated Federal cost of $22,000,000 and an estimated non-Federal cost of $12,000,000.

(8) RANCHOS PALOS VERDES, CALIFORNIA.—The project for environmental restoration, Ranchos Palos Verdes, California, at a total cost of $18,100,000, with an estimated Federal cost of $11,800,000 and an estimated non-Federal cost of $6,300,000.

(9) SANTA BARBARA STREAMS, CALIFORNIA.—The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, at a total cost of $18,300,000, with an estimated Federal cost of $9,200,000 and an estimated non-Federal cost of $9,100,000.

(10) UPPER NEWPORT BAY HARBOR, CALIFORNIA.—The project for environmental restoration, Upper Newport Bay Harbor, California, at a total cost of $32,475,000, with an estimated Federal cost of $21,109,000 and an estimated non-Federal cost of $11,366,000.

(11) WHITEWATER RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Whitewater River basin, California, at a total cost of $27,570,000, with an estimated Federal cost of $17,920,000 and an estimated non-Federal cost of $9,650,000.

(12) DELAWARE COAST FROM CAPE HENLOPEN TO FENWICK ISLAND, DELAWARE.—The project for shore protection, Delaware Coast from Cape Henlopen to Fenwick Island, Delaware, at a total cost of $5,633,000, with an estimated Federal cost of $3,661,000 and an estimated non-Federal cost of $1,972,000, and at an estimated average annual cost of $920,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $460,000 and an estimated annual non-Federal cost of $460,000.

(13) TAMPA HARBOR, FLORIDA.—Modification of the project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Act of September 22, 1922 (42 Stat. 1042, chapter 427), to deepen the Port Sutton Channel, at a total cost of $6,000,000, with an estimated Federal cost of $4,000,000 and an estimated non-Federal cost of $2,000,000.

(14) JOHN T. MYERS LOCK AND DAM, INDIANA AND KENTUCKY.—The project for navigation, John T. Myers Lock and Dam, Ohio River, Indiana and Kentucky, at a total cost of $182,000,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(15) GREENUP LOCK AND DAM, KENTUCKY.—The project for navigation, Greenup Lock and Dam, Ohio River, Kentucky, at a total cost of $175,500,000. The costs of construction of the project shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(16) MORGANZA, LOUISIANA, TO GULF OF MEXICO.—

(A) IN GENERAL.—The project for hurricane protection, Morganza, Louisiana, to the Gulf of Mexico, at a total cost of $550,000,000, with an estimated Federal cost of $358,000,000 and an estimated non-Federal cost of $192,000,000.

(B) CREDIT.—The non-Federal interests shall receive credit toward the non-Federal share of project costs for the costs of any work carried out by the non-Federal interests for interim flood protection after March 31, 1989, if the Secretary finds that the work is compatible with, and integral to, the project.

(17) CHESTERFIELD, MISSOURI.—The project to implement structural and nonstructural measures to prevent flood damage to Chesterfield, Missouri, and the surrounding area, at a total cost of $67,700,000, with an estimated Federal cost of $44,000,000 and an estimated non-Federal cost of $23,700,000.

(18) RARITAN BAY AND SANDY HOOK BAY, PORT MONMOUTH, NEW JERSEY.—The project for shore protection, Raritan Bay and Sandy Hook Bay, Port Monmouth, New Jersey, at a total cost of $32,064,000, with an estimated Federal cost of $20,842,000 and an estimated non-Federal cost of $11,222,000, and at an estimated average annual cost of $2,468,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of $1,234,000 and an estimated annual non-Federal cost of $1,234,000.

(19) MEMPHIS, TENNESSEE.—The project for ecosystem restoration, Wolf River, Memphis, Tennessee, at a total cost of $10,933,000, with an estimated Federal cost of $7,106,000 and an estimated non-Federal cost of $3,827,000.

(20) JACKSON HOLE, WYOMING.—

(A) IN GENERAL.—The project for environmental restoration, Jackson Hole, Wyoming, at a total cost of $52,242,000, with an estimated Federal cost of $33,957,000 and an estimated non-Federal cost of $18,285,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the project may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

(21) OHIO RIVER.—

(A) IN GENERAL.—The program for protection and restoration of fish and wildlife habitat in and along the main stem of the Ohio River, consisting of projects described in a comprehensive plan, at a total cost of $307,700,000, with an estimated Federal cost of $200,000,000 and an estimated non-Federal cost of $107,700,000.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of any project under the program may be provided in cash or in the form of in-kind services or materials.

(ii) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the project, if the Secretary finds that the work is integral to the project.

SEC. 102. SMALL SHORE PROTECTION PROJECTS.

The Secretary shall conduct a study for each of the following projects, and if the Secretary determines that a project is feasible, may carry out the project under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g):

(1) LAKE PALOURDE, LOUISIANA.—Project for beach restoration and protection, Highway 70, Lake Palourde, St. Mary and St. Martin Parishes, Louisiana.

(2) ST. BERNARD, LOUISIANA.—Project for beach restoration and protection, Bayou Road, St. Bernard, Louisiana.

SEC. 103. SMALL NAVIGATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) CAPE CORAL SOUTH SPREADER WATERWAY, FLORIDA.—Project for navigation, Cape Coral South Spreader Waterway, Lee County, Florida.

(2) HOUMA NAVIGATION CANAL, LOUISIANA.—Project for navigation, Houma Navigation Canal, Terrebonne Parish, Louisiana.

(3) VIDALIA PORT, LOUISIANA.—Project for navigation, Vidalia Port, Louisiana.

SEC. 104. REMOVAL OF SNAGS AND CLEARING AND STRAIGHTENING OF CHANNELS IN NAVIGABLE WATERS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 3 of the Act of March 2, 1945 (33 U.S.C. 604):

(1) BAYOU MANCHAC, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Bayou Manchac, Ascension Parish, Louisiana.

(2) BLACK BAYOU AND HIPPOLYTE COULEE, LOUISIANA.—Project for removal of snags and clearing and straightening of channels for flood control, Black Bayou and Hippolyte Coulee, Calcasieu Parish, Louisiana.

SEC. 105. SMALL BANK STABILIZATION PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) BAYOU DES GLAISES, LOUISIANA.—Project for emergency streambank protection, Bayou des Glaises (Lee Chatelain Road), Avoyelles Parish, Louisiana.

(2) BAYOU PLAQUEMINE, LOUISIANA.—Project for emergency streambank protection, Highway 77, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) HAMMOND, LOUISIANA.—Project for emergency streambank protection, Fagan Drive Bridge, Hammond, Louisiana.

(4) IBERVILLE PARISH, LOUISIANA.—Project for emergency streambank protection, Iberville Parish, Louisiana.

(5) LAKE ARTHUR, LOUISIANA.—Project for emergency streambank protection, Parish Road 120 at Lake Arthur, Louisiana.

(6) LAKE CHARLES, LOUISIANA.—Project for emergency streambank protection, Pithon Coulee, Lake Charles, Calcasieu Parish, Louisiana.

(7) LOGGY BAYOU, LOUISIANA.—Project for emergency streambank protection, Loggy Bayou, Bienville Parish, Louisiana.

(8) SCOTLANDVILLE BLUFF, LOUISIANA.—Project for emergency streambank protection, Scotlandville Bluff, East Baton Rouge Parish, Louisiana.

SEC. 106. SMALL FLOOD CONTROL PROJECTS.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s):

(1) WEISER RIVER, IDAHO.—Project for flood damage reduction, Weiser River, Idaho.

(2) BAYOU TETE L'OURS, LOUISIANA.—Project for flood control, Bayou Tete L'Ours, Louisiana.

(3) BOSSIER CITY, LOUISIANA.—Project for flood control, Red Chute Bayou levee, Bossier City, Louisiana.

(4) BRAITHWAITE PARK, LOUISIANA.—Project for flood control, Braithwaite Park, Louisiana.

(5) CANE BEND SUBDIVISION, LOUISIANA.—Project for flood control, Cane Bend Subdivision, Bossier Parish, Louisiana.

(6) CROWN POINT, LOUISIANA.—Project for flood control, Crown Point, Louisiana.

(7) DONALDSONVILLE CANALS, LOUISIANA.—Project for flood control, Donaldsonville Canals, Louisiana.

(8) GOOSE BAYOU, LOUISIANA.—Project for flood control, Goose Bayou, Louisiana.

(9) GUMBY DAM, LOUISIANA.—Project for flood control, Gumby Dam, Richland Parish, Louisiana.

(10) HOPE CANAL, LOUISIANA.—Project for flood control, Hope Canal, Louisiana.

(11) JEAN LAFITTE, LOUISIANA.—Project for flood control, Jean Lafitte, Louisiana.

(12) LOCKPORT TO LAROSE, LOUISIANA.—Project for flood control, Lockport to Larose, Louisiana.

(13) LOWER LAFITTE BASIN, LOUISIANA.—Project for flood control, Lower Lafitte Basin, Louisiana.

(14) OAKVILLE TO LAREUSSITE, LOUISIANA.—Project for flood control, Oakville to LaReussite, Louisiana.

(15) PAILET BASIN, LOUISIANA.—Project for flood control, Pailet Basin, Louisiana.

(16) POCHITOLAWA CREEK, LOUISIANA.—Project for flood control, Pochitolawa Creek, Louisiana.

(17) ROSETHORN BASIN, LOUISIANA.—Project for flood control, Rosethorn Basin, Louisiana.

(18) SHREVEPORT, LOUISIANA.—Project for flood control, Twelve Mile Bayou, Shreveport, Louisiana.

(19) STEPHENSVILLE, LOUISIANA.—Project for flood control, Stephensville, Louisiana.

(20) ST. JOHN THE BAPTIST PARISH, LOUISIANA.—Project for flood control, St. John the Baptist Parish, Louisiana.

(21) MAGBY CREEK AND VERNON BRANCH, MISSISSIPPI.—Project for flood control, Magby Creek and Vernon Branch, Lowndes County, Mississippi.

(22) FRITZ LANDING, TENNESSEE.—Project for flood control, Fritz Landing, Tennessee.

SEC. 107. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE, LOUISIANA.—Project for improvement of the quality of the environment, Bayou Sauvage National Wildlife Refuge, Orleans Parish, Louisiana.

(2) GULF INTRACOASTAL WATERWAY, BAYOU PLAQUEMINE, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Bayou Plaquemine, Iberville Parish, Louisiana.

(3) GULF INTRACOASTAL WATERWAY, MILES 220 TO 222.5, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, miles 220 to 222.5, Vermilion Parish, Louisiana.

(4) GULF INTRACOASTAL WATERWAY, WEEKS BAY, LOUISIANA.—Project for improvement of the quality of the environment, Gulf Intracoastal Waterway, Weeks Bay, Iberia Parish, Louisiana.

(5) LAKE FAUSSE POINT, LOUISIANA.—Project for improvement of the quality of the environment, Lake Fausse Point, Louisiana.

(6) LAKE PROVIDENCE, LOUISIANA.—Project for improvement of the quality of the environment, Old River, Lake Providence, Louisiana.

(7) NEW RIVER, LOUISIANA.—Project for improvement of the quality of the environment, New River, Ascension Parish, Louisiana.

(8) ERIE COUNTY, OHIO.—Project for improvement of the quality of the environment, Sheldon's Marsh State Nature Preserve, Erie County, Ohio.

(9) MUSHINGUM COUNTY, OHIO.—Project for improvement of the quality of the environment, Dillon Reservoir watershed, Licking River, Mushingum County, Ohio.

SEC. 108. BENEFICIAL USES OF DREDGED MATERIAL.

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

(1) HOUMA NAVIGATION CANAL, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes barrier island restoration at the Houma Navigation Canal, Terrebonne Parish, Louisiana.

(2) MISSISSIPPI RIVER GULF OUTLET, MILE -3 TO MILE -9, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile -3 to mile -9, St. Bernard Parish, Louisiana.

(3) MISSISSIPPI RIVER GULF OUTLET, MILE 11 TO MILE 4, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes dredging of the Mississippi River Gulf Outlet, mile 11 to mile 4, St. Bernard Parish, Louisiana.

(4) PLAQUEMINES PARISH, LOUISIANA.—Project to make beneficial use of dredged material from a Federal navigation project that includes marsh creation at the contained submarine maintenance dredge sediment trap, Plaquemines Parish, Louisiana.

(5) OTTAWA COUNTY, OHIO.—Project to protect, restore, and create aquatic and related habitat using dredged material, East Harbor State Park, Ottawa County, Ohio.

SEC. 109. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.

(a) IN GENERAL.—The Secretary may carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) BRAUD BAYOU, LOUISIANA.—Project for aquatic ecosystem restoration, Braud Bayou, Spanish Lake, Ascension Parish, Louisiana.

(2) BURAS MARINA, LOUISIANA.—Project for aquatic ecosystem restoration, Buras Marina, Buras, Plaquemines Parish, Louisiana.

(3) COMITE RIVER, LOUISIANA.—Project for aquatic ecosystem restoration, Comite River at Hooper Road, Louisiana.

(4) DEPARTMENT OF ENERGY 21-INCH PIPELINE CANAL, LOUISIANA.—Project for aquatic ecosystem restoration, Department of Energy 21-inch Pipeline Canal, St. Martin Parish, Louisiana.

(5) LAKE BORGNE, LOUISIANA.—Project for aquatic ecosystem restoration, southern shores of Lake Borgne, Louisiana.

(6) LAKE MARTIN, LOUISIANA.—Project for aquatic ecosystem restoration, Lake Martin, Louisiana.

(7) LULING, LOUISIANA.—Project for aquatic ecosystem restoration, Luling Oxidation Pond, St. Charles Parish, Louisiana.

(8) MANDEVILLE, LOUISIANA.—Project for aquatic ecosystem restoration, Mandeville, St. Tammany Parish, Louisiana.

(9) ST. JAMES, LOUISIANA.—Project for aquatic ecosystem restoration, St. James, Louisiana.

(10) MINES FALLS PARK, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Mines Falls Park, New Hampshire.

(11) NORTH HAMPTON, NEW HAMPSHIRE.—Project for aquatic ecosystem restoration, Little River Salt Marsh, North Hampton, New Hampshire.

(12) HIGHLAND COUNTY, OHIO.—Project for aquatic ecosystem restoration, Rocky Fork Lake, Clear Creek floodplain, Highland County, Ohio.

(13) HOCKING COUNTY, OHIO.—Project for aquatic ecosystem restoration, Long Hollow Mine, Hocking County, Ohio.

(14) TUSCARAWAS COUNTY, OHIO.—Project for aquatic ecosystem restoration, Huff Run, Tuscarawas County, Ohio.

(15) CENTRAL AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Central Amazon Creek, Oregon.

(16) DELTA PONDS, OREGON.—Project for aquatic ecosystem restoration, Delta Ponds, Oregon.

(17) EUGENE MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Eugene Millrace, Oregon.

(18) MEDFORD, OREGON.—Project for aquatic ecosystem restoration, Bear Creek watershed, Medford, Oregon.

(19) ROSLYN LAKE, OREGON.—Project for aquatic ecosystem restoration, Roslyn Lake, Oregon.

(b) SALMON RIVER, IDAHO.—

(1) CREDIT.—The non-Federal interests with respect to the proposed project for aquatic ecosystem restoration, Salmon River, Idaho, may receive credit toward the non-Federal share of project costs for work, consisting of surveys, studies, and development of technical data, that is carried out by the non-Federal interests in connection with the project, if the Secretary finds that the work is integral to the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1), together with other credit afforded, shall not exceed the non-Federal share of the cost of the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

SEC. 110. FLOOD MITIGATION AND RIVERINE RESTORATION.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332(e)) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Perry Creek, Iowa.''.

SEC. 111. DISPOSAL OF DREDGED MATERIAL ON BEACHES.

Section 217 of the Water Resources Development Act of 1999 (113 Stat. 294) is amended by adding at the end the following:

''(f) FORT CANBY STATE PARK, BENSON BEACH, WASHINGTON.—The Secretary may design and construct a shore protection project at Fort Canby State Park, Benson Beach, Washington, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).''.

TITLE II—GENERAL PROVISIONS

SEC. 201. COOPERATION AGREEMENTS WITH COUNTIES.

Section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)) is amended in the second sentence—

(1) by striking ''State legislative''; and

(2) by inserting before the period at the end the following: ''of the State or a body politic of the State''.

SEC. 202. WATERSHED AND RIVER BASIN ASSESSMENTS.

Section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164) is amended to read as follows:

''SEC. 729. WATERSHED AND RIVER BASIN ASSESSMENTS.

''(a) IN GENERAL.—The Secretary may assess the water resources needs of river basins and watersheds of the United States, including needs relating to—

''(1) ecosystem protection and restoration;

''(2) flood damage reduction;

''(3) navigation and ports;

''(4) watershed protection;

''(5) water supply; and

''(6) drought preparedness.

''(b) COOPERATION.—An assessment under subsection (a) shall be carried out in cooperation and coordination with—

''(1) the Secretary of the Interior;

''(2) the Secretary of Agriculture;

''(3) the Secretary of Commerce;

''(4) the Administrator of the Environmental Protection Agency; and

''(5) the heads of other appropriate agencies.

''(c) CONSULTATION.—In carrying out an assessment under subsection (a), the Secretary shall consult with Federal, tribal, State, interstate, and local governmental entities.

''(d) PRIORITY RIVER BASINS AND WATERSHEDS.—In selecting river basins and watersheds for assessment under this section, the Secretary shall give priority to—

''(1) the Delaware River basin; and

''(2) the Willamette River basin, Oregon.

''(e) ACCEPTANCE OF CONTRIBUTIONS.—In carrying out an assessment under subsection (a), the Secretary may accept contributions, in cash or in kind, from Federal, tribal, State, interstate, and local governmental entities to the extent that the Secretary determines that the contributions will facilitate completion of the assessment.

''(f) COST-SHARING REQUIREMENTS.—

''(1) NON-FEDERAL SHARE.—The non-Federal share of the costs of an assessment carried out under this section shall be 50 percent.

''(2) CREDIT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal interests may receive credit toward the non-Federal share required under paragraph (1) for the provision of services, materials, supplies, or other in-kind contributions.

''(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to 25 percent of the costs of the assessment.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

SEC. 203. TRIBAL PARTNERSHIP PROGRAM.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) PROGRAM.—

(1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—

(A) will substantially benefit Indian tribes; and

(B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

(2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—

(A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and

(B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

(c) CONSULTATION AND COORDINATION WITH SECRETARY OF THE INTERIOR.—

(1) IN GENERAL.—In recognition of the unique role of the Secretary of the Interior concerning trust responsibilities with Indian tribes, and in recognition of mutual trust responsibilities, the Secretary shall consult with the Secretary of the Interior concerning studies conducted under subsection (b).

(2) INTEGRATION OF ACTIVITIES.—The Secretary shall—

(A) integrate civil works activities of the Department of the Army with activities of the Department of the Interior to avoid conflicts, duplications of effort, or unanticipated adverse effects on Indian tribes; and

(B) consider the authorities and programs of the Department of the Interior and other Federal agencies in any recommendations concerning carrying out projects studied under subsection (b).

(d) PRIORITY PROJECTS.—In selecting water resources development projects for study under this section, the Secretary shall give priority to the project for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, authorized by section 439(b).

(e) COST SHARING.—

(1) ABILITY TO PAY.—

(A) IN GENERAL.—Any cost-sharing agreement for a study under subsection (b) shall be subject to the ability of the non-Federal interest to pay.

(B) USE OF PROCEDURES.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with procedures established by the Secretary.

(2) CREDIT.—

(A) IN GENERAL.—Subject to subparagraph (B), in conducting studies of projects under subsection (b), the Secretary may provide credit to the non-Federal interest for the provision of services, studies, supplies, or other in-kind contributions to the extent that the Secretary determines that the services, studies, supplies, and other in-kind contributions will facilitate completion of the project.

(B) MAXIMUM AMOUNT OF CREDIT.—Credit under subparagraph (A) shall not exceed an amount equal to the non-Federal share of the costs of the study.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $5,000,000 for each of fiscal years 2002 through 2006, of which not more than $1,000,000 may be used with respect to any 1 Indian tribe.

SEC. 204. ABILITY TO PAY.

Section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Any cost-sharing agreement under this section for a feasibility study, or for construction of an environmental protection and restoration project, a flood control project, a project for navigation, storm damage protection, shoreline erosion, hurricane protection, or recreation, or an agricultural water supply project, shall be subject to the ability of the non-Federal interest to pay.

''(2) CRITERIA AND PROCEDURES.—

''(A) IN GENERAL.—The ability of a non-Federal interest to pay shall be determined by the Secretary in accordance with—

''(i) during the period ending on the date on which revised criteria and procedures are promulgated under subparagraph (B), criteria and procedures in effect on the day before the date of enactment of this subparagraph; and

''(ii) after the date on which revised criteria and procedures are promulgated under subparagraph (B), the revised criteria and procedures promulgated under subparagraph (B).

''(B) REVISED CRITERIA AND PROCEDURES.—Not later than 18 months after the date of enactment of this subparagraph, in accordance with paragraph (3), the Secretary shall promulgate revised criteria and procedures governing the ability of a non-Federal interest to pay.''; and

(2) in paragraph (3)—

(A) in subparagraph (A)(ii), by adding ''and'' at the end; and

(B) by striking subparagraphs (B) and (C) and inserting the following:

''(B) may consider additional criteria relating to—

''(i) the financial ability of the non-Federal interest to carry out its cost-sharing responsibilities; or

''(ii) additional assistance that may be available from other Federal or State sources.''.

SEC. 205. PROPERTY PROTECTION PROGRAM.

(a) IN GENERAL.—The Secretary may carry out a program to reduce vandalism and destruction of property at water resources development projects under the jurisdiction of the Department of the Army.

(b) PROVISION OF REWARDS.—In carrying out the program, the Secretary may provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to Federal property.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000 for each fiscal year.

SEC. 206. NATIONAL RECREATION RESERVATION SERVICE.

Notwithstanding section 611 of the Treasury and General Government Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–515), the Secretary may—

(1) participate in the National Recreation Reservation Service on an interagency basis; and

(2) pay the Department of the Army's share of the activities required to implement, operate, and maintain the Service.

SEC. 207. OPERATION AND MAINTENANCE OF HYDROELECTRIC FACILITIES.

Section 314 of the Water Resources Development Act of 1990 (33 U.S.C. 2321) is amended in the first sentence by inserting before the period at the end the following: ''in cases in which the activities require specialized training relating to hydroelectric power generation''.

SEC. 208. INTERAGENCY AND INTERNATIONAL SUPPORT.

Section 234(d) of the Water Resources Development Act of 1996 (33 U.S.C. 2323a(d)) is amended—

(1) in the first sentence, by striking ''$1,000,000'' and inserting ''$2,000,000''; and

(2) in the second sentence, by inserting ''out'' after ''carry''.

SEC. 209. REBURIAL AND CONVEYANCE AUTHORITY.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) REBURIAL.—

(1) REBURIAL AREAS.—In consultation with affected Indian tribes, the Secretary may identify and set aside areas at civil works projects of the Department of the Army that may be used to rebury Native American remains that—

(A) have been discovered on project land; and

(B) have been rightfully claimed by a lineal descendant or Indian tribe in accordance with applicable Federal law.

(2) REBURIAL.—In consultation with and with the consent of the lineal descendant or the affected Indian tribe, the Secretary may recover and rebury, at full Federal expense, the remains at the areas identified and set aside under subsection (b)(1).

(c) CONVEYANCE AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Secretary may convey to an Indian tribe for use as a cemetery an area at a civil works project that is identified and set aside by the Secretary under subsection (b)(1).

(2) RETENTION OF NECESSARY PROPERTY INTERESTS.—In carrying out paragraph (1), the Secretary shall retain any necessary right-

of-way, easement, or other property interest that the Secretary determines to be necessary to carry out the authorized purposes of the project.

SEC. 210. APPROVAL OF CONSTRUCTION OF DAMS AND DIKES.

Section 9 of the Act of March 3, 1899 (33 U.S.C. 401), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''It shall'';

(2) by striking ''However, such structures'' and inserting the following:

''(b) WATERWAYS WITHIN A SINGLE STATE.—Notwithstanding subsection (a), structures described in subsection (a)'';

(3) by striking ''When plans'' and inserting the following:

''(c) MODIFICATION OF PLANS.—When plans'';

(4) by striking ''The approval'' and inserting the following:

''(d) APPLICABILITY.—

''(1) BRIDGES AND CAUSEWAYS.—The approval''; and

(5) in subsection (d) (as designated by paragraph (4)), by adding at the end the following:

''(2) DAMS AND DIKES.—

''(A) IN GENERAL.—The approval required by this section of the location and plans, or any modification of plans, of any dam or dike, applies only to a dam or dike that, if constructed, would completely span a waterway used to transport interstate or foreign commerce, in such a manner that actual, existing interstate or foreign commerce could be adversely affected.

''(B) OTHER DAMS AND DIKES.—Any dam or dike (other than a dam or dike described in subparagraph (A)) that is proposed to be built in any other navigable water of the United States—

''(i) shall be subject to section 10; and

''(ii) shall not be subject to the approval requirements of this section.''.

SEC. 211. PROJECT DEAUTHORIZATION AUTHORITY.

Section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a) is amended to read as follows:

''SEC. 1001. PROJECT DEAUTHORIZATIONS.

''(a) DEFINITIONS.—In this section:

''(1) CONSTRUCTION.—The term 'construction', with respect to a project or separable element, means—

''(A) in the case of—

''(i) a nonstructural flood control project, the acquisition of land, an easement, or a right-of-way primarily to relocate a structure; and

''(ii) in the case of any other nonstructural measure, the performance of physical work under a construction contract;

''(B) in the case of an environmental protection and restoration project—

''(i) the acquisition of land, an easement, or a right-of-way primarily to facilitate the restoration of wetland or a similar habitat; or

''(ii) the performance of physical work under a construction contract to modify an existing project facility or to construct a new environmental protection and restoration measure; and

''(C) in the case of any other water resources project, the performance of physical work under a construction contract.

''(2) PHYSICAL WORK UNDER A CONSTRUCTION CONTRACT.—The term 'physical work under a construction contract' does not include any activity related to project planning, engineering and design, relocation, or the acquisition of land, an easement, or a right-of-way.

''(b) PROJECTS NEVER UNDER CONSTRUCTION.—

''(1) LIST OF PROJECTS.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects that—

''(A) are authorized for construction; and

''(B) for which no Federal funds were obligated for construction during the 4 full fiscal years preceding the date of submission of the list.

''(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, authorized for construction shall be deauthorized effective at the end of the 7-year period beginning on the date of the most recent authorization or reauthorization of the project or separable element unless Federal funds have been obligated for preconstruction engineering and design or for construction of the project or separable element by the end of that period.

''(c) PROJECTS FOR WHICH CONSTRUCTION HAS BEEN SUSPENDED.—

''(1) LIST OF PROJECTS.—

''(A) IN GENERAL.—The Secretary shall annually submit to Congress a list of projects and separable elements of projects—

''(i) that are authorized for construction;

''(ii) for which Federal funds have been obligated for construction of the project or separable element; and

''(iii) for which no Federal funds have been obligated for construction of the project or separable element during the 2 full fiscal years preceding the date of submission of the list.

''(B) PROJECTS WITH INITIAL PLACEMENT OF FILL.—The Secretary shall not include on a list submitted under subparagraph (A) any shore protection project with respect to which there has been, before the date of submission of the list, any placement of fill unless the Secretary determines that the project no longer has a willing and financially capable non-Federal interest.

''(2) DEAUTHORIZATION.—Any water resources project, or separable element of a water resources project, for which Federal funds have been obligated for construction shall be deauthorized effective at the end of any 5-fiscal year period during which Federal funds specifically identified for construction of the project or separable element (in an Act of Congress or in the accompanying legislative report language) have not been obligated for construction.

''(d) CONGRESSIONAL NOTIFICATIONS.—Upon submission of the lists under subsections (b)(1) and (c)(1), the Secretary shall notify each Senator in whose State, and each Member of the House of Representatives in whose district, the affected project or separable element is or would be located.

''(e) FINAL DEAUTHORIZATION LIST.—The Secretary shall publish annually in the Federal Register a list of all projects and separable elements deauthorized under subsection (b)(2) or (c)(2).

''(f) EFFECTIVE DATE.—Subsections (b)(2) and (c)(2) take effect 1 year after the date of enactment of this subsection.''.

SEC. 212. FLOODPLAIN MANAGEMENT REQUIREMENTS.

(a) IN GENERAL.—Section 402(c) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(c)) is amended—

(1) in the first sentence of paragraph (1), by striking ''Within 6 months after the date of the enactment of this subsection, the'' and inserting ''The'';

(2) by redesignating paragraph (2) as paragraph (3);

(3) by striking ''Such guidelines shall address'' and inserting the following:

''(2) REQUIRED ELEMENTS.—The guidelines developed under paragraph (1) shall—

''(A) address''; and

(4) in paragraph (2) (as designated by paragraph (3))—

(A) by inserting ''that non-Federal interests shall adopt and enforce'' after ''policies'';

(B) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) require non-Federal interests to take measures to preserve the level of flood protection provided by a project to which subsection (a) applies.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any project or separable element of a project with respect to which the Secretary and the non-Federal interest have not entered a project cooperation agreement on or before the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 402(b) of the Water Resources Development Act of 1986 (33 U.S.C. 701b–12(b)) is amended—

(1) in the subsection heading, by striking ''FLOOD PLAIN'' and inserting ''FLOODPLAIN''; and

(2) in the first sentence, by striking ''flood plain'' and inserting ''floodplain''.

SEC. 213. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended by adding at the end the following:

''(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.''.

SEC. 214. REGULATORY ANALYSIS AND MANAGEMENT SYSTEMS DATA.

(a) IN GENERAL.—Beginning October 1, 2000, the Secretary, acting through the Chief of Engineers, shall publish, on the Army Corps of Engineers' Regulatory Program website, quarterly reports that include all Regulatory Analysis and Management Systems (RAMS) data.

(b) DATA.—Such RAMS data shall include—

(1) the date on which an individual or nationwide permit application under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is first received by the Corps;

(2) the date on which the application is considered complete;

(3) the date on which the Corps either grants (with or without conditions) or denies the permit; and

(4) if the application is not considered complete when first received by the Corps, a description of the reason the application was not considered complete.

SEC. 215. PERFORMANCE OF SPECIALIZED OR TECHNICAL SERVICES.

(a) DEFINITION OF STATE.—In this section, the term ''State'' has the meaning given the term in section 6501 of title 31, United States Code.

(b) AUTHORITY.—The Corps of Engineers may provide specialized or technical services to a Federal agency (other than a Department of Defense agency), State, or local government of the United States under section 6505 of title 31, United States Code, only if the chief executive of the requesting entity submits to the Secretary—

(1) a written request describing the scope of the services to be performed and agreeing to reimburse the Corps for all costs associated with the performance of the services; and

(2) a certification that includes adequate facts to establish that the services requested are not reasonably and quickly available through ordinary business channels.

(c) CORPS AGREEMENT TO PERFORM SERVICES.—The Secretary, after receiving a request described in subsection (b) to provide specialized or technical services, shall, before entering into an agreement to perform the services—

(1) ensure that the requirements of subsection (b) are met with regard to the request for services; and

(2) execute a certification that includes adequate facts to establish that the Corps is uniquely equipped to perform such services.

(d) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than the end of each calendar year, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report identifying any request submitted by a Federal agency (other than a Department of Defense agency), State, or local government of the United States to the Corps to provide specialized or technical services.

(2) CONTENTS OF REPORT.—The report shall include, with respect to each request described in paragraph (1)—

(A) a description of the scope of services requested;

(B) the certifications required under subsection (b) and (c);

(C) the status of the request;

(D) the estimated and final cost of the services;

(E) the status of reimbursement;

(F) a description of the scope of services performed; and

(G) copies of all certifications in support of the request.

SEC. 216. HYDROELECTRIC POWER PROJECT FUNDING.

Section 216 of the Water Resources Development Act of 1996 (33 U.S.C. 2321a) is amended—

(1) in subsection (a), by striking ''In carrying out'' and all that follows through ''(1) is'' and inserting the following: ''In carrying out the operation, maintenance, rehabilitation, and modernization of a hydroelectric power generating facility at a water resources project under the jurisdiction of the Department of the Army, the Secretary may, to the extent funds are made available in appropriations Acts or in accordance with subsection (c), take such actions as are necessary to optimize the efficiency of energy production or increase the capacity of the facility, or both, if, after consulting with the heads of other appropriate Federal and State agencies, the Secretary determines that such actions—

''(1) are'';

(2) in the first sentence of subsection (b), by striking ''the proposed uprating'' and inserting ''any proposed uprating'';

(3) by redesignating subsection (c) as subsection (e); and

(4) by inserting after subsection (b) the following:

''(c) USE OF FUNDS PROVIDED BY PREFERENCE CUSTOMERS.—In carrying out this section, the Secretary may accept and expend funds provided by preference customers under Federal law relating to the marketing of power.

''(d) APPLICATION.—This section does not apply to any facility of the Department of the Army that is authorized to be funded under section 2406 of the Energy Policy Act of 1992 (16 U.S.C. 839d–1).''.

SEC. 217. ASSISTANCE PROGRAMS.

(a) CONSERVATION AND RECREATION MANAGEMENT.—To further training and educational opportunities at water resources development projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with non-Federal public and nonprofit entities for services relating to natural resources conservation or recreation management.

(b) RURAL COMMUNITY ASSISTANCE.—In carrying out studies and projects under the jurisdiction of the Secretary, the Secretary may enter into cooperative agreements with multistate regional private nonprofit rural community assistance entities for services, including water resource assessment, community participation, planning, development, and management activities.

(c) COOPERATIVE AGREEMENTS.—A cooperative agreement entered into under this section shall not be considered to be, or treated as being, a cooperative agreement to which chapter 63 of title 31, United States Code, applies.

SEC. 218. FUNDING TO PROCESS PERMITS.

(a) The Secretary, after public notice, may accept and expend funds contributed by non-Federal public entities to expedite the evaluation of permits under the jurisdiction of the Department of the Army.

(b) In carrying out this section, the Secretary shall ensure that the use of such funds as authorized in subsection (a) will result in improved efficiencies in permit evaluation and will not impact impartial decision-making in the permitting process.

SEC. 219. PROGRAM TO MARKET DREDGED MATERIAL.

(a) SHORT TITLE.—This section may be cited as the ''Dredged Material Reuse Act''.

(b) FINDING.—Congress finds that the Secretary of the Army should establish a program to reuse dredged material—

(1) to ensure the long-term viability of disposal capacity for dredged material; and

(2) to encourage the reuse of dredged material for environmental and economic purposes.

(c) DEFINITION.—In this Act, the term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(d) PROGRAM FOR REUSE OF DREDGED MATERIAL.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to allow the direct marketing of dredged material to public agencies and private entities.

(2) LIMITATIONS.—The Secretary shall not establish the program under subsection (a) unless a determination is made that such program is in the interest of the United States and is economically justified, equitable, and environmentally acceptable.

(3) REGIONAL RESPONSIBILITY.—The program described in subsection (a) may authorize each of the 8 division offices of the Corps of Engineers to market to public agencies and private entities any dredged material from projects under the jurisdiction of the regional office. Any revenues generated from any sale of dredged material to such entities shall be deposited in the United States Treasury.

(4) REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for a period of 4 years, the Secretary shall submit to Congress a report on the program established under subsection (a).

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $2,000,000 for each fiscal year.

SEC. 220. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) DEFINITIONS.—In this section:

(1) ACADEMY.—The term ''Academy'' means the National Academy of Sciences.

(2) METHOD.—The term ''method'' means a method, model, assumption, or other pertinent planning tool used in conducting an economic or environmental analysis of a water resources project, including the formulation of a feasibility report.

(3) FEASIBILITY REPORT.—The term ''feasibility report'' means each feasibility report, and each associated environmental impact statement and mitigation plan, prepared by the Corps of Engineers for a water resources project.

(4) WATER RESOURCES PROJECT.—The term ''water resources project'' means a project for navigation, a project for flood control, a project for hurricane and storm damage reduction, a project for emergency streambank and shore protection, a project for ecosystem restoration and protection, and a water resources project of any other type carried out by the Corps of Engineers.

(b) INDEPENDENT PEER REVIEW OF PROJECTS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to study, and make recommendations relating to, the independent peer review of feasibility reports.

(2) STUDY ELEMENTS.—In carrying out a contract under paragraph (1), the Academy shall study the practicality and efficacy of the independent peer review of the feasibility reports, including—

(A) the cost, time requirements, and other considerations relating to the implementation of independent peer review; and

(B) objective criteria that may be used to determine the most effective application of independent peer review to feasibility reports for each type of water resources project.

(3) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraphs (1) and (2); and

(B) in light of the results of the study, specific recommendations, if any, on a program for implementing independent peer review of feasibility reports.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $1,000,000, to remain available until expended.

(c) INDEPENDENT PEER REVIEW OF METHODS FOR PROJECT ANALYSIS.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall contract with the Academy to conduct a study that includes—

(A) a review of state-of-the-art methods;

(B) a review of the methods currently used by the Secretary;

(C) a review of a sample of instances in which the Secretary has applied the methods identified under subparagraph (B) in the analysis of each type of water resources project; and

(D) a comparative evaluation of the basis and validity of state-of-the-art methods identified under subparagraph (A) and the methods identified under subparagraphs (B) and (C).

(2) ACADEMY REPORT.—Not later than 1 year after the date of a contract under paragraph (1), the Academy shall submit to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report that includes—

(A) the results of the study conducted under paragraph (1); and

(B) in light of the results of the study, specific recommendations for modifying any of the methods currently used by the Secretary for conducting economic and environmental analyses of water resources projects.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,000,000, to remain available until expended.

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION PROJECT, ALABAMA AND MISSISSIPPI.

(a) GENERAL.—The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of Public Law 99–662 (100 Stat. 4138) is modified to authorize the Secretary to—

(1) remove the wildlife mitigation purpose designation from up to 3,000 acres of land as necessary over the life of the project from lands originally acquired for water resource development projects included in the Mitigation Project in accordance with the Report of the Chief of Engineers dated August 31, 1985;

(2) sell or exchange such lands in accordance with subsection (c)(1) and under such conditions as the Secretary determines to be necessary to protect the interests of the United States, utilize such lands as the Secretary determines to be appropriate in connection with development, operation, maintenance, or modification of the water resource development projects, or grant such other interests as the Secretary may determine to be reasonable in the public interest; and

(3) acquire, in accordance with subsections (c) and (d), lands from willing sellers to offset the removal of any lands from the Mitigation Project for the purposes listed in subsection (a)(2) of this section.

(b) REMOVAL PROCESS.—From the date of enactment of this Act, the locations of these lands to be removed will be determined at appropriate time intervals at the discretion of the Secretary, in consultation with appropriate Federal and State fish and wildlife agencies, to facilitate the operation of the water resource development projects and to respond to regional needs related to the project. Removals under this subsection shall be restricted to Project Lands designated for mitigation and shall not include lands purchased exclusively for mitigation purposes (known as Separable Mitigation Lands). Parcel identification, removal, and sale may occur assuming acreage acquisitions pursuant to subsection (d) are at least equal to the total acreage of the lands removed.

(c) LANDS TO BE SOLD.—

(1) Lands to be sold or exchanged pursuant to subsection (a)(2) shall be made available for related uses consistent with other uses of the water resource development project lands (including port, industry, transportation, recreation, and other regional needs for the project).

(2) Any valuation of land sold or exchanged pursuant to this section shall be at fair market value as determined by the Secretary.

(3) The Secretary is authorized to accept monetary consideration and to use such funds without further appropriation to carry out subsection (a)(3). All monetary considerations made available to the Secretary under subsection (a)(2) from the sale of lands shall be used for and in support of acquisitions pursuant to subsection (d). The Secretary is further authorized for purposes of this section to purchase up to 1,000 acres from funds otherwise available.

(d) CRITERIA FOR LAND TO BE ACQUIRED.—The Secretary shall consult with the appropriate Federal and State fish and wildlife agencies in selecting the lands to be acquired pursuant to subsection (a)(3). In selecting the lands to be acquired, bottomland hardwood and associated habitats will receive primary consideration. The lands shall be adjacent to lands already in the Mitigation Project unless otherwise agreed to by the Secretary and the fish and wildlife agencies.

(e) DREDGED MATERIAL DISPOSAL SITES.—The Secretary shall utilize dredge material disposal areas in such a manner as to maximize their reuse by disposal and removal of dredged materials, in order to conserve undisturbed disposal areas for wildlife habitat to the maximum extent practicable. Where the habitat value loss due to reuse of disposal areas cannot be offset by the reduced need for other unused disposal sites, the Secretary shall determine, in consultation with Federal and State fish and wildlife agencies, and ensure full mitigation for any habitat value lost as a result of such reuse.

(f) OTHER MITIGATION LANDS.—The Secretary is also authorized to outgrant by lease, easement, license, or permit lands acquired for the Wildlife Mitigation Project pursuant to section 601(a) of Public Law 99–662, in consultation with Federal and State fish and wildlife agencies, when such outgrants are necessary to address transportation, utility, and related activities. The Secretary shall insure full mitigation for any wildlife habitat value lost as a result of such sale or outgrant. Habitat value replacement requirements shall be determined by the Secretary in consultation with the appropriate fish and wildlife agencies.

(g) REPEAL.—Section 102 of the Water Resources Development Act of 1992 (106 Stat. 4804) is amended by striking subsection (a).

SEC. 302. BOYDSVILLE, ARKANSAS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of the reservoir and associated improvements in the vicinity of Boydsville, Arkansas, authorized by section 402 of the Water Resources Development Act of 1999 (113 Stat. 322), not more than $250,000 of the costs of the relevant planning and engineering investigations carried out by State and local agencies, if the Secretary finds that the investigations are integral to the scope of the feasibility study.

SEC. 303. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following recommended amounts of project storage:

(1) Beaver Lake, 1.5 feet.
(2) Table Rock, 2 feet.
(3) Bull Shoals Lake, 5 feet.
(4) Norfolk Lake, 3.5 feet.
(5) Greers Ferry Lake, 3 feet.

(b) REPORT.—

(1) IN GENERAL.—No funds may be obligated to carry out work on the modification under subsection (a) until the Chief of Engineers, through completion of a final report, determines that the work is technically sound, environmentally acceptable, and economically justified.

(2) TIMING.—Not later than January 1, 2002, the Secretary shall submit to Congress the final report referred to in paragraph (1).

(3) CONTENTS.—The report shall include determinations concerning whether—

(A) the modification under subsection (a) adversely affects other authorized project purposes; and

(B) Federal costs will be incurred in connection with the modification.

SEC. 304. PETALUMA, CALIFORNIA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Petaluma River, Petaluma, California, substantially in accordance with the Detailed Project Report approved March 1995, at a total cost of $32,226,000, with an estimated Federal cost of $20,647,000 and an estimated non-Federal cost of $11,579,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

SEC. 305. GASPARILLA AND ESTERO ISLANDS, FLORIDA.

The project for shore protection, Gasparilla and Estero Island segments, Lee County, Florida, authorized under section 201 of the Flood Control Act of 1965 (79 Stat. 1073), by Senate Resolution dated December 17, 1970, and by House Resolution dated December 15, 1970, is modified to authorize the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1), if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

SEC. 306. ILLINOIS RIVER BASIN RESTORATION, ILLINOIS.

(a) DEFINITION OF ILLINOIS RIVER BASIN.—In this section, the term ''Illinois River basin'' means the Illinois River, Illinois, its backwaters, side channels, and all tributaries, including their watersheds, draining into the Illinois River.

(b) COMPREHENSIVE PLAN.—

(1) DEVELOPMENT.—As expeditiously as practicable, the Secretary shall develop a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the Illinois River basin.

(2) TECHNOLOGIES AND INNOVATIVE APPROACHES.—The comprehensive plan shall provide for the development of new technologies and innovative approaches—

(A) to enhance the Illinois River as a vital transportation corridor;

(B) to improve water quality within the entire Illinois River basin;

(C) to restore, enhance, and preserve habitat for plants and wildlife; and

(D) to increase economic opportunity for agriculture and business communities.

(3) SPECIFIC COMPONENTS.—The comprehensive plan shall include such features as are necessary to provide for—

(A) the development and implementation of a program for sediment removal technology, sediment characterization, sediment transport, and beneficial uses of sediment;

(B) the development and implementation of a program for the planning, conservation, evaluation, and construction of measures for fish and wildlife habitat conservation and rehabilitation, and stabilization and enhancement of land and water resources in the Illinois River basin;

(C) the development and implementation of a long-term resource monitoring program; and

(D) the development and implementation of a computerized inventory and analysis system.

(4) CONSULTATION.—The comprehensive plan shall be developed by the Secretary in consultation with appropriate Federal agencies and the State of Illinois.

(5) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this

Act, the Secretary shall submit to Congress a report containing the comprehensive plan.

(6) ADDITIONAL STUDIES AND ANALYSES.—After submission of the report under paragraph (5), the Secretary shall continue to conduct such studies and analyses related to the comprehensive plan as are necessary, consistent with this subsection.

(c) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—If the Secretary, in cooperation with appropriate Federal agencies and the State of Illinois, determines that a restoration project for the Illinois River basin will produce independent, immediate, and substantial restoration, preservation, and protection benefits, the Secretary shall proceed expeditiously with the implementation of the project.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out projects under this subsection $20,000,000.

(3) FEDERAL SHARE.—The Federal share of the cost of carrying out any project under this subsection shall not exceed $5,000,000.

(d) GENERAL PROVISIONS.—

(1) WATER QUALITY.—In carrying out projects and activities under this section, the Secretary shall take into account the protection of water quality by considering applicable State water quality standards.

(2) PUBLIC PARTICIPATION.—In developing the comprehensive plan under subsection (b) and carrying out projects under subsection (c), the Secretary shall implement procedures to facilitate public participation, including—

(A) providing advance notice of meetings;

(B) providing adequate opportunity for public input and comment;

(C) maintaining appropriate records; and

(D) making a record of the proceedings of meetings available for public inspection.

(e) COORDINATION.—The Secretary shall integrate and coordinate projects and activities carried out under this section with ongoing Federal and State programs, projects, and activities, including the following:

(1) Upper Mississippi River System-Environmental Management Program authorized under section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652).

(2) Upper Mississippi River Illinois Waterway System Study.

(3) Kankakee River Basin General Investigation.

(4) Peoria Riverfront Development General Investigation.

(5) Illinois River Ecosystem Restoration General Investigation.

(6) Conservation reserve program and other farm programs of the Department of Agriculture.

(7) Conservation Reserve Enhancement Program (State) and Conservation 2000, Ecosystem Program of the Illinois Department of Natural Resources.

(8) Conservation 2000 Conservation Practices Program and the Livestock Management Facilities Act administered by the Department of Agriculture of the State of Illinois.

(9) National Buffer Initiative of the Natural Resources Conservation Service.

(10) Nonpoint source grant program administered by the Environmental Protection Agency of the State of Illinois.

(f) JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out activities to restore, preserve, and protect the Illinois River basin under this section, the Secretary may determine that the activities—

(A) are justified by the environmental benefits derived by the Illinois River basin; and

(B) shall not need further economic justification if the Secretary determines that the activities are cost-effective.

(2) APPLICABILITY.—Paragraph (1) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the Illinois River basin.

(g) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of projects and activities carried out under this section shall be 35 percent.

(2) OPERATION, MAINTENANCE, REHABILITATION, AND REPLACEMENT.—The operation, maintenance, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(3) IN-KIND SERVICES.—

(A) IN GENERAL.—The value of in-kind services provided by the non-Federal interest for a project or activity carried out under this section may be credited toward not more than 80 percent of the non-Federal share of the cost of the project or activity.

(B) ITEMS INCLUDED.—In-kind services shall include all State funds expended on programs and projects that accomplish the goals of this section, as determined by the Secretary, including the Illinois River Conservation Reserve Program, the Illinois Conservation 2000 Program, the Open Lands Trust Fund, and other appropriate programs carried out in the Illinois River basin.

(4) CREDIT.—

(A) VALUE OF LAND.—If the Secretary determines that land or an interest in land acquired by a non-Federal interest, regardless of the date of acquisition, is integral to a project or activity carried out under this section, the Secretary may credit the value of the land or interest in land toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

(B) WORK.—If the Secretary determines that any work completed by a non-Federal interest, regardless of the date of completion, is integral to a project or activity carried out under this section, the Secretary may credit the value of the work toward the non-Federal share of the cost of the project or activity, as determined by the Secretary.

SEC. 307. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS.

The Secretary shall credit toward the non-Federal share of the costs of the study to determine the feasibility of improvements to the upper Des Plaines River and tributaries, phase 2, Illinois and Wisconsin, authorized by section 419 of the Water Resources Development Act of 1999 (113 Stat. 324), the costs of work carried out by the non-Federal interests in Lake County, Illinois, before the date of execution of the feasibility study cost-sharing agreement, if—

(1) the Secretary and the non-Federal interests enter into a feasibility study cost-sharing agreement; and

(2) the Secretary finds that the work is integral to the scope of the feasibility study.

SEC. 308. ATCHAFALAYA BASIN, LOUISIANA.

(a) IN GENERAL.—Notwithstanding the Report of the Chief of Engineers, dated February 28, 1983, for the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), which report refers to recreational development in the Lower Atchafalaya Basin Floodway, the Secretary—

(1) shall, in collaboration with the State of Louisiana, initiate construction of the visitors center, authorized as part of the project, at or near Lake End Park in Morgan City, Louisiana; and

(2) shall construct other recreational features, authorized as part of the project, within, and in the vicinity of, the Lower Atchafalaya Basin protection levees.

(b) AUTHORITIES.—The Secretary shall carry out subsection (a) in accordance with—

(1) the feasibility study for the Atchafalaya Basin Floodway System, Louisiana, dated January 1982; and

(2) the recreation cost-sharing requirements under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

SEC. 309. RED RIVER WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), and section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), is further modified to authorize the purchase of mitigation land from willing sellers in any of the parishes that comprise the Red River Waterway District, consisting of Avoyelles, Bossier, Caddo, Grant, Natchitoches, Rapides, and Red River Parishes.

SEC. 310. NARRAGUAGUS RIVER, MILBRIDGE, MAINE.

(a) REDESIGNATION.—The project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is modified to redesignate as anchorage the portion of the 11-foot channel described as follows: beginning at a point with coordinates N248,413.92, E668,000.24, thence running south 20 degrees 09 minutes 57.8 seconds east 1325.205 feet to a point N247,169.95, E668,457.09, thence running north 51 degrees 30 minutes 05.7 seconds west 562.33 feet to a point N247,520.00, E668,017.00, thence running north 01 degrees 04 minutes 26.8 seconds west 894.077 feet to the point of origin.

(b) REAUTHORIZATION.—The Secretary shall maintain as anchorage the portions of the project for navigation, Narraguagus River, Milbridge, Maine, authorized by section 2 of the Act of June 14, 1880 (21 Stat. 195, chapter 211), that lie adjacent to and outside the limits of the 11-foot and 9-foot channels and that are described as follows:

(1) The area located east of the 11-foot channel beginning at a point with coordinates N248,060.52, E668,236.56, thence running south 36 degrees 20 minutes 52.3 seconds east 1567.242 feet to a point N246,798.21, E669,165.44, thence running north 51 degrees 30 minutes 06.2 seconds west 839.855 feet to a point N247,321.01, E668,508.15, thence running north 20 degrees 09 minutes 58.1 seconds west 787.801 feet to the point of origin.

(2) The area located west of the 9-foot channel beginning at a point with coordinates N249,673.29, E667,537.73, thence running south 20 degrees 09 minutes 57.8 seconds east 1341.616 feet to a point N248,413.92, E668,000.24, thence running south 01 degrees 04 minutes 26.8 seconds east 371.688 feet to a point N248,042.30, E668,007.21, thence running north 22 degrees 21 minutes 20.8 seconds west 474.096 feet to a point N248,480.76, E667,826.88, thence running north 79 degrees 09 minutes 31.6 seconds east 100.872 feet to a point N248,499.73, E667,925.95, thence running north 13 degrees 47 minutes 27.6 seconds west 95.126 feet to a point N248,592.12, E667,903.28, thence running south 79 degrees 09 minutes 31.6 seconds west 115.330 feet to a point N248,570.42, E667,790.01, thence running north 22 degrees 21 minutes 20.8 seconds west 816.885 feet to a point N249,325.91, E667,479.30, thence running north 07 degrees 03 minutes 00.3 seconds west 305.680 feet to a point N249,629.28, E667,441.78, thence running north 65 degrees 21 minutes

33.8 seconds east 105.561 feet to the point of origin.

SEC. 311. WILLIAM JENNINGS RANDOLPH LAKE, MARYLAND.

The Secretary—

(1) may provide design and construction assistance for recreational facilities in the State of Maryland at the William Jennings Randolph Lake (Bloomington Dam), Maryland and West Virginia, project authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182); and

(2) shall require the non-Federal interest to provide 50 percent of the costs of designing and constructing the recreational facilities.

SEC. 312. BRECKENRIDGE, MINNESOTA.

(a) IN GENERAL.—The Secretary may complete the project for flood damage reduction, Breckenridge, Minnesota, substantially in accordance with the Detailed Project Report dated September 2000, at a total cost of $21,000,000, with an estimated Federal cost of $13,650,000 and an estimated non-Federal cost of $7,350,000.

(b) IN-KIND SERVICES.—The non-Federal interest may provide its share of project costs in cash or in the form of in-kind services or materials.

(c) CREDIT.—The non-Federal interest shall receive credit toward the non-Federal share of project costs for design and construction work carried out by the non-Federal interest before the date of modification of the existing project cooperation agreement or execution of a new project cooperation agreement, if the Secretary determines that the work is integral to the project.

SEC. 313. MISSOURI RIVER VALLEY, MISSOURI.

(a) SHORT TITLE.—This section may be cited as the ''Missouri River Valley Improvement Act''.

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) Lewis and Clark were pioneering naturalists that recorded dozens of species previously unknown to science while ascending the Missouri River in 1804;

(B) the Missouri River, which is 2,321 miles long, drains ⅙ of the United States, is home to approximately 10,000,000 people in 10 States and 28 Native American tribes, and is a resource of incalculable value to the United States;

(C) the construction of dams, levees, and river training structures in the past 150 years has aided navigation, flood control, and water supply along the Missouri River, but has reduced habitat for native river fish and wildlife;

(D) river organizations, including the Missouri River Basin Association, support habitat restoration, riverfront revitalization, and improved operational flexibility so long as those efforts do not significantly interfere with uses of the Missouri River; and

(E) restoring a string of natural places by the year 2004 would aid native river fish and wildlife, reduce flood losses, enhance recreation and tourism, and celebrate the bicentennial of Lewis and Clark's voyage.

(2) PURPOSES.—The purposes of this section are—

(A) to protect, restore, and enhance the fish, wildlife, and plants, and the associated habitats on which they depend, of the Missouri River;

(B) to restore a string of natural places that aid native river fish and wildlife, reduce flood losses, and enhance recreation and tourism;

(C) to revitalize historic riverfronts to improve quality of life in riverside communities and attract recreation and tourism;

(D) to monitor the health of the Missouri River and measure biological, chemical, geological, and hydrological responses to changes in Missouri River management;

(E) to allow the Corps of Engineers increased authority to restore and protect fish and wildlife habitat on the Missouri River;

(F) to protect and replenish cottonwoods, and their associated riparian woodland communities, along the upper Missouri River; and

(G) to educate the public about the economic, environmental, and cultural importance of the Missouri River and the scientific and cultural discoveries of Lewis and Clark.

(c) DEFINITION OF MISSOURI RIVER.—In this section, the term ''Missouri River'' means the Missouri River and the adjacent floodplain that extends from the mouth of the Missouri River (RM 0) to the confluence of the Jefferson, Madison, and Gallatin Rivers (RM 2341) in the State of Montana.

(d) AUTHORITY TO PROTECT, ENHANCE, AND RESTORE FISH AND WILDLIFE HABITAT.—Section 9(b) of the Act of December 22, 1944 (58 Stat. 891, chapter 665), is amended—

(1) by striking ''(b) The general'' and inserting the following:

''(b) COMPREHENSIVE PLAN.—

''(1) IN GENERAL.—The general'';

(2) by striking ''paragraph'' and inserting ''subsection''; and

(3) by adding at the end the following:

''(2) FISH AND WILDLIFE HABITAT.—In addition to carrying out the duties under the comprehensive plan described in paragraph (1), the Chief of Engineers shall protect, enhance, and restore fish and wildlife habitat on the Missouri River to the extent consistent with other authorized project purposes.''.

(e) INTEGRATION OF ACTIVITIES.—

(1) IN GENERAL.—In carrying out this section and in accordance with paragraph (2), the Secretary shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(A) the water-related needs of the Missouri River basin, including flood control, navigation, hydropower, water supply, and recreation; and

(B) private property rights.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity under this section.

(f) MISSOURI RIVER MITIGATION PROJECT.—The matter under the heading ''MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA'' of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is amended by adding at the end the following: ''There is authorized to be appropriated to carry out this paragraph $20,000,000 for each of fiscal years 2001 through 2010, contingent on the completion by December 31, 2000, of the study under this heading.''.

(g) UPPER MISSOURI RIVER AQUATIC AND RIPARIAN HABITAT MITIGATION PROGRAM.—

(1) IN GENERAL.—

(A) STUDY.—Not later than 2 years after the date of enactment of this Act, the Secretary, through an interagency agreement with the Director of the United States Fish and Wildlife Service and in accordance with the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.), shall complete a study that—

(i) analyzes any adverse effects on aquatic and riparian-dependent fish and wildlife resulting from the operation of the Missouri River Mainstem Reservoir Project in the States of Nebraska, South Dakota, North Dakota, and Montana;

(ii) recommends measures appropriate to mitigate the adverse effects described in clause (i); and

(iii) develops baseline geologic and hydrologic data relating to aquatic and riparian habitat.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(2) PILOT PROGRAM.—The Secretary, in consultation with the Director of the United States Fish and Wildlife Service and the affected State fish and wildlife agencies, shall develop and administer a pilot mitigation program that—

(A) involves the experimental releases of warm water from the spillways at Fort Peck Dam during the appropriate spawning periods for native fish;

(B) involves the monitoring of the response of fish to and the effectiveness of the preservation of native fish and wildlife habitat of the releases described in subparagraph (A); and

(C) shall not adversely impact a use of the reservoir existing on the date on which the pilot program is implemented.

(3) RESERVOIR FISH LOSS STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the North Dakota Game and Fish Department and the South Dakota Department of Game, Fish and Parks, shall complete a study to analyze and recommend measures to avoid or reduce the loss of fish, including rainbow smelt, through Garrison Dam in North Dakota and Oahe Dam in South Dakota.

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subparagraph (A).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

(A) to complete the study required under paragraph (3), $200,000; and

(B) to carry out the other provisions of this subsection, $1,000,000 for each of fiscal years 2001 through 2010.

(h) MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.—Section 514 of the Water Resources Development Act of 1999 (113 Stat. 342) is amended by striking subsection (g) and inserting the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out activities under this section $5,000,000 for each of fiscal years 2001 through 2004.''.

SEC. 314. NEW MADRID COUNTY, MISSOURI.

(a) IN GENERAL.—The project for navigation, New Madrid County Harbor, New Madrid County, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), is authorized as described in the feasibility report for the project, including both phase 1 and phase 2 of the project.

(b) CREDIT.—

(1) IN GENERAL.—The Secretary shall provide credit to the non-Federal interests for the costs incurred by the non-Federal interests in carrying out construction work for phase 1 of the project, if the Secretary finds that the construction work is integral to phase 2 of the project.

(2) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under paragraph (1) shall not exceed the required non-Federal share for the project.

SEC. 315. PEMISCOT COUNTY HARBOR, MISSOURI.

(a) CREDIT.—With respect to the project for navigation, Pemiscot County Harbor, Missouri, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), the Secretary shall provide credit to the Pemiscot County Port Authority, or an agent of the authority, for the costs incurred by the Authority or agent in carrying out construction work for the project after December 31, 1997, if the Secretary finds that

the construction work is integral to the project.

(b) MAXIMUM AMOUNT OF CREDIT.—The amount of the credit under subsection (a) shall not exceed the required non-Federal share for the project, estimated as of the date of enactment of this Act to be $222,000.

SEC. 316. PIKE COUNTY, MISSOURI.

(a) IN GENERAL.—Subject to subsections (c) and (d), at such time as S.S.S., Inc. conveys all right, title, and interest in and to the parcel of land described in subsection (b)(1) to the United States, the Secretary shall convey all right, title, and interest of the United States in and to the parcel of land described in subsection (b)(2) to S.S.S., Inc.

(b) LAND DESCRIPTION.—The parcels of land referred to in subsection (a) are the following:

(1) NON-FEDERAL LAND.—8.99 acres with existing flowage easements, located in Pike County, Missouri, adjacent to land being acquired from Holnam, Inc. by the Corps of Engineers.

(2) FEDERAL LAND.—8.99 acres located in Pike County, Missouri, known as ''Government Tract Numbers FM–46 and FM–47'', administered by the Corps of Engineers.

(c) CONDITIONS.—The land exchange under subsection (a) shall be subject to the following conditions:

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the parcel of land described in subsection (b)(1) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The instrument of conveyance used to convey the parcel of land described in subsection (b)(2) to S.S.S., Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—S.S.S., Inc. may remove, and the Secretary may require S.S.S., Inc. to remove, any improvements on the parcel of land described in subsection (b)(1).

(B) NO LIABILITY.—If S.S.S., Inc., voluntarily or under direction from the Secretary, removes an improvement on the parcel of land described in subsection (b)(1)—

(i) S.S.S., Inc. shall have no claim against the United States for liability; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvement.

(3) TIME LIMIT FOR LAND EXCHANGE.—Not later than 2 years after the date of enactment of this Act, the land exchange under subsection (a) shall be completed.

(4) LEGAL DESCRIPTION.—The Secretary shall provide legal descriptions of the parcels of land described in subsection (b), which shall be used in the instruments of conveyance of the parcels.

(5) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the land exchange under subsection (a).

(d) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to S.S.S., Inc. by the Secretary under subsection (a) exceeds the appraised fair market value, as determined by the Secretary, of the parcel of land conveyed to the United States by S.S.S., Inc. under that subsection, S.S.S., Inc. shall pay to the United States, in cash or a cash equivalent, an amount equal to the difference between the 2 values.

SEC. 317. FORT PECK FISH HATCHERY, MONTANA.

(a) FINDINGS.—Congress finds that—

(1) Fort Peck Lake, Montana, is in need of a multispecies fish hatchery;

(2) the burden of carrying out efforts to raise and stock fish species in Fort Peck Lake has been disproportionately borne by the State of Montana despite the existence of a Federal project at Fort Peck Lake;

(3)(A) as of the date of enactment of this Act, eastern Montana has only 1 warm water fish hatchery, which is inadequate to meet the demands of the region; and

(B) a disease or infrastructure failure at that hatchery could imperil fish populations throughout the region;

(4) although the multipurpose project at Fort Peck, Montana, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1034, chapter 831), was intended to include irrigation projects and other activities designed to promote economic growth, many of those projects were never completed, to the detriment of the local communities flooded by the Fort Peck Dam;

(5) the process of developing an environmental impact statement for the update of the Corps of Engineers Master Manual for the operation of the Missouri River recognized the need for greater support of recreation activities and other authorized purposes of the Fort Peck project;

(6)(A) although fish stocking is included among the authorized purposes of the Fort Peck project, the State of Montana has funded the stocking of Fort Peck Lake since 1947; and

(B) the obligation to fund the stocking constitutes an undue burden on the State; and

(7) a viable multispecies fishery would spur economic development in the region.

(b) PURPOSES.—The purposes of this section are—

(1) to authorize and provide funding for the design and construction of a multispecies fish hatchery at Fort Peck Lake, Montana; and

(2) to ensure stable operation and maintenance of the fish hatchery.

(c) DEFINITIONS.—In this section:

(1) FORT PECK LAKE.—The term ''Fort Peck Lake'' means the reservoir created by the damming of the upper Missouri River in northeastern Montana.

(2) HATCHERY PROJECT.—The term ''hatchery project'' means the project authorized by subsection (d).

(d) AUTHORIZATION.—The Secretary shall carry out a project at Fort Peck Lake, Montana, for the design and construction of a fish hatchery and such associated facilities as are necessary to sustain a multispecies fishery.

(e) COST SHARING.—

(1) DESIGN AND CONSTRUCTION.—

(A) FEDERAL SHARE.—The Federal share of the costs of design and construction of the hatchery project shall be 75 percent.

(B) FORM OF NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the costs of the hatchery project may be provided in the form of cash or in the form of land, easements, rights-of-way, services, roads, or any other form of in-kind contribution determined by the Secretary to be appropriate.

(ii) REQUIRED CREDITING.—The Secretary shall credit toward the non-Federal share of the costs of the hatchery project—

(I) the costs to the State of Montana of stocking Fort Peck Lake during the period beginning January 1, 1947; and

(II) the costs to the State of Montana and the counties having jurisdiction over land surrounding Fort Peck Lake of construction of local access roads to the lake.

(2) OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT.—

(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the operation, maintenance, repair, and replacement of the hatchery project shall be a non-Federal responsibility.

(B) COSTS ASSOCIATED WITH THREATENED AND ENDANGERED SPECIES.—The costs of operation and maintenance associated with raising threatened or endangered species shall be a Federal responsibility.

(C) POWER.—The Secretary shall offer to the hatchery project low-cost project power for all hatchery operations.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) $20,000,000; and

(B) such sums as are necessary to carry out subsection (e)(2)(B).

(2) AVAILABILITY OF FUNDS.—Sums made available under paragraph (1) shall remain available until expended.

SEC. 318. SAGAMORE CREEK, NEW HAMPSHIRE.

The Secretary shall carry out maintenance dredging of the Sagamore Creek Channel, New Hampshire.

SEC. 319. PASSAIC RIVER BASIN FLOOD MANAGEMENT, NEW JERSEY.

(a) IN GENERAL.—The project for flood control, Passaic River, New Jersey and New York, authorized by section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607), is modified to emphasize nonstructural approaches for flood control as alternatives to the construction of the Passaic River tunnel element, while maintaining the integrity of other separable mainstream project elements, wetland banks, and other independent projects that were authorized to be carried out in the Passaic River Basin before the date of enactment of this Act.

(b) REEVALUATION OF FLOODWAY STUDY.—The Secretary shall review the Passaic River Floodway Buyout Study, dated October 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(c) REEVALUATION OF 10-YEAR FLOODPLAIN STUDY.—The Secretary shall review the Passaic River Buyout Study of the 10-year floodplain beyond the floodway of the Central Passaic River Basin, dated September 1995, to calculate the benefits of a buyout and environmental restoration using the method used to calculate the benefits of structural projects under section 308(b) of the Water Resources Development Act of 1990 (33 U.S.C. 2318(b)).

(d) PRESERVATION OF NATURAL STORAGE AREAS.—

(1) IN GENERAL.—The Secretary shall reevaluate the acquisition, from willing sellers, for flood protection purposes, of wetlands in the Central Passaic River Basin to supplement the wetland acquisition authorized by section 101(a)(18)(C)(vi) of the Water Resources Development Act of 1990 (104 Stat. 4609).

(2) PURCHASE.—If the Secretary determines that the acquisition of wetlands evaluated under paragraph (1) is economically justified, the Secretary shall purchase the wetlands, with the goal of purchasing not more than 8,200 acres.

(e) STREAMBANK EROSION CONTROL STUDY.—The Secretary shall review relevant reports and conduct a study to determine the feasibility of carrying out a project for environmental restoration, erosion control, and streambank restoration along the Passaic River, from Dundee Dam to Kearny Point, New Jersey.

(f) PASSAIC RIVER FLOOD MANAGEMENT TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in cooperation with the non-Federal interest, shall establish a task force, to be known as the ''Passaic River Flood Management Task Force'', to provide advice to the Secretary

concerning all aspects of the Passaic River flood management project.

(2) MEMBERSHIP.—The task force shall be composed of 20 members, appointed as follows:

(A) APPOINTMENT BY SECRETARY.—The Secretary shall appoint 1 member to represent the Corps of Engineers and to provide technical advice to the task force.

(B) APPOINTMENTS BY GOVERNOR OF NEW JERSEY.—The Governor of New Jersey shall appoint 18 members to the task force, as follows:

(i) 2 representatives of the New Jersey legislature who are members of different political parties.

(ii) 1 representative of the State of New Jersey.

(iii) 1 representative of each of Bergen, Essex, Morris, and Passaic Counties, New Jersey.

(iv) 6 representatives of governments of municipalities affected by flooding within the Passaic River Basin.

(v) 1 representative of the Palisades Interstate Park Commission.

(vi) 1 representative of the North Jersey District Water Supply Commission.

(vii) 1 representative of each of—

(I) the Association of New Jersey Environmental Commissions;

(II) the Passaic River Coalition; and

(III) the Sierra Club.

(C) APPOINTMENT BY GOVERNOR OF NEW YORK.—The Governor of New York shall appoint 1 representative of the State of New York to the task force.

(3) MEETINGS.—

(A) REGULAR MEETINGS.—The task force shall hold regular meetings.

(B) OPEN MEETINGS.—The meetings of the task force shall be open to the public.

(4) ANNUAL REPORT.—The task force shall submit annually to the Secretary and to the non-Federal interest a report describing the achievements of the Passaic River flood management project in preventing flooding and any impediments to completion of the project.

(5) EXPENDITURE OF FUNDS.—The Secretary may use funds made available to carry out the Passaic River Basin flood management project to pay the administrative expenses of the task force.

(6) TERMINATION.—The task force shall terminate on the date on which the Passaic River flood management project is completed.

(g) ACQUISITION OF LANDS IN THE FLOODWAY.—Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718), is amended by adding at the end the following:

''(e) CONSISTENCY WITH NEW JERSEY BLUE ACRES PROGRAM.—The Secretary shall carry out this section in a manner that is consistent with the Blue Acres Program of the State of New Jersey.''.

(h) STUDY OF HIGHLANDS LAND CONSERVATION.—The Secretary, in cooperation with the Secretary of Agriculture and the State of New Jersey, may study the feasibility of conserving land in the Highlands region of New Jersey and New York to provide additional flood protection for residents of the Passaic River Basin in accordance with section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332).

(i) RESTRICTION ON USE OF FUNDS.—The Secretary shall not obligate any funds to carry out design or construction of the tunnel element of the Passaic River flood control project, as authorized by section 101(a)(18)(A) of the Water Resources Development Act of 1990 (104 Stat. 4607).

(j) CONFORMING AMENDMENT.—Section 101(a)(18) of the Water Resources Development Act of 1990 (104 Stat. 4607) is amended in the paragraph heading by striking ''MAIN STEM,'' and inserting ''FLOOD MANAGEMENT PROJECT,''.

SEC. 320. ROCKAWAY INLET TO NORTON POINT, NEW YORK.

(a) IN GENERAL.—The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point (Coney Island Area), New York, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4135) is modified to authorize the Secretary to construct T-groins to improve sand retention down drift of the West 37th Street groin, in the Sea Gate area of Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, entitled ''Field Data Gathering Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention'', at a total cost of $9,000,000, with an estimated Federal cost of $5,850,000 and an estimated non-Federal cost of $3,150,000.

(b) COST SHARING.—The non-Federal share of the costs of constructing the T-groins under subsection (a) shall be 35 percent.

SEC. 321. JOHN DAY POOL, OREGON AND WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the land described in each deed specified in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEEDS.—Subsection (a) applies to deeds with the following county auditors' numbers:

(1) Auditor's Microfilm Numbers 229 and 16226 of Morrow County, Oregon, executed by the United States.

(2) The portion of the land conveyed in a deed executed by the United States and bearing Benton County, Washington, Auditor's File Number 601766, described as a tract of land lying in sec. 7, T. 5 N., R. 28 E., Willamette meridian, Benton County, Washington, being more particularly described by the following boundaries:

(A) Commencing at the point of intersection of the centerlines of Plymouth Street and Third Avenue in the First Addition to the Town of Plymouth (according to the duly recorded plat thereof).

(B) Thence west along the centerline of Third Avenue, a distance of 565 feet.

(C) Thence south 54° 10' west, to a point on the west line of Tract 18 of that Addition and the true point of beginning.

(D) Thence north, parallel with the west line of that sec. 7, to a point on the north line of that sec. 7.

(E) Thence west along the north line thereof to the northwest corner of that sec. 7.

(F) Thence south along the west line of that sec. 7 to a point on the ordinary high water line of the Columbia River.

(G) Thence northeast along that high water line to a point on the north and south coordinate line of the Oregon Coordinate System, North Zone, that coordinate line being east 2,291,000 feet.

(H) Thence north along that line to a point on the south line of First Avenue of that Addition.

(I) Thence west along First Avenue to a point on the southerly extension of the west line of T. 18.

(J) Thence north along that west line of T. 18 to the point of beginning.

SEC. 322. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.

Section 352 of the Water Resources Development Act of 1999 (113 Stat. 310) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) CREDIT TOWARD NON-FEDERAL SHARE.—The non-Federal interest shall receive credit toward the non-Federal share of project costs, or reimbursement, for the Federal share of the costs of repairs authorized under subsection (a) that are incurred by the non-Federal interest before the date of execution of the project cooperation agreement.''.

SEC. 323. CHARLESTON HARBOR, SOUTH CAROLINA.

(a) ESTUARY RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers to support the restoration of the ecosystem of the Charleston Harbor estuary, South Carolina.

(B) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the State of South Carolina; and

(ii) other affected Federal and non-Federal interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the ecosystem of the Charleston Harbor estuary.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the appropriate Federal, State, and local agencies.

(b) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (a)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraphs (2) and (3) of subsection (a) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (a)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated to carry out subsection (a)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (a) $5,000,000 for each of fiscal years 2001 through 2004.

SEC. 324. SAVANNAH RIVER, SOUTH CAROLINA.

(a) DEFINITION OF NEW SAVANNAH BLUFF LOCK AND DAM.—In this section, the term ''New Savannah Bluff Lock and Dam'' means—

(1) the lock and dam at New Savannah Bluff, Savannah River, Georgia and South Carolina; and

(2) the appurtenant features to the lock and dam, including—

(A) the adjacent approximately 50-acre park and recreation area with improvements made under the project for navigation, Savannah River below Augusta, Georgia, authorized by the first section of the Act of July 3, 1930 (46 Stat. 924, chapter 847) and the first section of the Act of August 30, 1935 (49 Stat. 1032, chapter 831); and

(B) other land that is part of the project and that the Secretary determines to be appropriate for conveyance under this section.

(b) REPAIR AND CONVEYANCE.—After execution of an agreement between the Secretary and the city of North Augusta and Aiken County, South Carolina, the Secretary—

(1) shall repair and rehabilitate the New Savannah Bluff Lock and Dam, at full Federal expense estimated at $5,300,000; and

(2) after repair and rehabilitation, may convey the New Savannah Bluff Lock and Dam, without consideration, to the city of North Augusta and Aiken County, South Carolina.

(c) TREATMENT OF NEW SAVANNAH BLUFF LOCK AND DAM.—The New Savannah Bluff Lock and Dam shall not be considered to be part of any Federal project after the conveyance under subsection (b).

(d) OPERATION AND MAINTENANCE.—

(1) BEFORE CONVEYANCE.—Before the conveyance under subsection (b), the Secretary shall continue to operate and maintain the New Savannah Bluff Lock and Dam.

(2) AFTER CONVEYANCE.—After the conveyance under subsection (b), operation and maintenance of all features of the project for navigation, Savannah River below Augusta, Georgia, described in subsection (a)(2)(A), other than the New Savannah Bluff Lock and Dam, shall continue to be a Federal responsibility.

SEC. 325. HOUSTON-GALVESTON NAVIGATION CHANNELS, TEXAS.

(a) IN GENERAL.—Subject to the completion, not later than December 31, 2000, of a favorable report by the Chief of Engineers, the project for navigation and environmental restoration, Houston-Galveston Navigation Channels, Texas, authorized by section 101(a)(30) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to design and construct barge lanes adjacent to both sides of the Houston Ship Channel from Redfish Reef to Morgan Point, a distance of approximately 15 miles, to a depth of 12 feet, at a total cost of $34,000,000, with an estimated Federal cost of $30,600,000 and an estimated non-Federal cost of $3,400,000.

(b) COST SHARING.—The non-Federal interest shall pay a portion of the costs of construction of the barge lanes under subsection (a) in accordance with section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

(c) FEDERAL INTEREST.—If the modification under subsection (a) is in compliance with all applicable environmental requirements, the modification shall be considered to be in the Federal interest.

(d) NO AUTHORIZATION OF MAINTENANCE.—No maintenance is authorized to be carried out for the modification under subsection (a).

SEC. 326. JOE POOL LAKE, TRINITY RIVER BASIN, TEXAS.

(a) IN GENERAL.—The Secretary shall enter into an agreement with the city of Grand Prairie, Texas, under which the city agrees to assume all responsibilities of the Trinity River Authority of the State of Texas under Contract No. DACW63–76–C–0166, other than financial responsibilities, except the responsibility described in subsection (d).

(b) RESPONSIBILITIES OF TRINITY RIVER AUTHORITY.—The Trinity River Authority shall be relieved of all financial responsibilities under the contract described in subsection (a) as of the date on which the Secretary enters into the agreement with the city under that subsection.

(c) PAYMENTS BY CITY.—In consideration of the agreement entered into under subsection (a), the city shall pay the Federal Government $4,290,000 in 2 installments—

(1) 1 installment in the amount of $2,150,000, which shall be due and payable not later than December 1, 2000; and

(2) 1 installment in the amount of $2,140,000, which shall be due and payable not later than December 1, 2003.

(d) OPERATION AND MAINTENANCE COSTS.—The agreement entered into under subsection (a) shall include a provision requiring the city to assume responsibility for all costs associated with operation and maintenance of the recreation facilities included in the contract described in that subsection.

SEC. 327. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) LAKE CHAMPLAIN WATERSHED.—The term ''Lake Champlain watershed'' means—

(A) the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; and

(B)(i) the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and

(ii) the near-shore areas of Lake Champlain within the counties referred to in clause (i).

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in critical restoration projects in the Lake Champlain watershed.

(2) TYPES OF PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the critical restoration project consists of—

(A) implementation of an intergovernmental agreement for coordinating regulatory and management responsibilities with respect to the Lake Champlain watershed;

(B) acceleration of whole farm planning to implement best management practices to maintain or enhance water quality and to promote agricultural land use in the Lake Champlain watershed;

(C) acceleration of whole community planning to promote intergovernmental cooperation in the regulation and management of activities consistent with the goal of maintaining or enhancing water quality in the Lake Champlain watershed;

(D) natural resource stewardship activities on public or private land to promote land uses that—

(i) preserve and enhance the economic and social character of the communities in the Lake Champlain watershed; and

(ii) protect and enhance water quality; or

(E) any other activity determined by the Secretary to be appropriate.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a critical restoration project under this section only if—

(1) the critical restoration project is publicly owned; or

(2) the non-Federal interest with respect to the critical restoration project demonstrates that the critical restoration project will provide a substantial public benefit in the form of water quality improvement.

(d) PROJECT SELECTION.—

(1) IN GENERAL.—In consultation with the Lake Champlain Basin Program and the heads of other appropriate Federal, State, tribal, and local agencies, the Secretary may—

(A) identify critical restoration projects in the Lake Champlain watershed; and

(B) carry out the critical restoration projects after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(2) CERTIFICATION.—

(A) IN GENERAL.—A critical restoration project shall be eligible for financial assistance under this section only if the State director for the critical restoration project certifies to the Secretary that the critical restoration project will contribute to the protection and enhancement of the quality or quantity of the water resources of the Lake Champlain watershed.

(B) SPECIAL CONSIDERATION.—In certifying critical restoration projects to the Secretary, State directors shall give special consideration to projects that implement plans, agreements, and measures that preserve and enhance the economic and social character of the communities in the Lake Champlain watershed.

(e) COST SHARING.—

(1) IN GENERAL.—Before providing assistance under this section with respect to a critical restoration project, the Secretary shall enter into a project cooperation agreement that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work carried out by the non-Federal interest before the date of execution of a project cooperation agreement for the critical restoration project, if the Secretary finds that the design work is integral to the critical restoration project.

(B) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(C) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal

share in the form of services, materials, supplies, or other in-kind contributions.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of Federal or State law with respect to a critical restoration project carried out with assistance provided under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 328. MOUNT ST. HELENS, WASHINGTON.

The project for sediment control, Mount St. Helens, Washington, authorized by the matter under the heading ''TRANSFER OF FEDERAL TOWNSITES'' in chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 318), is modified to authorize the Secretary to maintain, for Longview, Kelso, Lexington, and Castle Rock on the Cowlitz River, Washington, the flood protection levels specified in the October 1985 report entitled ''Mount St. Helens, Washington, Decision Document (Toutle, Cowlitz, and Columbia Rivers)'', published as House Document No. 135, 99th Congress, signed by the Chief of Engineers, and endorsed and submitted to Congress by the Acting Assistant Secretary of the Army.

SEC. 329. PUGET SOUND AND ADJACENT WATERS RESTORATION, WASHINGTON.

(a) DEFINITION OF CRITICAL RESTORATION PROJECT.—In this section, the term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(b) CRITICAL RESTORATION PROJECTS.—The Secretary may participate in critical restoration projects in the area of Puget Sound, Washington, and adjacent waters, including—

(1) the watersheds that drain directly into Puget Sound;

(2) Admiralty Inlet;

(3) Hood Canal;

(4) Rosario Strait; and

(5) the Strait of Juan de Fuca to Cape Flattery.

(c) PROJECT SELECTION.—

(1) IN GENERAL.—The Secretary may identify critical restoration projects in the area described in subsection (b) based on—

(A) studies to determine the feasibility of carrying out the critical restoration projects; and

(B) analyses conducted before the date of enactment of this Act by non-Federal interests.

(2) CRITERIA AND PROCEDURES FOR REVIEW AND APPROVAL.—

(A) IN GENERAL.—In consultation with the Secretary of Commerce, the Secretary of the Interior, the Governor of the State of Washington, tribal governments, and the heads of other appropriate Federal, State, and local agencies, the Secretary may develop criteria and procedures for prioritizing critical restoration projects identified under paragraph (1).

(B) CONSISTENCY WITH FISH RESTORATION GOALS.—The criteria and procedures developed under subparagraph (A) shall be consistent with fish restoration goals of the National Marine Fisheries Service and the State of Washington.

(C) USE OF EXISTING STUDIES AND PLANS.—In carrying out subparagraph (A), the Secretary shall use, to the maximum extent practicable, studies and plans in existence on the date of enactment of this Act to identify project needs and priorities.

(3) LOCAL PARTICIPATION.—In prioritizing critical restoration projects for implementation under this section, the Secretary shall consult with, and give full consideration to the priorities of, public and private entities that are active in watershed planning and ecosystem restoration in Puget Sound watersheds, including—

(A) the Salmon Recovery Funding Board;

(B) the Northwest Straits Commission;

(C) the Hood Canal Coordinating Council;

(D) county watershed planning councils; and

(E) salmon enhancement groups.

(d) IMPLEMENTATION.—The Secretary may carry out critical restoration projects identified under subsection (c) after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(e) COST SHARING.—

(1) IN GENERAL.—Before carrying out any critical restoration project under this section, the Secretary shall enter into a binding agreement with the non-Federal interest that shall require the non-Federal interest—

(A) to pay 35 percent of the total costs of the critical restoration project;

(B) to acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the critical restoration project;

(C) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the critical restoration project; and

(D) to hold the United States harmless from any claim or damage that may arise from carrying out the critical restoration project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(2) CREDIT.—

(A) IN GENERAL.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out the critical restoration project.

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share in the form of services, materials, supplies, or other in-kind contributions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, of which not more than $5,000,000 may be used to carry out any 1 critical restoration project.

SEC. 330. FOX RIVER SYSTEM, WISCONSIN.

Section 332(a) of the Water Resources Development Act of 1992 (106 Stat. 4852) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(2) PAYMENTS TO STATE.—The terms and conditions may include 1 or more payments to the State of Wisconsin to assist the State in paying the costs of repair and rehabilitation of the transferred locks and appurtenant features.''.

SEC. 331. CHESAPEAKE BAY OYSTER RESTORATION.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) in the second sentence, by striking ''$7,000,000'' and inserting ''$20,000,000''; and

(2) by striking paragraph (4) and inserting the following:

''(4) the construction of reefs and related clean shell substrate for fish habitat, including manmade 3-dimensional oyster reefs, in the Chesapeake Bay and its tributaries in Maryland and Virginia—

''(A) which reefs shall be preserved as permanent sanctuaries by the non-Federal interests, consistent with the recommendations of the scientific consensus document on Chesapeake Bay oyster restoration dated June 1999; and

''(B) for assistance in the construction of which reefs the Chief of Engineers shall solicit participation by and the services of commercial watermen.''.

SEC. 332. GREAT LAKES DREDGING LEVELS ADJUSTMENT.

(a) DEFINITION OF GREAT LAKE.—In this section, the term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(b) DREDGING LEVELS.—In operating and maintaining Federal channels and harbors of, and the connecting channels between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

SEC. 333. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Great Lakes comprise a nationally and internationally significant fishery and ecosystem;

(2) the Great Lakes fishery and ecosystem should be developed and enhanced in a coordinated manner; and

(3) the Great Lakes fishery and ecosystem provides a diversity of opportunities, experiences, and beneficial uses.

(b) DEFINITIONS.—In this section:

(1) GREAT LAKE.—

(A) IN GENERAL.—The term ''Great Lake'' means Lake Superior, Lake Michigan, Lake Huron (including Lake St. Clair), Lake Erie, and Lake Ontario (including the St. Lawrence River to the 45th parallel of latitude).

(B) INCLUSIONS.—The term ''Great Lake'' includes any connecting channel, historically connected tributary, and basin of a lake specified in subparagraph (A).

(2) GREAT LAKES COMMISSION.—The term ''Great Lakes Commission'' means The Great Lakes Commission established by the Great Lakes Basin Compact (82 Stat. 414).

(3) GREAT LAKES FISHERY COMMISSION.—The term ''Great Lakes Fishery Commission'' has the meaning given the term ''Commission'' in section 2 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 931).

(4) GREAT LAKES STATE.—The term ''Great Lakes State'' means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(c) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—

(1) SUPPORT PLAN.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a plan for activities of the Corps of Engineers that support the management of Great Lakes fisheries.

(B) USE OF EXISTING DOCUMENTS.—To the maximum extent practicable, the plan shall make use of and incorporate documents that relate to the Great Lakes and are in existence on the date of enactment of this Act, such as lakewide management plans and remedial action plans.

(C) COOPERATION.—The Secretary shall develop the plan in cooperation with—

(i) the signatories to the Joint Strategic Plan for Management of the Great Lakes Fisheries; and

(ii) other affected interests.

(2) PROJECTS.—The Secretary shall plan, design, and construct projects to support the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes.

(3) EVALUATION PROGRAM.—

(A) IN GENERAL.—The Secretary shall develop a program to evaluate the success of the projects carried out under paragraph (2) in meeting fishery and ecosystem restoration goals.

(B) STUDIES.—Evaluations under subparagraph (A) shall be conducted in consultation with the Great Lakes Fishery Commission and appropriate Federal, State, and local agencies.

(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into a cooperative agreement with the Great Lakes Commission or any other agency established to facilitate active State participation in management of the Great Lakes.

(e) RELATIONSHIP TO OTHER GREAT LAKES ACTIVITIES.—No activity under this section shall affect the date of completion of any other activity relating to the Great Lakes that is authorized under other law.

(f) COST SHARING.—

(1) DEVELOPMENT OF PLAN.—The Federal share of the cost of development of the plan under subsection (c)(1) shall be 65 percent.

(2) PROJECT PLANNING, DESIGN, CONSTRUCTION, AND EVALUATION.—The Federal share of the cost of planning, design, construction, and evaluation of a project under paragraph (2) or (3) of subsection (c) shall be 65 percent.

(3) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The non-Federal interest shall receive credit for the value of any land, easement, right-of-way, relocation, or dredged material disposal area provided for carrying out a project under subsection (c)(2).

(B) FORM.—The non-Federal interest may provide up to 50 percent of the non-Federal share required under paragraphs (1) and (2) in the form of services, materials, supplies, or other in-kind contributions.

(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(5) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a private interest and a nonprofit entity.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) DEVELOPMENT OF PLAN.—There is authorized to be appropriated for development of the plan under subsection (c)(1) $300,000.

(2) OTHER ACTIVITIES.—There is authorized to be appropriated to carry out paragraphs (2) and (3) of subsection (c) $8,000,000 for each of fiscal years 2002 through 2006.

SEC. 334. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401 of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763; 113 Stat. 338) is amended—

(1) in subsection (a)(2)(A), by striking ''50 percent'' and inserting ''35 percent'';

(2) in subsection (b)—

(A) by striking paragraph (3);

(B) in the first sentence of paragraph (4), by striking ''50 percent'' and inserting ''35 percent''; and

(C) by redesignating paragraph (4) as paragraph (3); and

(3) in subsection (c), by striking ''$5,000,000 for each of fiscal years 1998 through 2000.'' and inserting ''$10,000,000 for each of fiscal years 2001 through 2010.''.

SEC. 335. GREAT LAKES TRIBUTARY MODEL.

Section 516 of the Water Resources Development Act of 1996 (33 U.S.C. 2326b) is amended—

(1) in subsection (e), by adding at the end the following:

''(3) COST SHARING.—The non-Federal share of the costs of developing a tributary sediment transport model under this subsection shall be 50 percent.''; and

(2) in subsection (g)—

(A) by striking ''There is authorized'' and inserting the following:

''(1) IN GENERAL.—There is authorized''; and

(B) by adding at the end the following:

''(2) GREAT LAKES TRIBUTARY MODEL.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out subsection (e) $5,000,000 for each of fiscal years 2001 through 2008.''.

SEC. 336. TREATMENT OF DREDGED MATERIAL FROM LONG ISLAND SOUND.

(a) IN GENERAL.—Not later than December 31, 2002, the Secretary shall carry out a demonstration project for the use of innovative sediment treatment technologies for the treatment of dredged material from Long Island Sound.

(b) PROJECT CONSIDERATIONS.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable—

(1) encourage partnerships between the public and private sectors;

(2) build on treatment technologies that have been used successfully in demonstration or full-scale projects (such as projects carried out in the State of New York, New Jersey, or Illinois), such as technologies described in—

(A) section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; 106 Stat. 4863); or

(B) section 503 of the Water Resources Development Act of 1999 (33 U.S.C. 2314 note; 113 Stat. 337);

(3) ensure that dredged material from Long Island Sound that is treated under the demonstration project is disposed of by beneficial reuse, by open water disposal, or at a licensed waste facility, as appropriate; and

(4) ensure that the demonstration project is consistent with the findings and requirements of any draft environmental impact statement on the designation of 1 or more dredged material disposal sites in Long Island Sound that is scheduled for completion in 2001.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

SEC. 337. NEW ENGLAND WATER RESOURCES AND ECOSYSTEM RESTORATION.

(a) DEFINITIONS.—In this section:

(1) CRITICAL RESTORATION PROJECT.—The term ''critical restoration project'' means a project that will produce, consistent with Federal programs, projects, and activities, immediate and substantial ecosystem restoration, preservation, and protection benefits.

(2) NEW ENGLAND.—The term ''New England'' means all watersheds, estuaries, and related coastal areas in the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(b) ASSESSMENT.—

(1) IN GENERAL.—The Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall perform an assessment of the condition of water resources and related ecosystems in New England to identify problems and needs for restoring, preserving, and protecting water resources, ecosystems, wildlife, and fisheries.

(2) MATTERS TO BE ADDRESSED.—The assessment shall include—

(A) development of criteria for identifying and prioritizing the most critical problems and needs; and

(B) a framework for development of watershed or regional restoration plans.

(3) USE OF EXISTING INFORMATION.—In performing the assessment, the Secretary shall, to the maximum extent practicable, use—

(A) information that is available on the date of enactment of this Act; and

(B) ongoing efforts of all participating agencies.

(4) CRITERIA; FRAMEWORK.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop and make available for public review and comment—

(i) criteria for identifying and prioritizing critical problems and needs; and

(ii) a framework for development of watershed or regional restoration plans.

(B) USE OF RESOURCES.—In developing the criteria and framework, the Secretary shall make full use of all available Federal, State, tribal, regional, and local resources.

(5) REPORT.—Not later than October l, 2002, the Secretary shall submit to Congress a report on the assessment.

(c) RESTORATION PLANS.—

(1) IN GENERAL.—After the report is submitted under subsection (b)(5), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall—

(A) develop a comprehensive plan for restoring, preserving, and protecting the water resources and ecosystem in each watershed and region in New England; and

(B) submit the plan to Congress.

(2) CONTENTS.—Each restoration plan shall include—

(A) a feasibility report; and

(B) a programmatic environmental impact statement covering the proposed Federal action.

(d) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the restoration plans are submitted under subsection (c)(1)(B), the Secretary, in coordination with appropriate Federal, State, tribal, regional, and local agencies, shall identify critical restoration projects that will produce independent, immediate, and substantial restoration, preservation, and protection benefits.

(2) AGREEMENTS.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) and this section.

(3) PROJECT JUSTIFICATION.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out a critical restoration project under this subsection, the Secretary may determine that the project—

(A) is justified by the environmental benefits derived from the ecosystem; and

(B) shall not need further economic justification if the Secretary determines that the project is cost effective.

(4) TIME LIMITATION.—No critical restoration project may be initiated under this subsection after September 30, 2005.

(5) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be used to carry out a critical restoration project under this subsection.

(e) COST SHARING.—

(1) ASSESSMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of the assessment under subsection (b) shall be 25 percent.

(B) IN-KIND CONTRIBUTIONS.—The non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(2) RESTORATION PLANS.—

(A) IN GENERAL.—The non-Federal share of the cost of developing the restoration plans under subsection (c) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a critical restoration project under subsection (d) shall be 35 percent.

(B) IN-KIND CONTRIBUTIONS.—Up to 50 percent of the non-Federal share may be provided in the form of services, materials, or other in-kind contributions.

(C) REQUIRED NON-FEDERAL CONTRIBUTION.—For any critical restoration project, the non-Federal interest shall—

(i) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(ii) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(iii) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(D) CREDIT.—The non-Federal interest shall receive credit for the value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under subparagraph (C).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) ASSESSMENT AND RESTORATION PLANS.—There is authorized to be appropriated to carry out subsections (b) and (c) $2,000,000 for each of fiscal years 2001 through 2005.

(2) CRITICAL RESTORATION PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $30,000,000.

SEC. 338. PROJECT DEAUTHORIZATIONS.

The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) KENNEBUNK RIVER, KENNEBUNK AND KENNEBUNKPORT, MAINE.—The following portion of the project for navigation, Kennebunk River, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), is not authorized after the date of enactment of this Act: the portion of the northernmost 6-foot deep anchorage the boundaries of which begin at a point with coordinates N1904693.6500, E418084.2700, thence running south 01 degree 04 minutes 50.3 seconds 35 feet to a point with coordinates N190434.6562, E418084.9301, thence running south 15 degrees 53 minutes 45.5 seconds 416.962 feet to a point with coordinates N190033.6386, E418199.1325, thence running north 03 degrees 11 minutes 30.4 seconds 70 feet to a point with coordinates N190103.5300, E418203.0300, thence running north 17 degrees 58 minutes 18.3 seconds west 384.900 feet to the point of origin.

(2) WALLABOUT CHANNEL, BROOKLYN, NEW YORK.—

(A) IN GENERAL.—The northeastern portion of the project for navigation, Wallabout Channel, Brooklyn, New York, authorized by the Act of March 3, 1899 (30 Stat. 1124, chapter 425), beginning at a point N682,307.40, E638,918.10, thence running along the courses and distances described in subparagraph (B).

(B) COURSES AND DISTANCES.—The courses and distances referred to in subparagraph (A) are the following:

(i) South 85 degrees, 44 minutes, 13 seconds East 87.94 feet (coordinate: N682,300.86, E639,005.80).

(ii) North 74 degrees, 41 minutes, 30 seconds East 271.54 feet (coordinate: N682,372.55, E639,267.71).

(iii) South 4 degrees, 46 minutes, 02 seconds West 170.95 feet (coordinate: N682,202.20, E639,253.50).

(iv) South 4 degrees, 46 minutes, 02 seconds West 239.97 feet (coordinate: N681,963.06, E639,233.56).

(v) North 50 degrees, 48 minutes, 26 seconds West 305.48 feet (coordinate: N682,156.10, E638,996.80).

(vi) North 3 degrees, 33 minutes, 25 seconds East 145.04 feet (coordinate: N682,300.86, E639,005.80).

(3) NEW YORK AND NEW JERSEY CHANNELS, NEW YORK AND NEW JERSEY.—The portion of the project for navigation, New York and New Jersey Channels, New York and New Jersey, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), and modified by section 101 of the River and Harbor Act of 1950 (64 Stat. 164), consisting of a 35-foot-deep channel beginning at a point along the western limit of the authorized project, N644100.411, E2129256.91, thence running southeast about 38.25 feet to a point N644068.885, E2129278.565, thence running south about 1163.86 feet to a point N642912.127, E2129150.209, thence running southwest about 56.9 feet to a point N642864.09, E2129119.725, thence running north along the western limit of the project to the point of origin.

(4) WARWICK COVE, RHODE ISLAND.—The portion of the project for navigation, Warwick Cove, Rhode Island, authorized under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), which is located within the 5-acre, 6-foot anchorage area west of the channel: beginning at a point with coordinates N221,150.027, E528,960.028, thence running southerly about 257.39 feet to a point with coordinates N220,892.638, E528,960.028, thence running northwesterly about 346.41 feet to a point with coordinates N221,025.270, E528,885.780, thence running northeasterly about 145.18 feet to the point of origin.

SEC. 339. BOGUE BANKS, CARTERET COUNTY, NORTH CAROLINA.

(a) DEFINITION OF BEACHES.—In this section, the term ''beaches'' means the following beaches located in Carteret County, North Carolina:

(1) Atlantic Beach.

(2) Pine Knoll Shores Beach.

(3) Salter Path Beach.

(4) Indian Beach.

(5) Emerald Isle Beach.

(b) RENOURISHMENT STUDY.—The Secretary shall expedite completion of a study under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) on the expedited renourishment, through sharing of the costs of deposition of sand and other material used for beach renourishment, of the beaches of Bogue Banks in Carteret County, North Carolina.

TITLE IV—STUDIES

SEC. 401. BALDWIN COUNTY, ALABAMA.

The Secretary shall conduct a study to determine the feasibility of carrying out beach erosion control, storm damage reduction, and other measures along the shores of Baldwin County, Alabama.

SEC. 402. BONO, ARKANSAS.

The Secretary shall conduct a study to determine the feasibility of, and need for, a reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife in the vicinity of Bono, Arkansas.

SEC. 403. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), to authorize construction of features to mitigate impacts of the project on the storm drainage system of the city of Woodland, California, that have been caused by construction of a new south levee of the Cache Creek Settling Basin.

(b) REQUIRED ELEMENTS.—The study shall include consideration of—

(1) an outlet works through the Yolo Bypass capable of receiving up to 1,600 cubic feet per second of storm drainage from the city of Woodland and Yolo County;

(2) a low-flow cross-channel across the Yolo Bypass, including all appurtenant features, that is sufficient to route storm flows of 1,600 cubic feet per second between the old and new south levees of the Cache Creek Settling Basin, across the Yolo Bypass, and into the Tule Canal; and

(3) such other features as the Secretary determines to be appropriate.

SEC. 404. ESTUDILLO CANAL WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Estudillo Canal watershed, San Leandro, Calfornia.

SEC. 405. LAGUNA CREEK WATERSHED, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of constructing flood control measures in the Laguna Creek watershed, Fremont, California, to provide a 100-year level of flood protection.

SEC. 406. OCEANSIDE, CALIFORNIA.

Not later than 32 months after the date of enactment of this Act, the Secretary shall conduct a special study, at full Federal expense, of plans—

(1) to mitigate for the erosion and other impacts resulting from the construction of Camp Pendleton Harbor, Oceanside, California, as a wartime measure; and

(2) to restore beach conditions along the affected public and private shores to the conditions that existed before the construction of Camp Pendleton Harbor.

SEC. 407. SAN JACINTO WATERSHED, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a watershed study for the San Jacinto watershed, California.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $250,000.

SEC. 408. CHOCTAWHATCHEE RIVER, FLORIDA.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the mouth of the Choctawhatchee River, Florida, to remove the sand plug.

SEC. 409. EGMONT KEY, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of stabilizing the historic fortifications and beach areas of Egmont Key, Florida, that are threatened by erosion.

SEC. 410. FERNANDINA HARBOR, FLORIDA.

The Secretary shall conduct a study to determine the feasibility of realigning the access channel in the vicinity of the Fernandina Beach Municipal Marina as part of project for navigation, Fernandina, Florida, authorized by the first section of the Act of June 14, 1880 (21 Stat. 186, chapter 211).

SEC. 411. UPPER OCKLAWAHA RIVER AND APOPKA/PALATLAKAHA RIVER BASINS, FLORIDA.

(a) IN GENERAL.—The Secretary shall conduct a restudy of flooding and water quality issues in—

(1) the upper Ocklawaha River basin, south of the Silver River; and

(2) the Apopka River and Palatlakaha River basins.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary shall review the report of the Chief of Engineers on the Four River Basins, Florida, project, published as House Document No. 585, 87th Congress, and

other pertinent reports to determine the feasibility of measures relating to comprehensive watershed planning for water conservation, flood control, environmental restoration and protection, and other issues relating to water resources in the river basins described in subsection (a).

SEC. 412. BOISE RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control activities along the Boise River, Idaho.

SEC. 413. WOOD RIVER, IDAHO.

The Secretary shall conduct a study to determine the feasibility of carrying out multi-objective flood control and flood mitigation planning projects along the Wood River in Blaine County, Idaho.

SEC. 414. CHICAGO, ILLINOIS.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out projects for water-related urban improvements, including infrastructure development and improvements, in Chicago, Illinois.

(b) SITES.—Under subsection (a), the Secretary shall study—

(1) the USX/Southworks site;

(2) Calumet Lake and River;

(3) the Canal Origins Heritage Corridor; and

(4) Ping Tom Park.

(c) USE OF INFORMATION; CONSULTATION.—In carrying out this section, the Secretary shall use available information from, and consult with, appropriate Federal, State, and local agencies.

SEC. 415. BOEUF AND BLACK, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of deepening the navigation channel of the Atchafalaya River and Bayous Chene, Boeuf and Black, Louisiana, from 20 feet to 35 feet.

SEC. 416. PORT OF IBERIA, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing navigation improvements for ingress and egress between the Port of Iberia, Louisiana, and the Gulf of Mexico, including channel widening and deepening.

SEC. 417. SOUTH LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing projects for hurricane protection in the coastal area of the State of Louisiana between Morgan City and the Pearl River.

SEC. 418. ST. JOHN THE BAPTIST PARISH, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of constructing urban flood control measures on the east bank of the Mississippi River in St. John the Baptist Parish, Louisiana.

SEC. 419. PORTLAND HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Portland Harbor, Maine.

SEC. 420. PORTSMOUTH HARBOR AND PISCATAQUA RIVER, MAINE AND NEW HAMPSHIRE.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Portsmouth Harbor and Piscataqua River, Maine and New Hampshire, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173) and modified by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), to increase the authorized width of turning basins in the Piscataqua River to 1,000 feet.

SEC. 421. SEARSPORT HARBOR, MAINE.

The Secretary shall conduct a study to determine the adequacy of the channel depth at Searsport Harbor, Maine.

SEC. 422. MERRIMACK RIVER BASIN, MASSACHUSETTS AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary shall conduct a comprehensive study of the water resources needs of the Merrimack River basin, Massachusetts and New Hampshire, in the manner described in section 729 of the Water Resources Development Act of 1986 (100 Stat. 4164).

(b) CONSIDERATION OF OTHER STUDIES.—In carrying out this section, the Secretary may take into consideration any studies conducted by the University of New Hampshire on environmental restoration of the Merrimack River System.

SEC. 423. PORT OF GULFPORT, MISSISSIPPI.

The Secretary shall conduct a study to determine the feasibility of modifying the project for navigation, Gulfport Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094) and modified by section 4(n) of the Water Resources Development Act of 1988 (102 Stat. 4017)—

(1) to widen the channel from 300 feet to 450 feet; and

(2) to deepen the South Harbor channel from 36 feet to 42 feet and the North Harbor channel from 32 feet to 36 feet.

SEC. 424. UPLAND DISPOSAL SITES IN NEW HAMPSHIRE.

In conjunction with the State of New Hampshire, the Secretary shall conduct a study to identify and evaluate potential upland disposal sites for dredged material originating from harbor areas located within the State.

SEC. 425. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.

Section 433 of the Water Resources Development Act of 1999 (113 Stat. 327) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''The''; and

(2) by adding at the end the following:

''(b) EVALUATION OF FLOOD DAMAGE REDUCTION MEASURES.—In conducting the study, the Secretary shall evaluate flood damage reduction measures that would otherwise be excluded from the feasibility analysis based on policies of the Corps of Engineers concerning the frequency of flooding, the drainage area, and the amount of runoff.''.

SEC. 426. CUYAHOGA RIVER, OHIO.

Section 438 of the Water Resources Development Act of 1996 (110 Stat. 3746) is amended to read as follows:

''SEC. 438. CUYAHOGA RIVER, OHIO.

''(a) IN GENERAL.—The Secretary shall—

''(1) conduct a study to evaluate the structural integrity of the bulkhead system located on the Federal navigation channel along the Cuyahoga River near Cleveland, Ohio; and

''(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair or replacement of the bulkhead system.

''(b) COST SHARING.—The non-Federal share of the cost of the study shall be 35 percent.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.''.

SEC. 427. DUCK CREEK WATERSHED, OHIO.

The Secretary shall conduct a study to determine the feasibility of carrying out flood control, environmental restoration, and aquatic ecosystem restoration measures in the Duck Creek watershed, Ohio.

SEC. 428. FREMONT, OHIO.

In consultation with appropriate Federal, State, and local agencies, the Secretary shall conduct a study to determine the feasibility of carrying out projects for water supply and environmental restoration at the Ballville Dam, on the Sandusky River at Fremont, Ohio.

SEC. 429. GRAND LAKE, OKLAHOMA.

(a) EVALUATION.—The Secretary shall—

(1) evaluate the backwater effects specifically due to flood control operations on land around Grand Lake, Oklahoma; and

(2) not later than 180 days after the date of enactment of this Act, submit to Congress a report on whether Federal actions have been a significant cause of the backwater effects.

(b) FEASIBILITY STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of—

(A) addressing the backwater effects of the operation of the Pensacola Dam, Grand/Neosho River basin; and

(B) purchasing easements for any land that has been adversely affected by backwater flooding in the Grand/Neosho River basin.

(2) COST SHARING.—If the Secretary determines under subsection (a)(2) that Federal actions have been a significant cause of the backwater effects, the Federal share of the costs of the feasibility study under paragraph (1) shall be 100 percent.

SEC. 430. DREDGED MATERIAL DISPOSAL SITE, RHODE ISLAND.

In consultation with the Administrator of the Environmental Protection Agency, the Secretary shall conduct a study to determine the feasibility of designating a permanent site in the State of Rhode Island for the disposal of dredged material.

SEC. 431. CHICKAMAUGA LOCK AND DAM, TENNESSEE.

(a) IN GENERAL.—The Secretary shall use $200,000, from funds transferred from the Tennessee Valley Authority, to prepare a report of the Chief of Engineers for a replacement lock at Chickamauga Lock and Dam, Tennessee.

(b) FUNDING.—As soon as practicable after the date of enactment of this Act, the Tennessee Valley Authority shall transfer the funds described in subsection (a) to the Secretary.

SEC. 432. GERMANTOWN, TENNESSEE.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of carrying out a project for flood control and related purposes along Miller Farms Ditch, Howard Road Drainage, and Wolf River Lateral D, Germantown, Tennessee.

(b) JUSTIFICATION ANALYSIS.—The Secretary shall include environmental and water quality benefits in the justification analysis for the project.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the costs of the feasibility study under subsection (a) shall not exceed 25 percent.

(2) NON-FEDERAL SHARE.—The Secretary—

(A) shall credit toward the non-Federal share of the costs of the feasibility study the value of the in-kind services provided by the non-Federal interests relating to the planning, engineering, and design of the project, whether carried out before or after execution of the feasibility study cost-sharing agreement; and

(B) for the purposes of subparagraph (A), shall consider the feasibility study to be conducted as part of the Memphis Metro Tennessee and Mississippi study authorized by resolution of the Committee on Transportation and Infrastructure, dated March 7, 1996.

SEC. 433. HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI.

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of modifying the project for flood control, Horn Lake Creek and Tributaries, Tennessee and Mississippi, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4124), to provide a high level of urban flood protection to development along Horn Lake Creek.

(b) REQUIRED ELEMENT.—The study shall include a limited reevaluation of the project to determine the appropriate design, as desired by the non-Federal interests.

SEC. 434. CEDAR BAYOU, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing a 12-foot-deep and 125-foot-wide channel from the Houston Ship Channel to Cedar Bayou, mile marker 11, Texas.

SEC. 435. HOUSTON SHIP CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of constructing barge lanes adjacent to both sides of the Houston Ship Channel from Bolivar Roads to Morgan Point, Texas, to a depth of 12 feet.

SEC. 436. SAN ANTONIO CHANNEL, TEXAS.

The Secretary shall conduct a study to determine the feasibility of modifying the project for San Antonio Channel improvement, Texas, authorized by section 203 of the Flood Control Act of 1954 (68 Stat. 1259), and modified by section 103 of the Water Resources Development Act of 1976 (90 Stat. 2921), to add environmental restoration and recreation as project purposes.

SEC. 437. VERMONT DAMS REMEDIATION.

(a) IN GENERAL.—The Secretary shall—

(1) conduct a study to evaluate the structural integrity and need for modification or removal of each dam located in the State of Vermont and described in subsection (b); and

(2) provide to the non-Federal interest design analysis, plans and specifications, and cost estimates for repair, restoration, modification, and removal of each dam described in subsection (b).

(b) DAMS TO BE EVALUATED.—The dams referred to in subsection (a) are the following:

(1) East Barre Dam, Barre Town.

(2) Wrightsville Dam, Middlesex-Montpelier.

(3) Lake Sadawga Dam, Whitingham.

(4) Dufresne Pond Dam, Manchester.

(5) Knapp Brook Site 1 Dam, Cavendish.

(6) Lake Bomoseen Dam, Castleton.

(7) Little Hosmer Dam, Craftsbury.

(8) Colby Pond Dam, Plymouth.

(9) Silver Lake Dam, Barnard.

(10) Gale Meadows Dam, Londonderry.

(c) COST SHARING.—The non-Federal share of the cost of the study under subsection (a) shall be 35 percent.

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

SEC. 438. WHITE RIVER WATERSHED BELOW MUD MOUNTAIN DAM, WASHINGTON.

(a) REVIEW.—The Secretary shall review the report of the Chief of Engineers on the Upper Puyallup River, Washington, dated 1936, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1591, chapter 688), the Puget Sound and adjacent waters report authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1197), and other pertinent reports, to determine whether modifications to the recommendations contained in the reports are advisable to provide improvements to the water resources and watershed of the White River watershed downstream of Mud Mountain Dam, Washington.

(b) ISSUES.—In conducting the review under subsection (a), the Secretary shall review, with respect to the Lake Tapps community and other parts of the watershed—

(1) constructed and natural environs;

(2) capital improvements;

(3) water resource infrastructure;

(4) ecosystem restoration;

(5) flood control;

(6) fish passage;

(7) collaboration by, and the interests of, regional stakeholders;

(8) recreational and socioeconomic interests; and

(9) other issues determined by the Secretary.

SEC. 439. WILLAPA BAY, WASHINGTON.

(a) STUDY.—The Secretary shall conduct a study to determine the feasibility of providing coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington.

(b) PROJECT.—

(1) IN GENERAL.—Notwithstanding any other provision of law (including any requirement for economic justification), the Secretary may construct and maintain a project to provide coastal erosion protection for the Tribal Reservation of the Shoalwater Bay Indian Tribe on Willapa Bay, Washington, at full Federal expense, if the Secretary determines that the project—

(A) is a cost-effective means of providing erosion protection;

(B) is environmentally acceptable and technically feasible; and

(C) will improve the economic and social conditions of the Shoalwater Bay Indian Tribe.

(2) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—As a condition of the project described in paragraph (1), the Shoalwater Bay Indian Tribe shall provide land, easements, rights-of-way, and dredged material disposal areas necessary for the implementation of the project.

SEC. 440. UPPER MISSISSIPPI RIVER BASIN SEDIMENT AND NUTRIENT STUDY.

(a) IN GENERAL.—The Secretary, in conjunction with the Secretary of Agriculture and the Secretary of the Interior, shall conduct a study to—

(1) identify and evaluate significant sources of sediment and nutrients in the upper Mississippi River basin;

(2) quantify the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water; and

(3) quantify the transport of those sediments and nutrients to the upper Mississippi River and the tributaries of the upper Mississippi River.

(b) STUDY COMPONENTS.—

(1) COMPUTER MODELING.—In carrying out the study under this section, the Secretary shall develop computer models of the upper Mississippi River basin, at the subwatershed and basin scales, to—

(A) identify and quantify sources of sediment and nutrients; and

(B) examine the effectiveness of alternative management measures.

(2) RESEARCH.—In carrying out the study under this section, the Secretary shall conduct research to improve the understanding of—

(A) fate processes and processes affecting sediment and nutrient transport, with emphasis on nitrogen and phosphorus cycling and dynamics;

(B) the influences on sediment and nutrient losses of soil type, slope, climate, vegetation cover, and modifications to the stream drainage network; and

(C) river hydrodynamics, in relation to sediment and nutrient transformations, retention, and transport.

(c) USE OF INFORMATION.—On request of a relevant Federal agency, the Secretary may provide information for use in applying sediment and nutrient reduction programs associated with land-use improvements and land management practices.

(d) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a preliminary report that outlines work being conducted on the study components described in subsection (b).

(2) FINAL REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under this section, including any findings and recommendations of the study.

(e) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2001 through 2005.

(2) FEDERAL SHARE.—The Federal share of the cost of carrying out this section shall be 50 percent.

SEC. 441. CLIFF WALK IN NEWPORT, RHODE ISLAND.

The Secretary shall conduct a study to determine the project deficiencies and identify the necessary measures to restore the project for Cliff Walk in Newport, Rhode Island to meet its authorized purpose.

SEC. 442. QUONSET POINT CHANNEL RECONNAISSANCE STUDY.

The Secretary shall conduct a reconnaissance study to determine the Federal interest in dredging the Quonset Point navigation channel in Narragansett Bay, Rhode Island.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. VISITORS CENTERS.

(a) JOHN PAUL HAMMERSCHMIDT VISITORS CENTER, ARKANSAS.—Section 103(e) of the Water Resources Development Act of 1992 (106 Stat. 4813) is amended by striking ''Arkansas River, Arkansas.'' and inserting ''at Fort Smith, Arkansas, on land provided by the city of Fort Smith.''.

(b) LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI.—Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended in the first sentence by striking ''in the vicinity of the Mississippi River Bridge in Vicksburg, Mississippi.'' and inserting ''between the Mississippi River Bridge and the waterfront in downtown Vicksburg, Mississippi.''.

SEC. 502. CALFED BAY-DELTA PROGRAM ASSISTANCE, CALIFORNIA.

(a) IN GENERAL.—The Secretary—

(1) may participate with the appropriate Federal and State agencies in the planning and management activities associated with the CALFED Bay-Delta Program referred to in the California Bay-Delta Environmental Enhancement and Water Security Act (division E of Public Law 104–208; 110 Stat. 3009–748); and

(2) shall, to the maximum extent practicable and in accordance with applicable law, integrate the activities of the Corps of Engineers in the San Joaquin and Sacramento River basins with the long-term goals of the CALFED Bay-Delta Program.

(b) COOPERATIVE ACTIVITIES.—In participating in the CALFED Bay-Delta Program under subsection (a), the Secretary may—

(1) accept and expend funds from other Federal agencies and from non-Federal public, private, and nonprofit entities to carry out ecosystem restoration projects and activities associated with the CALFED Bay-Delta Program; and

(2) in carrying out the projects and activities, enter into contracts, cooperative research and development agreements, and cooperative agreements with Federal and non-Federal private, public, and nonprofit entities.

(c) AREA COVERED BY PROGRAM.—For the purposes of this section, the area covered by the CALFED Bay-Delta Program shall be the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and its watershed (known as the ''Bay-Delta Estuary''), as identified in the Framework Agreement Between the Governor's Water Policy Council of the State of California and the Federal Ecosystem Directorate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section $5,000,000 for each of fiscal years 2002 through 2005.

SEC. 503. LAKE SIDNEY LANIER, GEORGIA, HOME PRESERVATION.

(a) DEFINITIONS.—In this section:

(1) EASEMENT PROHIBITION.—The term ''easement prohibition'' means the rights acquired by the United States in the flowage easements to prohibit structures for human habitation.

(2) ELIGIBLE PROPERTY OWNER.—The term ''eligible property owner'' means a person that owns a structure for human habitation that was constructed before January 1, 2000, and is located on fee land or in violation of the flowage easement.

(3) FEE LAND.—The term ''fee land'' means the land acquired in fee title by the United States for the Lake.

(4) FLOWAGE EASEMENT.—The term ''flowage easement'' means an interest in land that the United States acquired that provides the right to flood, to the elevation of 1,085 feet above mean sea level (among other rights), land surrounding the Lake.

(5) LAKE.—The term ''Lake'' means the Lake Sidney Lanier, Georgia, project of the Corps of Engineers authorized by the first section of the Act of July 24, 1946 (60 Stat. 635, chapter 595).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 120 days after the date of enactment of this Act, the Secretary shall establish, and provide public notice of, a program—

(1) to convey to eligible property owners the right to maintain existing structures for human habitation on fee land; or

(2) to release eligible property owners from the easement prohibition as it applies to existing structures for human habitation on the flowage easements (if the floor elevation of the human habitation area is above the elevation of 1,085 feet above mean sea level).

(c) REGULATIONS.—To carry out subsection (b), the Secretary shall promulgate regulations that—

(1) require the Corps of Engineers to suspend any activities to require eligible property owners to remove structures for human habitation that encroach on fee land or flowage easements;

(2) provide that a person that owns a structure for human habitation on land adjacent to the Lake shall have a period of 1 year after the date of enactment of this Act—

(A) to request that the Corps of Engineers resurvey the property of the person to determine if the person is an eligible property owner under this section; and

(B) to pay the costs of the resurvey to the Secretary for deposit in the Corps of Engineers account in accordance with section 2695 of title 10, United States Code;

(3) provide that when a determination is made, through a private survey or through a boundary line maintenance survey conducted by the Federal Government, that a structure for human habitation is located on the fee land or a flowage easement—

(A) the Corps of Engineers shall immediately notify the property owner by certified mail; and

(B) the property owner shall have a period of 90 days from receipt of the notice in which to establish that the structure was constructed prior to January 1, 2000, and that the property owner is an eligible property owner under this section;

(4) provide that any private survey shall be subject to review and approval by the Corps of Engineers to ensure that the private survey conforms to the boundary line established by the Federal Government;

(5) require the Corps of Engineers to offer to an eligible property owner a conveyance or release that—

(A) on fee land, conveys by quitclaim deed the minimum land required to maintain the human habitation structure, reserving the right to flood to the elevation of 1,085 feet above mean sea level, if applicable;

(B) in a flowage easement, releases by quitclaim deed the easement prohibition;

(C) provides that—

(i) the existing structure shall not be extended further onto fee land or into the flowage easement; and

(ii) additional structures for human habitation shall not be placed on fee land or in a flowage easement; and

(D) provides that—

(i)(I) the United States shall not be liable or responsible for damage to property or injury to persons caused by operation of the Lake; and

(II) no claim to compensation shall accrue from the exercise of the flowage easement rights; and

(ii) the waiver described in clause (i) of any and all claims against the United States shall be a covenant running with the land and shall be fully binding on heirs, successors, assigns, and purchasers of the property subject to the waiver; and

(6) provide that the eligible property owner shall—

(A) agree to an offer under paragraph (5) not later than 90 days after the offer is made by the Corps of Engineers; or

(B) comply with the real property rights of the United States and remove the structure for human habitation and any other unauthorized real or personal property.

(d) OPTION TO PURCHASE INSURANCE.—Nothing in this section precludes a property owner from purchasing flood insurance to which the property owner may be eligible.

(e) PRIOR ENCROACHMENT RESOLUTIONS.—Nothing in this section affects any resolution, before the date of enactment of this Act, of an encroachment at the Lake, whether the resolution was effected through sale, exchange, voluntary removal, or alteration or removal through litigation.

(f) PRIOR REAL PROPERTY RIGHTS.—Nothing in this section—

(1) takes away, diminishes, or eliminates any other real property rights acquired by the United States at the Lake; or

(2) affects the ability of the United States to require the removal of any and all encroachments that are constructed or placed on United States real property or flowage easements at the Lake after December 31, 1999.

SEC. 504. CONVEYANCE OF LIGHTHOUSE, ONTONAGON, MICHIGAN.

(a) IN GENERAL.—The Secretary may convey to the Ontonagon County Historical Society, at full Federal expense—

(1) the lighthouse at Ontonagon, Michigan; and

(2) the land underlying and adjacent to the lighthouse (including any improvements on the land) that is under the jurisdiction of the Secretary.

(b) MAP.—The Secretary shall—

(1) determine—

(A) the extent of the land conveyance under this section; and

(B) the exact acreage and legal description of the land to be conveyed under this section; and

(2) prepare a map that clearly identifies any land to be conveyed.

(c) CONDITIONS.—The Secretary may—

(1) obtain all necessary easements and rights-of-way; and

(2) impose such terms, conditions, reservations, and restrictions on the conveyance;

as the Secretary determines to be necessary to protect the public interest.

(d) ENVIRONMENTAL RESPONSE.—To the extent required under any applicable law, the Secretary shall be responsible for any necessary environmental response required as a result of the prior Federal use or ownership of the land and improvements conveyed under this section.

(e) RESPONSIBILITIES AFTER CONVEYANCE.—After the conveyance of land under this section, the Ontonagon County Historical Society shall be responsible for any additional operation, maintenance, repair, rehabilitation, or replacement costs associated with—

(1) the lighthouse; or

(2) the conveyed land and improvements.

(f) APPLICABILITY OF ENVIRONMENTAL LAW.—Nothing in this section affects the potential liability of any person under any applicable environmental law.

SEC. 505. LAND CONVEYANCE, CANDY LAKE, OKLAHOMA.

Section 563(c) of the Water Resources Development Act of 1999 (113 Stat. 357) is amended—

(1) in paragraph (1)(B), by striking ''a deceased'' and inserting ''an''; and

(2) by adding at the end the following:

''(4) COSTS OF NEPA COMPLIANCE.—The Federal Government shall assume the costs of any Federal action under this subsection that is carried out for the purpose of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

SEC. 506. LAND CONVEYANCE, RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.

Section 563 of the Water Resources Development Act of 1999 (113 Stat. 355) is amended by striking subsection (i) and inserting the following:

''(i) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

''(1) IN GENERAL.—The Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of August 17, 1999, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

''(2) LAND DESCRIPTION.—

''(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease No. DACW21–1–93–0910 and associated supplemental agreements.

''(B) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

''(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

''(4) PERPETUAL STATUS.—

''(A) IN GENERAL.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

''(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

''(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

''(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

''(A) IN GENERAL.—The Secretary shall pay the State of South Carolina $4,850,000, subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection.

''(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.''.

SEC. 507. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION.

(a) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended—

(1) in subsection (a)(4)(C)(i), by striking subclause (I) and inserting the following:

''(I) fund, from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program and through grants to the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe—

''(aa) the terrestrial wildlife habitat restoration programs being carried out as of August 17, 1999, on Oahe and Big Bend project land at a level that does not exceed the greatest amount of funding that was provided for the programs during a previous fiscal year; and

''(bb) the carrying out of plans developed under this section; and''; and

(2) in subsection (b)(4)(B), by striking ''section 604(d)(3)(A)(iii)'' and inserting ''section 604(d)(3)(A)''.

(b) SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) in subsection (c)(2), by striking ''The'' and inserting ''In consultation with the State of South Dakota, the''; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting ''Department of Game, Fish and Parks of the'' before ''State of''; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking ''transferred'' and inserting ''transferred, or to be transferred,''; and

(ii) by striking subclause (II) and inserting the following:

''(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the State of South Dakota by the Secretary;''.

(c) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) in subsection (c)(2), by striking ''The'' and inserting ''In consultation with the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe, the''; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting ''as tribal funds'' after ''for use''; and

(B) in paragraph (3)(A)(ii)—

(i) in subclause (I), by striking ''transferred'' and inserting ''transferred, or to be transferred,''; and

(ii) by striking subclause (II) and inserting the following:

''(II) fund all costs associated with the lease, ownership, management, operation, administration, maintenance, or development of recreation areas and other land that are transferred, or to be transferred, to the respective affected Indian Tribe by the Secretary;''.

(d) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B), by striking ''in perpetuity'' and inserting ''for the life of the Mni Wiconi project'';

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) DEADLINE FOR TRANSFER OF RECREATION AREAS.—Under subparagraph (A), the Secretary shall transfer recreation areas not later than January 1, 2002.'';

(2) in subsection (c)—

(A) by redesignating paragraph (1) as paragraph (1)(A);

(B) by redesignating paragraphs (2) through (4) as subparagraphs (B) through (D), respectively, of paragraph (1);

(C) in paragraph (1)—

(i) in subparagraph (C), (as redesignated by subparagraph (B)), by inserting ''and'' after the semicolon; and

(ii) in subparagraph (D) (as redesignated by subparagraph (B)), by striking ''and'' and inserting ''or''; and

(D) by redesignating paragraph (5) as paragraph (2);

(3) in subsection (d), by striking paragraph (2) and inserting the following:

''(2) STRUCTURES.—

''(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

''(B) LEASE OF RECREATION AREAS.—

''(i) IN GENERAL.—The Secretary shall lease to the State of South Dakota in perpetuity all or part of the following recreation areas, within the boundaries determined under clause (ii), that are adjacent to land received by the State of South Dakota under this title:

''(I) OAHE DAM AND LAKE.—

''(aa) Downstream Recreation Area.

''(bb) West Shore Recreation Area.

''(cc) East Shore Recreation Area.

''(dd) Tailrace Recreation Area.

''(II) FORT RANDALL DAM AND LAKE FRANCIS CASE.—

''(aa) Randall Creek Recreation Area.

''(bb) South Shore Recreation Area.

''(cc) Spillway Recreation Area.

''(III) GAVINS POINT DAM AND LEWIS AND CLARK LAKE.—Pierson Ranch Recreation Area.

''(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the State of South Dakota.'';

(4) in subsection (f)(1), by striking ''Federal law'' and inserting ''a Federal law specified in section 607(a)(6) or any other Federal law'';

(5) in subsection (g), by striking paragraph (3) and inserting the following:

''(3) EASEMENTS AND ACCESS.—

''(A) IN GENERAL.—Not later than 180 days after a request by the State of South Dakota, the Secretary shall provide to the State of South Dakota easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures).

''(B) NO EFFECT ON MISSION.—The easements and access referred to in subparagraph (A) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).'';

(6) in subsection (h), by striking ''of this Act'' and inserting ''of law''; and

(7) by adding at the end the following:

''(j) CLEANUP OF LAND AND RECREATION AREAS.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(k) CULTURAL RESOURCES ADVISORY COMMISSION.—

''(1) IN GENERAL.—The State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe may establish an advisory commission to be known as the 'Cultural Resources Advisory Commission' (referred to in this subsection as the 'Commission').

''(2) MEMBERSHIP.—The Commission shall be composed of—

''(A) 1 member representing the State of South Dakota;

''(B) 1 member representing the Cheyenne River Sioux Tribe;

''(C) 1 member representing the Lower Brule Sioux Tribe; and

''(D) upon unanimous vote of the members of the Commission described in subparagraphs (A) through (C), a member representing a federally recognized Indian Tribe located in the State of North Dakota or South Dakota that is historically or traditionally affiliated with the Missouri River Basin in South Dakota.

''(3) DUTY.—The duty of the Commission shall be to provide advice on the identification, protection, and preservation of cultural resources on the land and recreation areas described in subsections (b) and (c) of this section and subsections (b) and (c) of section 606.

''(4) RESPONSIBILITIES, POWERS, AND ADMINISTRATION.—The Governor of the State of South Dakota, the Chairman of the Cheyenne River Sioux Tribe, and the Chairman of the Lower Brule Sioux Tribe are encouraged to unanimously enter into a formal written agreement, not later than 1 year after the date of enactment of this subsection, to establish the role, responsibilities, powers, and administration of the Commission.

''(l) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.''.

(e) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of

the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(1) in subsection (a)(1), by striking ''The Secretary'' and inserting ''Not later than January 1, 2002, the Secretary'';

(2) in subsection (b)(1), by striking ''Big Bend and Oahe'' and inserting ''Oahe, Big Bend, and Fort Randall'';

(3) in subsection (d), by striking paragraph (2) and inserting the following:

''(2) STRUCTURES.—

''(A) IN GENERAL.—The map shall identify all land and structures to be retained as necessary for continuation of the operation, maintenance, repair, replacement, rehabilitation, and structural integrity of the dams and related flood control and hydropower structures.

''(B) LEASE OF RECREATION AREAS.—

''(i) IN GENERAL.—The Secretary shall lease to the Lower Brule Sioux Tribe in perpetuity all or part of the following recreation areas at Big Bend Dam and Lake Sharpe:

''(I) Left Tailrace Recreation Area.

''(II) Right Tailrace Recreation Area.

''(III) Good Soldier Creek Recreation Area.

''(ii) LEASE BOUNDARIES.—The Secretary shall determine the boundaries of the recreation areas in consultation with the Lower Brule Sioux Tribe.'';

(4) in subsection (f)—

(A) in paragraph (1), by striking ''Federal law'' and inserting ''a Federal law specified in section 607(a)(6) or any other Federal law'';

(B) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) EASEMENTS AND ACCESS.—

''(i) IN GENERAL.—Not later than 180 days after a request by an affected Indian Tribe, the Secretary shall provide to the affected Indian Tribe easements and access on land and water below the level of the exclusive flood pool inside the Indian reservation of the affected Indian Tribe for recreational and other purposes (including for boat docks, boat ramps, and related structures).

''(ii) NO EFFECT ON MISSION.—The easements and access referred to in clause (i) shall not prevent the Corps from carrying out its mission under the Act entitled 'An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes', approved December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 887)).''; and

(C) in paragraph (3)(B), by inserting before the period at the end the following: ''that were administered by the Corps of Engineers as of the date of the land transfer.''; and

(5) by adding at the end the following:

''(h) CLEANUP OF LAND AND RECREATION AREAS.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall clean up each open dump and hazardous waste site identified by the Secretary and located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Cleanup activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(i) INVENTORY AND STABILIZATION OF CULTURAL AND HISTORIC SITES.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary, in consultation with the Cultural Resources Advisory Commission established under section 605(k) and through contracts entered into with the State of South Dakota, the affected Indian Tribes, and other Indian Tribes in the States of North Dakota and South Dakota, shall inventory and stabilize each cultural site and historic site located on the land and recreation areas described in subsections (b) and (c).

''(2) FUNDING.—Inventory and stabilization activities under paragraph (1) shall be funded solely from funds made available for operation and maintenance under the Pick-Sloan Missouri River Basin program.

''(j) SEDIMENT CONTAMINATION.—

''(1) IN GENERAL.—Not later than 10 years after the date of enactment of this subsection, the Secretary shall—

''(A) complete a study of sediment contamination in the Cheyenne River; and

''(B) take appropriate remedial action to eliminate any public health and environmental risk posed by the contaminated sediment.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).''.

(f) BUDGET CONSIDERATIONS.—Section 607 of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by adding at the end the following:

''(d) BUDGET CONSIDERATIONS.—

''(1) IN GENERAL.—In developing an annual budget to carry out this title, the Corps of Engineers shall consult with the State of South Dakota and the affected Indian Tribes.

''(2) INCLUSIONS; AVAILABILITY.—The budget referred to in paragraph (1) shall—

''(A) be detailed;

''(B) include all necessary tasks and associated costs; and

''(C) be made available to the State of South Dakota and the affected Indian Tribes at the time at which the Corps of Engineers submits the budget to Congress.''.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 609 of the Water Resources Development Act of 1999 (113 Stat. 396) is amended by striking subsection (a) and inserting the following:

''(a) SECRETARY.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for each fiscal year such sums as are necessary—

''(A) to pay the administrative expenses incurred by the Secretary in carrying out this title;

''(B) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a);

''(C) to fund activities described in sections 603(d)(3) and 604(d)(3) with respect to land and recreation areas transferred, or to be transferred, to an affected Indian Tribe or the State of South Dakota under section 605 or 606; and

''(D) to fund the annual expenses (not to exceed the Federal cost as of August 17, 1999) of operating recreation areas transferred, or to be transferred, under sections 605(c) and 606(c) to, or leased by, the State of South Dakota or an affected Indian Tribe, until such time as the trust funds under sections 603 and 604 are fully capitalized.

''(2) ALLOCATIONS.—

''(A) IN GENERAL.—For each fiscal year, the Secretary shall allocate the amounts made available under subparagraphs (B), (C), and (D) of paragraph (1) as follows:

''(i) $1,000,000 (or, if a lesser amount is so made available for the fiscal year, the lesser amount) shall be allocated equally among the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe, for use in accordance with paragraph (1).

''(ii) Any amounts remaining after the allocation under clause (i) shall be allocated as follows:

''(I) 65 percent to the State of South Dakota.

''(II) 26 percent to the Cheyenne River Sioux Tribe.

''(III) 9 percent to the Lower Brule Sioux Tribe.

''(B) USE OF ALLOCATIONS.—Amounts allocated under subparagraph (A) may be used at the option of the recipient for any purpose described in subparagraph (B), (C), or (D) of paragraph (1).''.

(h) CLARIFICATION OF REFERENCES TO INDIAN TRIBES.—

(1) DEFINITIONS.—Section 601 of the Water Resources Development Act of 1999 (113 Stat. 385) is amended by striking paragraph (1) and inserting the following:

''(1) AFFECTED INDIAN TRIBE.—The term 'affected Indian Tribe' means each of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.''.

(2) TERRESTRIAL WILDLIFE HABITAT RESTORATION.—Section 602(b)(4)(B) of the Water Resources Development Act of 1999 (113 Stat. 388) is amended by striking ''the Tribe'' and inserting ''the affected Indian Tribe''.

(3) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 604(d)(3)(A) of the Water Resources Development Act of 1999 (113 Stat. 390) is amended by striking ''the respective Tribe'' each place it appears and inserting ''the respective affected Indian Tribe''.

(4) TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.—Section 605 of the Water Resources Development Act of 1999 (113 Stat. 390) is amended—

(A) in subsection (b)(3), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''; and

(B) in subsection (c)(1)(B) (as redesignated by subsection (d)(2)(B)), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''.

(5) TRANSFER OF CORPS OF ENGINEERS LAND FOR AFFECTED INDIAN TRIBES.—Section 606 of the Water Resources Development Act of 1999 (113 Stat. 393) is amended—

(A) in the section heading, by striking ''**INDIAN TRIBES**'' and inserting ''**AFFECTED INDIAN TRIBES**'';

(B) in paragraphs (1) and (4) of subsection (a), by striking ''the Indian Tribes'' each place it appears and inserting ''the affected Indian Tribes'';

(C) in subsection (c)(2), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe'';

(D) in subsection (f)(2)(B)(i)—

(i) by striking ''the respective tribes'' and inserting ''the respective affected Indian Tribes''; and

(ii) by striking ''the respective Tribe's'' and inserting ''the respective affected Indian Tribe's''; and

(E) in subsection (g), by striking ''an Indian Tribe'' and inserting ''any Indian Tribe''.

(6) ADMINISTRATION.—Section 607(a) of the Water Resources Development Act of 1999 (113 Stat. 395) is amended by striking ''an Indian Tribe'' each place it appears and inserting ''any Indian Tribe''.

SEC. 508. EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

''(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;''.

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by—

(1) inserting ''or exported'' after ''diverted''; and

(2) inserting ''or export'' after ''diversion''.

(c) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

TITLE VI—COMPREHENSIVE EVERGLADES RESTORATION PLAN

SEC. 601. COMPREHENSIVE EVERGLADES RESTORATION PLAN.

(a) DEFINITIONS.—In this section:

(1) CENTRAL AND SOUTHERN FLORIDA PROJECT.—

(A) IN GENERAL.—The term ''Central and Southern Florida Project'' means the project for Central and Southern Florida authorized under the heading ''CENTRAL AND SOUTHERN FLORIDA'' in section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(B) INCLUSION.—The term ''Central and Southern Florida Project'' includes any modification to the project authorized by this section or any other provision of law.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of Florida.

(3) NATURAL SYSTEM.—

(A) IN GENERAL.—The term ''natural system'' means all land and water managed by the Federal Government or the State within the South Florida ecosystem.

(B) INCLUSIONS.—The term ''natural system'' includes—

(i) water conservation areas;

(ii) sovereign submerged land;

(iii) Everglades National Park;

(iv) Biscayne National Park;

(v) Big Cypress National Preserve;

(vi) other Federal or State (including a political subdivision of a State) land that is designated and managed for conservation purposes; and

(vii) any tribal land that is designated and managed for conservation purposes, as approved by the tribe.

(4) PLAN.—The term ''Plan'' means the Comprehensive Everglades Restoration Plan contained in the ''Final Integrated Feasibility Report and Programmatic Environmental Impact Statement'', dated April 1, 1999, as modified by this section.

(5) SOUTH FLORIDA ECOSYSTEM.—

(A) IN GENERAL.—The term ''South Florida ecosystem'' means the area consisting of the land and water within the boundary of the South Florida Water Management District in effect on July 1, 1999.

(B) INCLUSIONS.—The term ''South Florida ecosystem'' includes—

(i) the Everglades;

(ii) the Florida Keys; and

(iii) the contiguous near-shore coastal water of South Florida.

(6) STATE.—The term ''State'' means the State of Florida.

(b) COMPREHENSIVE EVERGLADES RESTORATION PLAN.—

(1) APPROVAL.—

(A) IN GENERAL.—Except as modified by this section, the Plan is approved as a framework for modifications and operational changes to the Central and Southern Florida Project that are needed to restore, preserve, and protect the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, and the improvement of the environment of the South Florida ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant to this section, for as long as the project is authorized.

(B) INTEGRATION.—In carrying out the Plan, the Secretary shall integrate the activities described in subparagraph (A) with ongoing Federal and State projects and activities in accordance with section 528(c) of the Water Resources Development Act of 1996 (110 Stat. 3769). Unless specifically provided herein, nothing in this section shall be construed to modify any existing cost share or responsibility for projects as listed in subsection (c) or (e) of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769).

(2) SPECIFIC AUTHORIZATIONS.—

(A) IN GENERAL.—

(i) PROJECTS.—The Secretary shall carry out the projects included in the Plan in accordance with subparagraphs (B), (C), (D) and (E).

(ii) CONSIDERATIONS.—In carrying out activities described in the Plan, the Secretary shall—

(I) take into account the protection of water quality by considering applicable State water quality standards; and

(II) include such features as the Secretary determines are necessary to ensure that all ground water and surface water discharges from any project feature authorized by this subsection will meet all applicable water quality standards and applicable water quality permitting requirements.

(iii) REVIEW AND COMMENT.—In developing the projects authorized under subparagraph (B), the Secretary shall provide for public review and comment in accordance with applicable Federal law.

(B) PILOT PROJECTS.—The following pilot projects are authorized for implementation, after review and approval by the Secretary, at a total cost of $69,000,000, with an estimated Federal cost of $34,500,000 and an estimated non-Federal cost of $34,500,000:

(i) Caloosahatchee River (C–43) Basin ASR, at a total cost of $6,000,000, with an estimated Federal cost of $3,000,000 and an estimated non-Federal cost of $3,000,000.

(ii) Lake Belt In-Ground Reservoir Technology, at a total cost of $23,000,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,500,000.

(iii) L–31N Seepage Management, at a total cost of $10,000,000, with an estimated Federal cost of $5,000,000 and an estimated non-Federal cost of $5,000,000.

(iv) Wastewater Reuse Technology, at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

(C) INITIAL PROJECTS.—The following projects are authorized for implementation, after review and approval by the Secretary, subject to the conditions stated in subparagraph (D), at a total cost of $1,100,918,000, with an estimated Federal cost of $550,459,000 and an estimated non-Federal cost of $550,459,000:

(i) C–44 Basin Storage Reservoir, at a total cost of $112,562,000, with an estimated Federal cost of $56,281,000 and an estimated non-Federal cost of $56,281,000.

(ii) Everglades Agricultural Area Storage Reservoirs—Phase I, at a total cost of $233,408,000, with an estimated Federal cost of $116,704,000 and an estimated non-Federal cost of $116,704,000.

(iii) Site 1 Impoundment, at a total cost of $38,535,000, with an estimated Federal cost of $19,267,500 and an estimated non-Federal cost of $19,267,500.

(iv) Water Conservation Areas 3A/3B Levee Seepage Management, at a total cost of $100,335,000, with an estimated Federal cost of $50,167,500 and an estimated non-Federal cost of $50,167,500.

(v) C–11 Impoundment and Stormwater Treatment Area, at a total cost of $124,837,000, with an estimated Federal cost of $62,418,500 and an estimated non-Federal cost of $62,418,500.

(vi) C–9 Impoundment and Stormwater Treatment Area, at a total cost of $89,146,000, with an estimated Federal cost of $44,573,000 and an estimated non-Federal cost of $44,573,000.

(vii) Taylor Creek/Nubbin Slough Storage and Treatment Area, at a total cost of $104,027,000, with an estimated Federal cost of $52,013,500 and an estimated non-Federal cost of $52,013,500.

(viii) Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within Water Conservation Area 3, at a total cost of $26,946,000, with an estimated Federal cost of $13,473,000 and an estimated non-Federal cost of $13,473,000.

(ix) North New River Improvements, at a total cost of $77,087,000, with an estimated Federal cost of $38,543,500 and an estimated non-Federal cost of $38,543,500.

(x) C–111 Spreader Canal, at a total cost of $94,035,000, with an estimated Federal cost of $47,017,500 and an estimated non-Federal cost of $47,017,500.

(xi) Adaptive Assessment and Monitoring Program, at a total cost of $100,000,000, with an estimated Federal cost of $50,000,000 and an estimated non-Federal cost of $50,000,000.

(D) CONDITIONS.—

(i) PROJECT IMPLEMENTATION REPORTS.—Before implementation of a project described in any of clauses (i) through (x) of subparagraph (C), the Secretary shall review and approve for the project a project implementation report prepared in accordance with subsections (f) and (h).

(ii) SUBMISSION OF REPORT.—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the project implementation report required by subsections (f) and (h) for each project under this paragraph (including all relevant data and information on all costs).

(iii) FUNDING CONTINGENT ON APPROVAL.—No appropriation shall be made to construct any project under this paragraph if the project implementation report for the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(iv) MODIFIED WATER DELIVERY.—No appropriation shall be made to construct the Water Conservation Area 3 Decompartmentalization and Sheetflow Enhancement Project (including component AA, Additional S–345 Structures; component QQ Phase 1, Raise and Bridge East Portion of Tamiami Trail and Fill Miami Canal within WCA 3; component QQ Phase 2, WCA 3 Decompartmentalization and Sheetflow Enhancement; and component SS, North New River Improvements) or the Central Lakebelt Storage Project (including components S and EEE, Central Lake Belt Storage Area) until the completion of the project to improve water deliveries to Everglades National Park authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–8).

(E) MAXIMUM COST OF PROJECTS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to each

project feature authorized under this subsection.

(c) ADDITIONAL PROGRAM AUTHORITY.—

(1) IN GENERAL.—To expedite implementation of the Plan, the Secretary may implement modifications to the Central and Southern Florida Project that—

(A) are described in the Plan; and

(B) will produce a substantial benefit to the restoration, preservation and protection of the South Florida ecosystem.

(2) PROJECT IMPLEMENTATION REPORTS.—Before implementation of any project feature authorized under this subsection, the Secretary shall review and approve for the project feature a project implementation report prepared in accordance with subsections (f) and (h).

(3) FUNDING.—

(A) INDIVIDUAL PROJECT FUNDING.—

(i) FEDERAL COST.—The total Federal cost of each project carried out under this subsection shall not exceed $12,500,000.

(ii) OVERALL COST.—The total cost of each project carried out under this subsection shall not exceed $25,000,000.

(B) AGGREGATE COST.—The total cost of all projects carried out under this subsection shall not exceed $206,000,000, with an estimated Federal cost of $103,000,000 and an estimated non-Federal cost of $103,000,000.

(d) AUTHORIZATION OF FUTURE PROJECTS.—

(1) IN GENERAL.—Except for a project authorized by subsection (b) or (c), any project included in the Plan shall require a specific authorization by Congress.

(2) SUBMISSION OF REPORT.—Before seeking congressional authorization for a project under paragraph (1), the Secretary shall submit to Congress—

(A) a description of the project; and

(B) a project implementation report for the project prepared in accordance with subsections (f) and (h).

(e) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project authorized by subsection (b), (c), or (d) shall be 50 percent.

(2) NON-FEDERAL RESPONSIBILITIES.—The non-Federal sponsor with respect to a project described in subsection (b), (c), or (d), shall be—

(A) responsible for all land, easements, rights-of-way, and relocations necessary to implement the Plan; and

(B) afforded credit toward the non-Federal share of the cost of carrying out the project in accordance with paragraph (5)(A).

(3) FEDERAL ASSISTANCE.—

(A) IN GENERAL.—The non-Federal sponsor with respect to a project authorized by subsection (b), (c), or (d) may use Federal funds for the purchase of any land, easement, rights-of-way, or relocation that is necessary to carry out the project if any funds so used are credited toward the Federal share of the cost of the project.

(B) AGRICULTURE FUNDS.—Funds provided to the non-Federal sponsor under the Conservation Restoration and Enhancement Program (CREP) and the Wetlands Reserve Program (WRP) for projects in the Plan shall be credited toward the non-Federal share of the cost of the Plan if the Secretary of Agriculture certifies that the funds provided may be used for that purpose. Funds to be credited do not include funds provided under section 390 of the Federal Agriculture Improvement and Reform Act of 1996 (110 Stat. 1022).

(4) OPERATION AND MAINTENANCE.—Notwithstanding section 528(e)(3) of the Water Resources Development Act of 1996 (110 Stat. 3770), the non-Federal sponsor shall be responsible for 50 percent of the cost of operation, maintenance, repair, replacement, and rehabilitation activities authorized under this section.

(5) CREDIT.—

(A) IN GENERAL.—Notwithstanding section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770), and regardless of the date of acquisition, the value of lands or interests in lands and incidental costs for land acquired by a non-Federal sponsor in accordance with a project implementation report for any project included in the Plan and authorized by Congress shall be—

(i) included in the total cost of the project; and

(ii) credited toward the non-Federal share of the cost of the project.

(B) WORK.—The Secretary may provide credit, including in-kind credit, toward the non-Federal share for the reasonable cost of any work performed in connection with a study, preconstruction engineering and design, or construction that is necessary for the implementation of the Plan, if—

(i)(I) the credit is provided for work completed during the period of design, as defined in a design agreement between the Secretary and the non-Federal sponsor; or

(II) the credit is provided for work completed during the period of construction, as defined in a project cooperation agreement for an authorized project between the Secretary and the non-Federal sponsor;

(ii) the design agreement or the project cooperation agreement prescribes the terms and conditions of the credit; and

(iii) the Secretary determines that the work performed by the non-Federal sponsor is integral to the project.

(C) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects in accordance with subparagraph (D).

(D) PERIODIC MONITORING.—

(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each 5-year period, beginning with commencement of design of the Plan, the Secretary shall, for each project—

(I) monitor the non-Federal provision of cash, in-kind services, and land; and

(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for—

(I) the preconstruction engineering and design phase; and

(II) the construction phase.

(E) AUDITS.—Credit for land (including land value and incidental costs) or work provided under this subsection shall be subject to audit by the Secretary.

(f) EVALUATION OF PROJECTS.—

(1) IN GENERAL.—Before implementation of a project authorized by subsection (c) or (d) or any of clauses (i) through (x) of subsection (b)(2)(C), the Secretary, in cooperation with the non-Federal sponsor, shall, after notice and opportunity for public comment and in accordance with subsection (h), complete a project implementation report for the project.

(2) PROJECT JUSTIFICATION.—

(A) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out any activity authorized under this section or any other provision of law to restore, preserve, or protect the South Florida ecosystem, the Secretary may determine that—

(i) the activity is justified by the environmental benefits derived by the South Florida ecosystem; and

(ii) no further economic justification for the activity is required, if the Secretary determines that the activity is cost-effective.

(B) APPLICABILITY.—Subparagraph (A) shall not apply to any separable element intended to produce benefits that are predominantly unrelated to the restoration, preservation, and protection of the natural system.

(g) EXCLUSIONS AND LIMITATIONS.—The following Plan components are not approved for implementation:

(1) WATER INCLUDED IN THE PLAN.—

(A) IN GENERAL.—Any project that is designed to implement the capture and use of the approximately 245,000 acre-feet of water described in section 7.7.2 of the Plan shall not be implemented until such time as—

(i) the project-specific feasibility study described in subparagraph (B) on the need for and physical delivery of the approximately 245,000 acre-feet of water, conducted by the Secretary, in cooperation with the non-Federal sponsor, is completed;

(ii) the project is favorably recommended in a final report of the Chief of Engineers; and

(iii) the project is authorized by Act of Congress.

(B) PROJECT-SPECIFIC FEASIBILITY STUDY.—The project-specific feasibility study referred to in subparagraph (A) shall include—

(i) a comprehensive analysis of the structural facilities proposed to deliver the approximately 245,000 acre-feet of water to the natural system;

(ii) an assessment of the requirements to divert and treat the water;

(iii) an assessment of delivery alternatives;

(iv) an assessment of the feasibility of delivering the water downstream while maintaining current levels of flood protection to affected property; and

(v) any other assessments that are determined by the Secretary to be necessary to complete the study.

(2) WASTEWATER REUSE.—

(A) IN GENERAL.—On completion and evaluation of the wastewater reuse pilot project described in subsection (b)(2)(B)(iv), the Secretary, in an appropriately timed 5-year report, shall describe the results of the evaluation of advanced wastewater reuse in meeting, in a cost-effective manner, the requirements of restoration of the natural system.

(B) SUBMISSION.—The Secretary shall submit to Congress the report described in subparagraph (A) before congressional authorization for advanced wastewater reuse is sought.

(3) PROJECTS APPROVED WITH LIMITATIONS.—The following projects in the Plan are approved for implementation with limitations:

(A) LOXAHATCHEE NATIONAL WILDLIFE REFUGE.—The Federal share for land acquisition in the project to enhance existing wetland systems along the Loxahatchee National Wildlife Refuge, including the Stazzulla tract, should be funded through the budget of the Department of the Interior.

(B) SOUTHERN CORKSCREW REGIONAL ECOSYSTEM.—The Southern Corkscrew regional ecosystem watershed addition should be accomplished outside the scope of the Plan.

(h) ASSURANCE OF PROJECT BENEFITS.—

(1) IN GENERAL.—The overarching objective of the Plan is the restoration, preservation, and protection of the South Florida Ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The Plan shall be implemented to ensure the protection of water quality in, the reduction of the loss of fresh water from, the improvement of the environment of the South Florida Ecosystem and to achieve and maintain the benefits to the natural system and human environment described in the Plan, and required pursuant

to this section, for as long as the project is authorized.

(2) AGREEMENT.—

(A) IN GENERAL.—In order to ensure that water generated by the Plan will be made available for the restoration of the natural system, no appropriations, except for any pilot project described in subsection (b)(2)(B), shall be made for the construction of a project contained in the Plan until the President and the Governor enter into a binding agreement under which the State shall ensure, by regulation or other appropriate means, that water made available by each project in the Plan shall not be permitted for a consumptive use or otherwise made unavailable by the State until such time as sufficient reservations of water for the restoration of the natural system are made under State law in accordance with the project implementation report for that project and consistent with the Plan.

(B) ENFORCEMENT.—

(i) IN GENERAL.—Any person or entity that is aggrieved by a failure of the United States or any other Federal Government instrumentality or agency, or the Governor or any other officer of a State instrumentality or agency, to comply with any provision of the agreement entered into under subparagraph (A) may bring a civil action in United States district court for an injunction directing the United States or any other Federal Government instrumentality or agency or the Governor or any other officer of a State instrumentality or agency, as the case may be, to comply with the agreement.

(ii) LIMITATIONS ON COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under clause (i)—

(I) before the date that is 60 days after the Secretary receives written notice of a failure to comply with the agreement; or

(II) if the United States has commenced and is diligently prosecuting an action in a court of the United States or a State to redress a failure to comply with the agreement.

(C) TRUST RESPONSIBILITIES.—In carrying out his responsibilities under this subsection with respect to the restoration of the South Florida ecosystem, the Secretary of the Interior shall fulfill his obligations to the Indian tribes in South Florida under the Indian Trust Doctrine as well as other applicable legal obligations.

(3) PROGRAMMATIC REGULATIONS.—

(A) ISSUANCE.—Not later than 2 years after the date of enactment of this Act, the Secretary shall, after notice and opportunity for public comment—

(i) with the concurrence of—

(I) the Governor; and

(II) the Secretary of the Interior; and

(ii) in consultation with—

(I) the Seminole Tribe of Florida;

(II) the Miccosukee Tribe of Indians of Florida;

(III) the Administrator of the Environmental Protection Agency;

(IV) the Secretary of Commerce; and

(V) other Federal, State, and local agencies;

promulgate programmatic regulations to ensure that the goals and purposes of the Plan are achieved.

(B) CONCURRENCY STATEMENT.—The Secretary of the Interior and the Governor shall, not later than 180 days from the end of the public comment period on proposed programmatic regulations, provide the Secretary with a written statement of concurrence or nonconcurrence. A failure to provide a written statement of concurrence or nonconcurrence within such time frame will be deemed as meeting the concurrency requirements of subparagraph (A)(i). A copy of any concurrency or nonconcurrency statements shall be made a part of the administrative record and referenced in the final programmatic regulations. Any nonconcurrency statement shall specifically detail the reason or reasons for the nonconcurrence.

(C) CONTENT OF REGULATIONS.—Programmatic regulations promulgated under this paragraph shall establish a process—

(i) for the development of project implementation reports, project cooperation agreements, and operating manuals that ensure that the goals and objectives of the Plan are achieved;

(ii) to ensure that new information resulting from changed or unforeseen circumstances, new scientific or technical information or information that is developed through the principles of adaptive management contained in the Plan, or future authorized changes to the Plan are integrated into the implementation of the Plan; and

(iii) to ensure the protection of the natural system consistent with the goals and purposes of the Plan, including the establishment of interim goals to provide a means by which the restoration success of the Plan may be evaluated throughout the implementation process.

(D) SCHEDULE AND TRANSITION RULE.—

(i) IN GENERAL.—All project implementation reports approved before the date of promulgation of the programmatic regulations shall be consistent with the Plan.

(ii) PREAMBLE.—The preamble of the programmatic regulations shall include a statement concerning the consistency with the programmatic regulations of any project implementation reports that were approved before the date of promulgation of the regulations.

(E) REVIEW OF PROGRAMMATIC REGULATIONS.—Whenever necessary to attain Plan goals and purposes, but not less often than every 5 years, the Secretary, in accordance with subparagraph (A), shall review the programmatic regulations promulgated under this paragraph.

(4) PROJECT-SPECIFIC ASSURANCES.—

(A) PROJECT IMPLEMENTATION REPORTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop project implementation reports in accordance with section 10.3.1 of the Plan.

(ii) COORDINATION.—In developing a project implementation report, the Secretary and the non-Federal sponsor shall coordinate with appropriate Federal, State, tribal, and local governments.

(iii) REQUIREMENTS.—A project implementation report shall—

(I) be consistent with the Plan and the programmatic regulations promulgated under paragraph (3);

(II) describe how each of the requirements stated in paragraph (3)(B) is satisfied;

(III) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(IV) identify the appropriate quantity, timing, and distribution of water dedicated and managed for the natural system;

(V) identify the amount of water to be reserved or allocated for the natural system necessary to implement, under State law, subclauses (IV) and (VI);

(VI) comply with applicable water quality standards and applicable water quality permitting requirements under subsection (b)(2)(A)(ii);

(VII) be based on the best available science; and

(VIII) include an analysis concerning the cost-effectiveness and engineering feasibility of the project.

(B) PROJECT COOPERATION AGREEMENTS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall execute project cooperation agreements in accordance with section 10 of the Plan.

(ii) CONDITION.—The Secretary shall not execute a project cooperation agreement until any reservation or allocation of water for the natural system identified in the project implementation report is executed under State law.

(C) OPERATING MANUALS.—

(i) IN GENERAL.—The Secretary and the non-Federal sponsor shall develop and issue, for each project or group of projects, an operating manual that is consistent with the water reservation or allocation for the natural system described in the project implementation report and the project cooperation agreement for the project or group of projects.

(ii) MODIFICATIONS.—Any significant modification by the Secretary and the non-Federal sponsor to an operating manual after the operating manual is issued shall only be carried out subject to notice and opportunity for public comment.

(5) SAVINGS CLAUSE.—

(A) NO ELIMINATION OR TRANSFER.—Until a new source of water supply of comparable quantity and quality as that available on the date of enactment of this Act is available to replace the water to be lost as a result of implementation of the Plan, the Secretary and the non-Federal sponsor shall not eliminate or transfer existing legal sources of water, including those for—

(i) an agricultural or urban water supply;

(ii) allocation or entitlement to the Seminole Indian Tribe of Florida under section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e);

(iii) the Miccosukee Tribe of Indians of Florida;

(iv) water supply for Everglades National Park; or

(v) water supply for fish and wildlife.

(B) MAINTENANCE OF FLOOD PROTECTION.—Implementation of the Plan shall not reduce levels of service for flood protection that are—

(i) in existence on the date of enactment of this Act; and

(ii) in accordance with applicable law.

(C) NO EFFECT ON TRIBAL COMPACT.—Nothing in this section amends, alters, prevents, or otherwise abrogates rights of the Seminole Indian Tribe of Florida under the compact among the Seminole Tribe of Florida, the State, and the South Florida Water Management District, defining the scope and use of water rights of the Seminole Tribe of Florida, as codified by section 7 of the Seminole Indian Land Claims Settlement Act of 1987 (25 U.S.C. 1772e).

(i) DISPUTE RESOLUTION.—

(1) IN GENERAL.—The Secretary and the Governor shall within 180 days from the date of enactment of this Act develop an agreement for resolving disputes between the Corps of Engineers and the State associated with the implementation of the Plan. Such agreement shall establish a mechanism for the timely and efficient resolution of disputes, including—

(A) a preference for the resolution of disputes between the Jacksonville District of the Corps of Engineers and the South Florida Water Management District;

(B) a mechanism for the Jacksonville District of the Corps of Engineers or the South Florida Water Management District to initiate the dispute resolution process for unresolved issues;

(C) the establishment of appropriate timeframes and intermediate steps for the elevation of disputes to the Governor and the Secretary; and

(D) a mechanism for the final resolution of disputes, within 180 days from the date that the dispute resolution process is initiated under subparagraph (B).

(2) CONDITION FOR REPORT APPROVAL.—The Secretary shall not approve a project implementation report under this section until the agreement established under this subsection has been executed.

(3) NO EFFECT ON LAW.—Nothing in the agreement established under this subsection shall alter or amend any existing Federal or State law, or the responsibility of any party to the agreement to comply with any Federal or State law.

(j) INDEPENDENT SCIENTIFIC REVIEW.—

(1) IN GENERAL.—The Secretary, the Secretary of the Interior, and the Governor, in consultation with the South Florida Ecosystem Restoration Task Force, shall establish an independent scientific review panel convened by a body, such as the National Academy of Sciences, to review the Plan's progress toward achieving the natural system restoration goals of the Plan.

(2) REPORT.—The panel described in paragraph (1) shall produce a biennial report to Congress, the Secretary, the Secretary of the Interior, and the Governor that includes an assessment of ecological indicators and other measures of progress in restoring the ecology of the natural system, based on the Plan.

(k) OUTREACH AND ASSISTANCE.—

(1) SMALL BUSINESS CONCERNS OWNED AND OPERATED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—In executing the Plan, the Secretary shall ensure that small business concerns owned and controlled by socially and economically disadvantaged individuals are provided opportunities to participate under section 15(g) of the Small Business Act (15 U.S.C. 644(g)).

(2) COMMUNITY OUTREACH AND EDUCATION.—

(A) IN GENERAL.—The Secretary shall ensure that impacts on socially and economically disadvantaged individuals, including individuals with limited English proficiency, and communities are considered during implementation of the Plan, and that such individuals have opportunities to review and comment on its implementation.

(B) PROVISION OF OPPORTUNITIES.—The Secretary shall ensure, to the maximum extent practicable, that public outreach and educational opportunities are provided, during implementation of the Plan, to the individuals of South Florida, including individuals with limited English proficiency, and in particular for socially and economically disadvantaged communities.

(l) REPORT TO CONGRESS.—Beginning on October 1, 2005, and periodically thereafter until October 1, 2036, the Secretary and the Secretary of the Interior, in consultation with the Environmental Protection Agency, the Department of Commerce, and the State of Florida, shall jointly submit to Congress a report on the implementation of the Plan. Such reports shall be completed not less often than every 5 years. Such reports shall include a description of planning, design, and construction work completed, the amount of funds expended during the period covered by the report (including a detailed analysis of the funds expended for adaptive assessment under subsection (b)(2)(C)(xi)), and the work anticipated over the next 5-year period. In addition, each report shall include—

(1) the determination of each Secretary, and the Administrator of the Environmental Protection Agency, concerning the benefits to the natural system and the human environment achieved as of the date of the report and whether the completed projects of the Plan are being operated in a manner that is consistent with the requirements of subsection (h);

(2) progress toward interim goals established in accordance with subsection (h)(3)(B); and

(3) a review of the activities performed by the Secretary under subsection (k) as they relate to socially and economically disadvantaged individuals and individuals with limited English proficiency.

(m) SEVERABILITY.—If any provision or remedy provided by this section is found to be unconstitutional or unenforceable by any court of competent jurisdiction, any remaining provisions in this section shall remain valid and enforceable.

SEC. 602. SENSE OF THE SENATE CONCERNING HOMESTEAD AIR FORCE BASE.

(a) IN GENERAL.—(1) The Everglades is an American treasure and includes uniquely-important and diverse wildlife resources and recreational opportunities;

(2) the preservation of the pristine and natural character of the South Florida ecosystem is critical to the regional economy;

(3) as this legislation demonstrates, the Senate believes it to be a vital national mission to restore and preserve this ecosystem and accordingly is authorizing a significant Federal investment to do so;

(4) the Senate seeks to have the remaining property at the former Homestead Air Base conveyed and reused as expeditiously as possible, and several options for base reuse are being considered, including as a commercial airport; and

(5) the Senate is aware that the Homestead site is located in a sensitive environmental location, and that Biscayne National Park is only approximately 1.5 miles to the east, Everglades National Park approximately 8 miles to the west, and the Florida Keys National Marine Sanctuary approximately 10 miles to the south.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) development at the Homestead site could potentially cause significant air, water, and noise pollution and result in the degradation of adjacent national parks and other protected Federal resources;

(2) in their decisionmaking, the Federal agencies charged with determining the reuse of the remaining property at the Homestead base should carefully consider and weigh all available information concerning potential environmental impacts of various reuse options;

(3) the redevelopment of the former base should be consistent with restoration goals, provide desirable numbers of jobs and economic redevelopment for the community, and be consistent with other applicable laws;

(4) consistent with applicable laws, the Secretary of the Air Force should proceed as quickly as practicable to issue a final SEIS and Record of Decision so that reuse of the former air base can proceed expeditiously;

(5) following conveyance of the remaining surplus property, the Secretary, as part of his oversight for Everglades restoration, should cooperate with the entities to which the various parcels of surplus property were conveyed so that the planned use of those properties is implemented in such a manner as to remain consistent with the goals of the Everglades restoration plan; and

(6) by August 1, 2002, the Secretary should submit a report to the appropriate committees of Congress on actions taken and make any recommendations for consideration by Congress.

TITLE VII—MISSOURI RIVER PROTECTION AND IMPROVEMENT

SEC. 701. SHORT TITLE.

This title shall be known as the ''Missouri River Protection and Improvement Act of 2000''.

SEC. 702. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Garrison Dam was constructed on the Missouri River in North Dakota and the Oahe Dam was constructed in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Garrison and Oahe Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Sakakawea and Lake Oahe;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of North Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 703. DEFINITIONS.

In this title:

(1) PICK-SLOAN PROGRAM.—The term ''Pick-Sloan program'' means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(2) PLAN.—The term ''plan'' means the plan for the use of funds made available by this

title that is required to be prepared under section 705(e).

(3) STATE.—The term ''State'' means the State of North Dakota.

(4) TASK FORCE.—The term ''Task Force'' means the North Dakota Missouri River Task Force established by section 705(a).

(5) TRUST.—The term ''Trust'' means the North Dakota Missouri River Trust established by section 704(a).

SEC. 704. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the North Dakota Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 16 members to be appointed by the Secretary, including—

(1) 12 members recommended by the Governor of North Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the North Dakota Department of Health;

(ii) the North Dakota Department of Parks and Recreation;

(iii) the North Dakota Department of Game and Fish;

(iv) the North Dakota State Water Commission;

(v) the North Dakota Indian Affairs Commission;

(vi) agriculture groups;

(vii) environmental or conservation organizations;

(viii) the hydroelectric power industry;

(ix) recreation user groups;

(x) local governments; and

(xi) other appropriate interests;

(2) 4 members representing each of the 4 Indian tribes in the State of North Dakota.

SEC. 705. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(B) this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 706. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of

meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 707. AUTHORIZATION OF APPROPRIATIONS.

(a) INITIAL FUNDING.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2004, to remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

TITLE VIII—WILDLIFE REFUGE ENHANCEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Charles M. Russell National Wildlife Refuge Enhancement Act of 2000''.

SEC. 802. PURPOSE.

The purpose of this title is to direct the Secretary, in consultation with the Secretary of the Interior, to convey cabin sites at Fort Peck Lake, Montana, and to acquire land with greater wildlife and other public value for the Charles M. Russell National Wildlife Refuge, to—

(1) better achieve the wildlife conservation purposes for which the Refuge was established;

(2) protect additional fish and wildlife habitat in and adjacent to the Refuge;

(3) enhance public opportunities for hunting, fishing, and other wildlife-dependent activities;

(4) improve management of the Refuge; and

(5) reduce Federal expenditures associated with the administration of cabin site leases.

SEC. 803. DEFINITIONS.

In this title:

(1) ASSOCIATION.—The term ''Association'' means the Fort Peck Lake Association.

(2) CABIN SITE.—

(A) IN GENERAL.—The term ''cabin site'' means a parcel of property within the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin areas that is—

(i) managed by the Army Corps of Engineers;

(ii) located in or near the eastern portion of Fort Peck Lake, Montana; and

(iii) leased for individual use or occupancy.

(B) INCLUSIONS.—The term ''cabin site'' includes all right, title and interest of the United States in and to the property, including—

(i) any permanent easement that is necessary to provide vehicular access to the cabin site; and

(ii) the right to reconstruct, operate, and maintain an easement described in clause (i).

(3) CABIN SITE AREA.—

(A) IN GENERAL.—The term ''cabin site area'' means a portion of the Fort Peck, Hell Creek, Pines, or Rock Creek Cabin Areas referred to in paragraph (2) that is occupied by 1 or more cabin sites.

(B) INCLUSION.—The term ''cabin site area'' includes such immediately adjacent land, if any, as is needed for the cabin site area to exist as a generally contiguous parcel of land, as determined by the Secretary with the concurrence of the Secretary of the Interior.

(4) LESSEE.—The term ''lessee'' means a person that is leasing a cabin site.

(5) REFUGE.—The term ''Refuge'' means the Charles M. Russell National Wildlife Refuge in Montana.

SEC. 804. CONVEYANCE OF CABIN SITES.

(a) IN GENERAL.—

(1) PROHIBITION.—As soon as practicable after the date of enactment of this Act, the Secretary shall prohibit the issuance of new cabin site leases within the Refuge, except as is necessary to consolidate with, or substitute for, an existing cabin lease site under paragraph (2).

(2) DETERMINATION; NOTICE.—Not later than 1 year after the date of enactment of this Act, and before proceeding with any exchange under this title, the Secretary shall—

(A) with the concurrence of the Secretary of the Interior, determine individual cabin sites that are not suitable for conveyance to a lessee—

(i) because the sites are isolated so that conveyance of 1 or more of the sites would create an inholding that would impair management of the Refuge; or

(ii) for any other reason that adversely impacts the future habitability of the sites; and

(B) provide written notice to each lessee that specifies any requirements concerning the form of a notice of interest in acquiring a cabin site that the lessee may submit under subsection (b)(1)(A) and the portion of administrative costs that would be paid to the Secretary under section 808(b), to—

(i) determine whether the lessee is interested in acquiring the cabin site area of the lessee; and

(ii) inform each lessee of the rights of the lessee under this title.

(3) OFFER OF COMPARABLE CABIN SITE.—If the Secretary determines that a cabin site is not suitable for conveyance to a lessee under paragraph (2)(A), the Secretary, in consultation with the Secretary of the Interior, shall offer to the lessee the opportunity to acquire a comparable cabin site within another cabin site area.

(b) RESPONSE.—

(1) NOTICE OF INTEREST.—

(A) IN GENERAL.—Not later than July 1, 2003, a lessee shall notify the Secretary in writing of an interest in acquiring the cabin site of the lessee.

(B) FORM.—The notice under this paragraph shall be submitted in such form as is required by the Secretary under subsection (a)(2)(B).

(2) UNPURCHASED CABIN SITES.—If the Secretary receives no notice of interest or offer to purchase a cabin site from the lessee under paragraph (1) or the lessee declines an opportunity to purchase a comparable cabin site under subsection (a)(3), the cabin site shall be subject to sections 805 and 806.

(c) PROCESS.—After providing notice to a lessee under subsection (a)(2)(B), the Secretary shall—

(1) determine whether any small parcel of land contiguous to any cabin site (not including shoreline or land needed to provide public access to the shoreline of Fort Peck Lake) should be conveyed as part of the cabin site to—

(A) protect water quality;

(B) eliminate an inholding; or

(C) facilitate administration of the land remaining in Federal ownership;

(2) if the Secretary determines that a conveyance should be completed under paragraph (1), provide notice of the intent of the Secretary to complete the conveyance to the lessee of each affected cabin site;

(3) survey each cabin site to determine the acreage and legal description of the cabin site area, including land identified under paragraph (1);

(4) take such actions as are necessary to ensure compliance with all applicable environmental laws;

(5) with the concurrence of the Secretary of the Interior, determine which covenants or deed restrictions, if any, should be placed on a cabin site before conveyance out of Federal ownership, including any covenant or deed restriction that is required to comply with—

(A) the Act of May 18, 1938 (16 U.S.C. 833 et seq.);

(B) laws (including regulations) applicable to management of the Refuge; and

(C) any other laws (including regulations) for which compliance is necessary to—

(i) ensure the maintenance of existing and adequate public access to and along Fort Peck Lake; and

(ii) limit future uses of a cabin site to—

(I) noncommercial, single-family use; and

(II) the type and intensity of use of the cabin site made on the date of enactment of this Act, as limited by terms of any lease applicable to the cabin site in effect on that date; and

(6) conduct an appraisal of each cabin site (including any expansion of the cabin site under paragraph (1)) that—

(A) is carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;

(B) excludes the value of any private improvement to the cabin sites; and

(C) takes into consideration any covenant or other restriction determined to be necessary under paragraph (5) and subsection (h).

(d) CONSULTATION AND PUBLIC INVOLVEMENT.—The Secretary shall—

(1) carry out subsections (b) and (c) in consultation with—

(A) the Secretary of the Interior;

(B) affected lessees;

(C) affected counties in the State of Montana; and

(D) the Association; and

(2) hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

(e) CONVEYANCE.—Subject to subsections (h) and (i) and section 808(b), the Secretary shall convey a cabin site by individual patent or deed to the lessee under this title—

(1) if each cabin site complies with Federal, State, and county septic and water quality laws (including regulations);

(2) if the lessee complies with other requirements of this section; and

(3) after receipt of the payment for the cabin site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined in accordance with subsection (c)(6).

(f) VEHICULAR ACCESS.—

(1) IN GENERAL.—Nothing in this title authorizes any addition to or improvement of vehicular access to a cabin site.

(2) CONSTRUCTION.—The Secretary—

(A) shall not construct any road for the sole purpose of providing access to land sold under this section; and

(B) shall be under no obligation to service or maintain any existing road used primarily for access to that land (or to a cabin site).

(3) OFFER TO CONVEY.—The Secretary may offer to convey to the State of Montana, any political subdivision of the State of Montana, or the Association, any road determined by the Secretary to primarily service the land sold under this section.

(g) UTILITIES AND INFRASTRUCTURE.—

(1) IN GENERAL.—The purchaser of a cabin site shall be responsible for the acquisition of all utilities and infrastructure necessary to support the cabin site.

(2) NO FEDERAL ASSISTANCE.—The Secretary shall not provide any utilities or infrastructure to the cabin site.

(h) COVENANTS AND DEED RESTRICTIONS.—

(1) IN GENERAL.—Before conveying any cabin site under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and

deed restrictions as are determined, under subsection (c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(2) RESERVATION OF RIGHTS.—The Secretary may reserve the perpetual right, power, privilege, and easement to permanently overflow, flood, submerge, saturate, percolate, or erode a cabin site (or any portion of a cabin site) that the Secretary determines is necessary in the operation of the Fort Peck Dam.

(i) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection (a)(2) shall not be conveyed by the Secretary under this section.

(j) IDENTIFICATION OF LAND FOR EXCHANGE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall identify land that may be acquired that meets the purposes of paragraphs (1) through (4) of section 802 and for which a willing seller exists.

(2) APPRAISAL.—On a request by a willing seller, the Secretary of the Interior shall appraise the land identified under paragraph (1).

(3) ACQUISITION.—If the Secretary of the Interior determines that the acquisition of the land would meet the purposes of paragraphs (1) through (4) of section 802, the Secretary of the Interior shall cooperate with the willing seller to facilitate the acquisition of the property in accordance with section 807.

(4) PUBLIC PARTICIPATION.—The Secretary of the Interior shall hold public hearings, and provide all interested parties with notice and an opportunity to comment, on the activities carried out under this section.

SEC. 805. RIGHTS OF NONPARTICIPATING LESSEES.

(a) CONTINUATION OF LEASE.—

(1) IN GENERAL.—A lessee that does not provide the Secretary with an offer to acquire the cabin site of the lessee under section 804 (including a lessee who declines an offer of a comparable cabin site under section 804(a)(3)) may elect to continue to lease the cabin site for the remainder of the current term of the lease, which, except as provided in paragraph (2), shall not be renewed or otherwise extended.

(2) EXPIRATION BEFORE 2010.—If the current term of a lessee described in paragraph (1) expires or is scheduled to expire before 2010, the Secretary shall offer to extend or renew the lease through 2010.

(b) IMPROVEMENTS.—Any improvements and personal property of the lessee that are not removed from the cabin site before the termination of the lease shall be considered property of the United States in accordance with the provisions of the lease.

(c) OPTION TO PURCHASE.—Subject to subsections (d) and (e) and section 808(b), if at any time before termination of the lease, a lessee described in subsection (a)(1)—

(1) notifies the Secretary of the intent of the lessee to purchase the cabin site of the lessee; and

(2) pays for an updated appraisal of the site in accordance with section 804(c)(6);

the Secretary shall convey the cabin site to the lessee, by individual patent or deed, on receipt of payment for the site from the lessee in an amount equal to the appraised fair market value of the cabin site as determined by the updated appraisal.

(d) COVENANTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (c), the Secretary, in consultation with the Secretary of the Interior, shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions in the title to the cabin site.

(e) NO CONVEYANCE OF UNSUITABLE CABIN SITES.—A cabin site that is determined to be unsuitable for conveyance under subsection 804(a)(2) shall not be conveyed by the Secretary under this section.

(f) REPORT.—Not later than July 1, 2003, the Secretary shall submit to Congress a report that—

(1) describes progress made in implementing this Act; and

(2) identifies cabin owners that have filed a notice of interest under section 804(b) and have declined an opportunity to acquire a comparable cabin site under section 804(a)(3).

SEC. 806. CONVEYANCE TO THIRD PARTIES.

(a) CONVEYANCES TO THIRD PARTIES.—As soon as practicable after the expiration or surrender of a lease, the Secretary, in consultation with the Secretary of the Interior, may offer for sale, by public auction, written invitation, or other competitive sales procedure, and at the fair market value of the cabin site determined under section 804(c)(6), any cabin site that—

(1) is not conveyed to a lessee under this title; and

(2) has not been determined to be unsuitable for conveyance under section 804(a)(2).

(b) COVENANTS AND DEED RESTRICTIONS.—Before conveying any cabin site under subsection (a), the Secretary shall ensure that the title to the cabin site includes such covenants and deed restrictions as are determined, under section 804(c), to be necessary to make binding on all subsequent purchasers of the cabin site any other covenants or deed restrictions contained in the title to the cabin site.

(c) CONVEYANCE TO ASSOCIATION.—On the completion of all individual conveyances of cabin sites under this title (or at such prior time as the Secretary determines would be practicable based on the location of property to be conveyed), the Secretary shall convey to the Association all land within the outer boundaries of cabin site areas that are not conveyed to lessees under this title at fair market value based on an appraisal carried out in accordance with the Uniform Appraisal Standards for Federal Land Acquisition.

SEC. 807. USE OF PROCEEDS.

(a) PROCEEDS.—All payments for the conveyance of cabin sites under this title, except costs collected by the Secretary under section 808(b), shall be deposited in a special fund in the Treasury for use by the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and without further Act of appropriation, solely for the acquisition from willing sellers of property that—

(1) is within or adjacent to the Refuge;

(2) would be suitable to carry out the purposes of this Act described in paragraphs (1) through (4) of section 802; and

(3) on acquisition by the Secretary of the Interior, would be accessible to the general public for use in conducting activities consistent with approved uses of the Refuge.

(b) LIMITATION.—To the maximum extent practicable, acquisitions under this title shall be of land within the Refuge boundary.

SEC. 808. ADMINISTRATIVE COSTS.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary shall pay all administrative costs incurred in carrying out this title.

(b) REIMBURSEMENT.—As a condition of the conveyance of any cabin site area under this title, the Secretary—

(1) may require the party to whom the property is conveyed to reimburse the Secretary for a reasonable portion, as determined by the Secretary, of the administrative costs (including survey costs), incurred in carrying out this title, with such portion to be described in the notice provided to the Association and lessees under section 804(a)(2); and

(2) shall require the party to whom the property is conveyed to reimburse the Association for a proportionate share of the costs (including interest) incurred by the Association in carrying out transactions under this Act.

SEC. 809. TERMINATION OF WILDLIFE DESIGNATION.

None of the land conveyed under this title shall be designated, or shall remain designated as, part of the National Wildlife Refuge System.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE IX—MISSOURI RIVER RESTORATION

SEC. 901. SHORT TITLE.

This title shall be known as the ''Missouri River Restoration Act of 2000''.

SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Missouri River is—

(A) an invaluable economic, environmental, recreational, and cultural resource to the people of the United States; and

(B) a critical source of water for drinking and irrigation;

(2) millions of people fish, hunt, and camp along the Missouri River each year;

(3) thousands of sites of spiritual importance to Native Americans line the shores of the Missouri River;

(4) the Missouri River provides critical wildlife habitat for threatened and endangered species;

(5) in 1944, Congress approved the Pick-Sloan program—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(6) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams were constructed on the Missouri River in South Dakota under the Pick-Sloan program;

(7) the dams referred to in paragraph (6)—

(A) generate low-cost electricity for millions of people in the United States;

(B) provide revenue to the Treasury; and

(C) provide flood control that has prevented billions of dollars of damage;

(8) the Oahe, Big Bend, Fort Randall, and Gavins Point Dams have reduced the ability of the Missouri River to carry sediment downstream, resulting in the accumulation of sediment in the reservoirs known as Lake Oahe, Lake Sharpe, Lake Francis Case, and Lewis and Clark Lake;

(9) the sediment depositions—

(A) cause shoreline flooding;

(B) destroy wildlife habitat;

(C) limit recreational opportunities;

(D) threaten the long-term ability of dams to provide hydropower and flood control under the Pick-Sloan program;

(E) reduce water quality; and

(F) threaten intakes for drinking water and irrigation; and

(10) to meet the objectives established by Congress for the Pick-Sloan program, it is necessary to establish a Missouri River Restoration Program—

(A) to improve conservation;

(B) to reduce the deposition of sediment; and

(C) to take other steps necessary for proper management of the Missouri River.

(b) PURPOSES.—The purposes of this title are—

(1) to reduce the siltation of the Missouri River in the State of South Dakota;

(2) to meet the objectives of the Pick-Sloan program by developing and implementing a long-term strategy—

(A) to improve conservation in the Missouri River watershed;

(B) to protect recreation on the Missouri River from sedimentation;

(C) to improve water quality in the Missouri River;

(D) to improve erosion control along the Missouri River; and

(E) to protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion; and

(3) to meet the objectives described in paragraphs (1) and (2) by developing and financing new programs in accordance with the plan.

SEC. 903. DEFINITIONS.

In this title:

(1) COMMITTEE.—The term ''Committee'' means the Executive Committee appointed under section 904(d).

(2) PICK-SLOAN PROGRAM.—The term ''Pick-Sloan program'' means the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (58 Stat. 891, chapter 665).

(3) PLAN.—The term ''plan'' means the plan for the use of funds made available by this title that is required to be prepared under section 905(e).

(4) STATE.—The term ''State'' means the State of South Dakota.

(5) TASK FORCE.—The term ''Task Force'' means the Missouri River Task Force established by section 905(a).

(6) TRUST.—The term ''Trust'' means the Missouri River Trust established by section 904(a).

SEC. 904. MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—There is established a committee to be known as the Missouri River Trust.

(b) MEMBERSHIP.—The Trust shall be composed of 25 members to be appointed by the Secretary, including—

(1) 15 members recommended by the Governor of South Dakota that—

(A) represent equally the various interests of the public; and

(B) include representatives of—

(i) the South Dakota Department of Environment and Natural Resources;

(ii) the South Dakota Department of Game, Fish, and Parks;

(iii) environmental groups;

(iv) the hydroelectric power industry;

(v) local governments;

(vi) recreation user groups;

(vii) agricultural groups; and

(viii) other appropriate interests;

(2) 9 members, 1 of each of whom shall be recommended by each of the 9 Indian tribes in the State of South Dakota; and

(3) 1 member recommended by the organization known as the ''Three Affiliated Tribes of North Dakota'' (composed of the Mandan, Hidatsa, and Arikara tribes).

SEC. 905. MISSOURI RIVER TASK FORCE.

(a) ESTABLISHMENT.—There is established the Missouri River Task Force.

(b) MEMBERSHIP.—The Task Force shall be composed of—

(1) the Secretary (or a designee), who shall serve as Chairperson;

(2) the Secretary of Agriculture (or a designee);

(3) the Secretary of Energy (or a designee);

(4) the Secretary of the Interior (or a designee); and

(5) the Trust.

(c) DUTIES.—The Task Force shall—

(1) meet at least twice each year;

(2) vote on approval of the plan, with approval requiring votes in favor of the plan by a majority of the members;

(3) review projects to meet the goals of the plan; and

(4) recommend to the Secretary critical projects for implementation.

(d) ASSESSMENT.—

(1) IN GENERAL.—Not later than 18 months after the date on which funding authorized under this title becomes available, the Secretary shall submit to the other members of the Task Force a report on—

(A) the impact of the siltation of the Missouri River in the State, including the impact on—

(i) the Federal, State, and regional economies;

(ii) recreation;

(iii) hydropower generation;

(iv) fish and wildlife; and

(v) flood control;

(B) the status of Indian and non-Indian historical and cultural sites along the Missouri River;

(C) the extent of erosion along the Missouri River (including tributaries of the Missouri River) in the State; and

(D) other issues, as requested by the Task Force.

(2) CONSULTATION.—In preparing the report under paragraph (1), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of the Interior;

(C) the Secretary of Agriculture;

(D) the State; and

(E) Indian tribes in the State.

(e) PLAN FOR USE OF FUNDS MADE AVAILABLE BY THIS TITLE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funding authorized under this title becomes available, the Task Force shall prepare a plan for the use of funds made available under this title.

(2) CONTENTS OF PLAN.—The plan shall provide for the manner in which the Task Force shall develop and recommend critical restoration projects to promote—

(A) conservation practices in the Missouri River watershed;

(B) the general control and removal of sediment from the Missouri River;

(C) the protection of recreation on the Missouri River from sedimentation;

(D) the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

(E) erosion control along the Missouri River; or

(F) any combination of the activities described in subparagraphs (A) through (E).

(3) PLAN REVIEW AND REVISION.—

(A) IN GENERAL.—The Task Force shall make a copy of the plan available for public review and comment before the plan becomes final, in accordance with procedures established by the Task Force.

(B) REVISION OF PLAN.—

(i) IN GENERAL.—The Task Force may, on an annual basis, revise the plan.

(ii) PUBLIC REVIEW AND COMMENT.—In revising the plan, the Task Force shall provide the public the opportunity to review and comment on any proposed revision to the plan.

(f) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—After the plan is approved by the Task Force under subsection (c)(2), the Secretary, in coordination with the Task Force, shall identify critical restoration projects to carry out the plan.

(2) AGREEMENT.—The Secretary may carry out a critical restoration project after entering into an agreement with an appropriate non-Federal interest in accordance with—

(A) section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b); and

(B) this section.

(3) INDIAN PROJECTS.—To the maximum extent practicable, the Secretary shall ensure that not less than 30 percent of the funds made available for critical restoration projects under this title shall be used exclusively for projects that are—

(A) within the boundary of an Indian reservation; or

(B) administered by an Indian tribe.

(g) COST SHARING.—

(1) ASSESSMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out the assessment under subsection (d) shall be 75 percent.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out the assessment under subsection (d) may be provided in the form of services, materials, or other in-kind contributions.

(2) PLAN.—

(A) FEDERAL SHARE.—The Federal share of the cost of preparing the plan under subsection (e) shall be 75 percent.

(B) NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of preparing the plan under subsection (e) may be provided in the form of services, materials, or other in-kind contributions.

(3) CRITICAL RESTORATION PROJECTS.—

(A) IN GENERAL.—A non-Federal cost share shall be required to carry out any critical restoration project under subsection (f) that does not primarily benefit the Federal Government, as determined by the Task Force.

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out a critical restoration project under subsection (f) for which the Task Force requires a non-Federal cost share under subparagraph (A) shall be 65 percent, not to exceed $5,000,000 for any critical restoration project.

(C) NON-FEDERAL SHARE.—

(i) IN GENERAL.—Not more than 50 percent of the non-Federal share of the cost of carrying out a critical restoration project described in subparagraph (B) may be provided in the form of services, materials, or other in-kind contributions.

(ii) REQUIRED NON-FEDERAL CONTRIBUTIONS.—For any critical restoration project described in subparagraph (B), the non-Federal interest shall—

(I) provide all land, easements, rights-of-way, dredged material disposal areas, and relocations;

(II) pay all operation, maintenance, replacement, repair, and rehabilitation costs; and

(III) hold the United States harmless from all claims arising from the construction, operation, and maintenance of the project.

(iii) CREDIT.—The non-Federal interest shall receive credit for all contributions provided under clause (ii)(I).

SEC. 906. ADMINISTRATION.

(a) IN GENERAL.—Nothing in this title diminishes or affects—

(1) any water right of an Indian tribe;

(2) any other right of an Indian tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian tribe;

(5) any authority of the State that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any

other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled ''An Act for the protection of the bald eagle'', approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) FEDERAL LIABILITY FOR DAMAGE.—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan program.

(c) FLOOD CONTROL.—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan program for the purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

(d) USE OF FUNDS.—Funds transferred to the Trust may be used to pay the non-Federal share required under Federal programs.

SEC. 907. AUTHORIZATION OF APPROPRIATIONS.

(a) INITIAL FUNDING.—There is authorized to be appropriated to the Secretary to carry out this title $4,000,000 for each of fiscal years 2001 through 2010, to remain available until expended.

(b) EXISTING PROGRAMS.—The Secretary shall fund programs authorized under the Pick-Sloan program in existence on the date of enactment of this Act at levels that are not less than funding levels for those programs as of that date.

Mr. ROBERTS. Mr. President, I ask to reconsider the vote, and on behalf of the Senator from New Hampshire, Mr. SMITH, I move to table my own motion.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

● Mr. GORTON. Madam President, I regret I was unable to vote on the final passage of the Water Resources Development Act, S. 2796. Had I been present, I would have voted in favor of this legislation.

The bill contains authorizations for several important projects for Washington State. I would like to thank the chairman of the Senate Environment and Public Works Committee. Senator BOB SMITH, and the chairman of the Subcommittee on Transportation and Infrastructure, Senator GEORGE VOINOVICH, for their assistance in addressing the water resource needs of the Pacific Northwest. I'd like to highlight four projects critical to my constituents.

The bill provides authorization for the Puget Sound Ecosystem Restoration Project, an environmental restoration program designed to improve habitat for four threatened anadromous fish species in the Puget Sound basin. The Corps of Engineers, contingent on available appropriations, will be authorized to spend $20 million in cooperation with local governments, tribes, and restoration groups to make existing Corps projects more salmon-friendly and enhance critical stream habitat.

WRDA 2000 also includes an authorization for the Corps of Engineers to study and construct an erosion control project for the Shoalwater Bay Indian Tribe. The Shoalwater Bay Indian Tribe, located on a 335-acre reservation in southwest Washington, has experienced dramatic erosion events for the past several winters. During the 1998–1999 winter storms alone, the tribe lost several hundred feet of shoreline. These events have been particularly damaging to this small tribe of 245 people, most of whom depend on the tribe's shellfish resource along the 700 acres of tidelands.

Another provision will assist the communities along the Columbia, Cowlitz, and Toutle rivers. During the early 1980s after the eruption on Mount St. Helens on May 18, 1980, the Corps of Engineers engaged in a series of emergency and congressionally authorized projects to stop or control the flow of sediment from Mount St. Helens into the Toutle, Cowlitz, and Columbia rivers. Since the major Northwest Washington flood of 1996, which severely impacted the communities surrounding these three rivers, the Corps of Engineers and county governments in Southwest Washington have engaged in discussions over the level of flood protection to be maintained for the Mount St. Helens Sediment Control Project. The WRDA bill clarifies the Corps' responsibility to maintain this project and provides certainty for the communities in the future.

Finally, the bill includes authorization for the Corps to accept funding from non-federal public entities to improve and enhance the regulatory activities of the Corps of Engineers. Since the listing of the four Puget Sound salmon species last year, the Seattle office of the Corps of Engineers has been inundated with permits that requires additional consultation order the Endangered Species Act. Unfortunately, this additional responsibility requires additional staff and resources to occur in a timely manner. At the beginning of this year, the Seattle regulatory office had a backlog of 300 permit applications. Today that backlog has grown to nearly 1,000. This provision will provide the Corps the additional resources it needs to comply with the Endangered Species Act.

Once again, I would like to thank the members of the Environment and Public Works Committee for their assistance in providing authorization for projects important to the residents of Washington state. I am pleased the Senate passed this legislation today.●

MORNING BUSINESS

Mr. ROBERTS. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. ROBERTS. I ask unanimous consent I might be recognized for 20 minutes as in morning business.

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

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GENERAL CHARLES E. WILHELM

Mr. ROBERTS. Mr. President, late in the afternoon of this coming Thursday, the U.S. Marine Corps will conduct a retirement ceremony at the Marine Corps War Memorial in Arlington, VA.

It would not be too surprising for all who know the honoree, if those legendary marines raising the flag atop Mt. Suribachi at the Iwo Jima Memorial and ensconced in statuary history might actually plant the flag, come to attention and give a proud salute to Gen. Charles E. Wilhelm. Now retired after 35 years of service and the former commander of the U.S. Southern Command, Charles Wilhelm has been the epitome of dedication, professionalism, and pride. Simply put, he has been a marine's marine. In paying tribute to General Wilhelm, my remarks are in keeping with the appreciation, admiration, and thanks of my colleagues in the Senate, more especially the chairman and members of the Armed Services Committee, all those privileged to serve on committees of jurisdiction dealing with our national defense and foreign policy and former marines who serve in the Congress. I think Charles Wilhelm was destined to serve in our Nation's sea service and become an outstanding marine in that he was born of the shores of Albemarle Sound in historic Edenton, NC. He graduated from Florida State University and later earned a master of science degree from Salve Regina College in Newport, RI. He was commissioned a second lieutenant in 1964 and saw two tours of service in Vietnam where in the full component of command positions, he served with distinction: as a rifle platoon commander; company commander; and senior advisor to a Vietnamese Army battalion.

For his heroism under fire, he was awarded the Silver Star Medal, Bronze Star Medal with Combat V, Navy Commendation Medal with Combat V, and the Army Commendation Medal with Combat V. General Wilhelm's other personal decorations include the Defense Service Medal with Oak Leaf Cluster, the Distinguished Service Medal, Defense Meritorious Service Medal, the Navy Commendation Medal, and Combat Action Ribbon. The last thing that Charley Wilhelm would want or stand for would be for some Senator like myself to stand on the Senate floor and list the rest of all of

the assignments and tours and accomplishments that make up his outstanding career. But, since I am on the Senate floor and relatively safe, I hope, from the well known and respected iron will of the general, a marine, who with respect and admiration and a great deal of circumspect care—certainly not in his presence—was called ''Kaiser Wilhelm,'' I'm going to give it a try. I do so because of the immense respect this man has within the ranks of all the services, U.S. and international, whohave served under his command.

General Wilhelm's service was universal in scope and outstanding in performance: inspector-instructor to the 4th Reconnaissance Battalion, a Reserve unit in Gulfport, Mississippi; Deputy Provost Marshal, U.S. Naval Forces Philippines; operations officer and executive officer, 1st Battalion, 1st Marines, Camp Pendleton, California; staff officer for Logistics, Plans and Policy Branch, Installations and Logistics Department, Headquarters Marine Corps; J–3, Headquarters, U.S. European Command. Then in August of 1998, while assigned as the Assistant Chief of Staff for Operations of the Second Marine Expeditionary Force, Charles Wilhelm was promoted to brigadier general and assigned as the Director of Operations, Headquarters Marine Corps. Two years later, he was chosen to serve as Deputy Assistant to the Secretary of Defense for Policy and Missions within the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

This experience served him well, when, as commanding general of the 1st Marine Division, General Wilhelm served as Commander, Marine Forces Somalia as part of Operation Restore Hope. I might add a personal observation at this point in stating with Charles Wilhelm, the United States has a respected resource with regard to the difficult but necessary challenge our military has in meeting vital national security interests and balancing those interests with the many, if not overwhelming, peacekeeping and humanitarian missions we find ourselves involved in today.

It goes without saying that in the past members of our military have been sent into peacekeeping missions where there was no peace to be kept. When that happens, why peacekeepers become targets and tragedy results. Gen. Charles Wilhelm knows the difference and we should take heed. He went on to serve in a series of command positions to include: Commanding General, Marine Corps Combat Development Command; Commander, U.S. Marine Corps Forces, Atlantic; Commander, U.S. Marine Corps Forces, South; Commanding General, Second Marine Expeditionary Force; Commanding General, Marine Strike Force Atlantic.

General Wilhelm assumed duties at U.S. Southern Command in September, in 1997 where he served until his retirement just a few weeks ago. As commander of the U.S. Southern Command, General Wilhelm devoted his enormous personal energy—and boy does he have that—his visionary leadership and his remarkable diplomatic skills to achieving vital national security objectives and strengthening democratic institutions and governance—and thereby individual freedom and economic opportunity—throughout the Southern Hemisphere.

General Wilhelm's personal decorations are testimony to his valor and bravery. He is indeed recognized within the U.S. Marine Corps as a warrior among warriors. But, he is also part military and political theorist, diplomat, and humanitarian. He enhanced civilian control of military institutions throughout Latin America; he improved multilateral relations among the 32 nations—that is 32 nations and 12.5 million square miles stretching from Antarctica to the Florida Keys.

Concurrently, General Wilhelm oversaw the integration of the Caribbean into the command's theater, supervised the implementation of the 1977 Panama Canal treaties—no small feat—he energized United States Interagency efforts to counter the flow of illegal narcotics into the United States and finally, sought and obtained congressional support for the U.S. assistance plan for Colombia's counter drug program. While doing all of this in his 3 year stint, he restructured his command's architecture and theater engagement strategy to position the command to meet the challenges of the 21st century. I am tempted to say that in the midst of all this he rested on the 7th day but in fact he did not.

As chairman of the Emerging Threats Subcommittee of the Senate Armed Services Committee—that is the subcommittee of jurisdiction over virtually all of the missions within the Southern Command—I want the record to show that the general accomplished his goals at precisely the same time the Southern Command suffered tremendous budget and infrastructure challenges. That is the nicest way I can put it. He always said he did not have problems; he had challenges. That was due to U.S. involvement in the Balkans and the drawdown of the tremendous budget and essential infrastructure support to the general's mission and the mission of the Southern Command.

I do not know how, quite frankly, he accomplished his tasks. I might add, from my personal standpoint, in terms of our immediate and pressing challenges with regard to refugees, more than in the Balkans, the problems and challenges of immigration, drugs, terrorism, trade, the commonality of interests within our own hemisphere, and our domestic energy supply—we now get roughly 17 to 18 percent of our energy supply from Venezuela; there are real problems in Venezuela—our vital national interests, General Wilhelm has tried his very best to alert the Pentagon, the administration, and the Congress to these concerns and suggest rational and reasonable policy options. His advice is sound, based upon years of experience and hard, hard work. The value and worth of his policy recommendations, I will predict, and his cornerstone efforts to build on that success will be proven correct.

Carol Rosenberg of the Miami Herald newspaper recently captured what I am trying to say in an article that accurately describes the successes General Wilhelm has achieved and the character of the man as well.

Ms. Rosenberg simply put it this way:

A Black Hawk helicopter landed in the center of a crude baseball diamond on a recent morning, delivering a four-star U.S. Marine general bearing baseballs and money.

Chopper blades were still kicking dust when hundreds of residents crowded around, some sporting American League style uniforms donated by a California bike shop owner—

At the request of the general.

Then a nine-man Nicaraguan band pulled out sheet music and played The Star Spangled Banner for the general.

According to the article, he said:

This is why I love this job. I've never heard it played any better.

His career stretches back to Vietnam, as noted by Ms. Rosenberg. She went on to point out in her article the general has been part military strategist and diplomat. She outlined his leadership, as I said before, in the tremendous U.S. humanitarian efforts after Hurricane Mitch and other medical and disaster recovery missions demonstrating the United States bid to be a good neighbor and an ally in the Americas and the example of a civilian-controlled military to the emerging democracies.

In the article, Ms. Rosenberg also pointed out that last month General Wilhelm paid a last visit to Managua, Nicaragua, and stood proudly as the Nicaragua Army chief, General Javier Carrion, draped him with a blue and white sash, the army's highest honor in Nicaragua, for ''building respectful relations'' between the two countries.

For a decade, our Nation was allied with the Nicaraguan Army's adversary, i.e. the Contras, in a 10-year-old civil war. According to veteran observers, only 2 years ago, the tension and suspicion was still so thick between the two countries that you could cut it. Last month, through the efforts of one man, General Wilhelm received a medal for building respect between the two nations.

I ask unanimous consent that the article by Carol Rosenberg in the Miami Herald be printed in the RECORD.

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

[From the Miami Herald, Sept. 3, 2000]

SOUTHCOM GENERAL BOWS OUT AFTER 37 YEARS

POLITICS, STRATEGY—AND A DASH OF BASEBALL DIPLOMACY

(By Carol Rosenberg)

BOACO, NICARAGUA—A Black Hawk helicopter landed in the center of a crude baseball diamond on a recent morning, delivering

a four-star U.S. Marine general bearing baseballs and money.

Chopper blades were still kicking up dust when hundreds of curious residents crowded around, some sporting American League-style uniforms donated by a California bike shop owner. Then, a nine-man Nicaraguan band pulled out sheet music and played The Star Spangled Banner for the general and his entourage—colonels and bodyguards, fixers and escort officers.

''This is why I love this job. I've never heard it played better,'' confided Gen. Charles Wilhelm, whose 37-year Marine career stretches back to Vietnam.

Part military strategist, part diplomat, Wilhelm, 59 retires this week from a three-year tour of duty as chief of the Southern Command, the Pentagon's Miami-based nerve center for Latin America and the Caribbean, staffed by about 1,000 service members and civilians.

Southcom, as it is called, is in charge of U.S. military activities across 12.5 million square miles stretching from Antarctica to the Florida Keys. Based in Panama for decades, it evolved out of U.S. construction of the Panama Canal and moved to Miami in 1997, as Wilhelm took charge. The move was part of a phased withdrawal to prepare for this past New Year's retreat from the Canal Zone.

Among its most high-profile missions: the 1989 seizure of Panamanian strongman Manuel Noriega. Southcom also directed U.S. support for the Nicaraguan contras in the 1980s and has for years sent doctors and other military experts for joint-training missions in Latin America.

Now is a pivotal time: Congress has just approved $1.3 billion in U.S. aid for Plan Colombia—an ambitious campaign to fight the drug trade in the nation that supplies the bulk of the cocaine distributed in the United States. The effort—the United States' most ambitious military activity in the Americas in years—provides for 60 helicopters, 500 U.S. troops, and 300 civilian contractors.

And Wilhelm, an architect by virtue of his position at Southcom, is one of its greatest champions.

Yet, as the recent dabble in baseball diplomacy shows, the job of Southcom's commander in chief is a curious blend of politics and strategy. A California congressman had asked Southcom to rebuild the baseball diamond, damaged by flooding, at the request of a constituent who had once played baseball in the area.

But after crunching numbers back in Doral, Wilhelm concluded the cost of Operation Field of Dreams would be too high: $250,000 to move in heavy equipment, as unreasonable 1.25 percent of his discretionary budget. So, instead, he brought three-dozen baseballs, a $300 donation, and gave townspeople a first-hand look at U.S. helicopter technology, carefully monitored by U.S. Army flight crews watching to make sure nobody made off with a removable part.

And he added the baseball diamond to a Southcom ''to-do'' list, just in case future relief efforts bring the necessary equipment and U.S. forces back to Boaco.

The last August visit illustrated how much Southcom has changed since Wilhelm inherited the command. Now entrenched in Miami, Southcom today is leaner than its huge outpost in Panama of the 1990s, and with a curious mosaic of military relations.

Thanks to U.S. humanitarian efforts after Hurricane Mitch, it has the best relationship in years with Nicaragua and a patchwork of mini bases for drug hunting and humanitarian relief missions in the Caribbean and Central America. U.S. troops that before Wilhelm's arrival swelled to 11,000-plus in Southcom's 12.5 million square miles of territory—most at sprawling bases in Panama—have been largely reassigned to the continental United States.

Now Southcom has a permanent presence of 2,479 soldiers, sailors and air force personnel, most in Puerto Rico, and relies on periodic training exercises of reservists and National Guard members to carry out a key part of the command's activities—medical and disaster recovery missions offered to host countries by embassies. They demonstrate Washington's bid to be a good neighbor in the Americas and illustrate the grandeur of a civilian-controlled military, a good example for emerging democracies.

On the down side, Washington has been unable so far to persuade Venezuela to permit flights over the country for U.S. drug-hunting operations—a significant blind spot in the hemispheric war on narcotrafficking. U.S. aircraft patrolling the skies over Latin America now have to fly around Venezuela, adding as much as 90 minutes to their missions in their pursuit of drug runners, mostly from Colombia.

Nor has U.S. diplomacy convinced Panama to accept a permanent military presence, for drug operations or any other U.S. activities. The last U.S. forces departed on New Year's Eve and sentiments are not yet ripe for a return of U.S. military personnel.

In Haiti, successive exercises and training programs by Southcom have not been able to meaningfully enhance the rule of law, and U.S. drug interdiction monitors, who see it as a trans-shipment spot, have not been able to enlist local authorities there as allies in their anti-drug campaign. Cooperation by foreign police and militaries is key to the U.S. war on drug trafficking. But drug monitors say they have not found partners in Port-au-Prince, whose security forces are still in chaos, to make seizures and arrests when they detect drug smugglers.

NO FUNDING YET

And Wilhelm has yet to win congressional funding to permanently base Southcom in Miami, now in an industrial park not far from the airport, a $40 million measure. Wilhelm's tenure ends Friday with a change-of-command ceremony presided over by Defense Secretary William Cohen. If Congress confirms President Clinton's choice of Marine Lt. Gen. Peter Pace in time, it will be only the second time in history that a Marine will head Southcom, a job traditionally held by the Army. Wilhelm will wind up his Marine career by moving back to suburban Washington, D.C. under mandatory retirement, which only could have been averted by promotion to the Joint Chiefs of Staff—or a transfer to another four-star post—for example, overseeing military operations in Europe or the Persian Gulf.

But, Wilhelm said, he aspires to re-emerge in civilian life as a player in Latin America—perhaps as a troubleshooter, capitalizing on his civilian and military contacts throughout the Americas. He espouses a fascination with the region.

''It interests me for a lot of very good reasons—and they're not all altruistic,'' he said in a recent interview.

''I see our future prosperity in the Americas, not in the Far East . . . Forty-six percent of our exports flow within the Americas, 28 percent to the FAR East and 26 percent to Europe and I see that balance shifting even more to the Americas at least over the first 25 years of this century. So I think the future prosperity of the United States is inextricably linked to the Americas.''

Last month's two-day trip to Nicaragua and Honduras—Wilhelm's last on the road aside from Wednesday's trip to Colombia with President Clinton—gave a glimpse into the hemisphere-hopping style of work he seems to relish.

In Tegucigalpa, he met President Carlos Flores and then choppered to Honduras' Soto Cano Air Base, where the U.S. has its only permanent military outpost in the region. With a single landing strip stocked with Chinook and Black Hawk helicopters, it is home to about 600 Air Force and Army personnel who mostly support disaster relief and drug operations. There he took part in a promotion ceremony, and gave U.S. soldiers and airmen a pep talk.

''When I call, you haul—no whimpering or whining. That's what service is all about,'' said Wilhelm.

''RESPECTFUL''

In Managua, he stood surrounded by dozens of local reporters and camera crews as Nicaraguan Army Chief Gen. Javier Carrion draped him in a blue and white sash—the army's highest honor—''for building respectful relations'' between the armies.

Army Col. Charles Jacoby, Wilhelm's executive officer, was in awe.

In early 1998, Jacoby came to Managua as head of a mission to negotiate the return of an old B–26 aircraft that crashed in the jungle after flying missions from a clandestine CIA airfield for the ill-fated Bay of Pigs invasion. The tension and suspicion was so thick, you could cut it.

Months later, Hurricane Mitch cut a swath of destruction through Central America. Wilhelm sent thousands of U.S. forces to rebuild bridges and schools, clinics and roads—a goodwill gesture that broke the ice in chilly relations with the Nicaraguan Army. For a decade, Washington had allied with the army's adversary, the contras, in a decade-long civil war that ended in 1990.

''To see him standing here today getting an award is just unbelievable,'' Jacoby said moments before a Nicaraguan officer served champagne.

Mr. ROBERTS. Mr. President, I am not really surprised at this man's many accomplishments. Several years ago, our distinguished majority leader, Senator LOTT, took an overdue codel to Latin and Central America. I was privileged to go. On one of our first stops, we were briefed on the overall situation, again within the 32-nation sprawling Southern Command. Pressed for time, General Charles Wilhelm gave one of the most complete, pertinent, and helpful briefings I have ever heard. I have been a Wilhelm fan ever since, and I certainly value his advice and his suggestions.

General Wilhelm stated our vital national security interests very well when he said the following:

I see our future prosperity in the Americas, not in the Far East. . . . Forty-six percent of our exports flow within the Americas, 28 percent to the Far East and 26 percent to Europe. I see the balance shifting even more to the Americas over the first 25 years of this century. The future prosperity of the United States is linked to the Americas.

Throughout his career as a United States Marine, General Charles Wilhelm demonstrated uncompromising character, discerning wisdom, and a sincere, selfless sense of duty to his Marines and members of other services assigned to his numerous joint commands.

His powerful leadership inspired his Marines to success, no matter what the task. All Marines everywhere join me in saying to the general: Thank you

and well done. The results have guaranteed United States security in this hemisphere and throughout the world.

In behalf of my colleagues on both sides of the aisle, our congratulations to him and to his wife Valerie and his son Elliot on the completion of a long and distinguished career, and I trust more to come. God bless this great American and Marine. Semper Fi, General, Semper Fi.

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APPROVAL OF CONVENTION 176

Mr. BYRD. Mr. President, last week the Senate unanimously approved for ratification the International Labor Organization Convention 176 on mine safety and health. I thank the Chairman of the Foreign Relations Committee, the distinguished Senator from North Carolina, for his committee's efforts in expeditiously approving this convention. I also thank the mining state senators from New Mexico, Pennsylvania, Montana, Kentucky, Nevada, Idaho, and my own West Virginia, who joined me in championing this convention.

Coal mining has long been recognized as one of the most dangerous occupations in the world. In the United States, the frequency and magnitude of coal mining disasters and intolerable working conditions in the 19th century created a public furor for mine health and safety laws. The Pennsylvania legislature was the first to pass significant mine safety legislation in 1870, which was later followed by the first federal mine safety law that was passed by Congress in 1891. Over the years, these state and federal laws were combined into what are today the most comprehensive mine safety and health standards in the world. Since the beginning of the 20th century, mine-related deaths have decreased from 3,242 deaths in 1907, the highest mining fatality rate ever recorded in the United States, to 80 deaths in 1998, the lowest mining fatality rate ever recorded in the United States.

These numbers stand in stark contrast to the recorded fatalities in other parts of the world. In China, for example, the government recently reported 2,730 mining fatalities in the first six months of this year. That is more than thirty times the number of fatalities recorded in the United States for all of 1999. And, this number does not even include metal and nonmetal mining fatalities in China.

Many countries in the world have national laws specific to mine safety and health. Yet, in most of these countries, the laws are often times inadequate. In many South American and Asian countries, national laws have not kept pace with the introduction of new mining equipment, such as long-wall mining machines and large surface mining equipment, which create new hazards for miners. Similarly, many of these countries do not require employers to inform miners of workplace hazards or allow for workers to refuse work because of dangerous conditions without fear of penalties. What is worse is that even if these countries do have adequate laws, in most cases, the inexperience and limited resources of their mine inspectors often means that egregious violations by foreign coal companies are never penalized, encouraging repeat violations.

As a result, miners in developing countries are exposed to risks and hazards that claim up to 15,000 lives each year. Severe mine disasters involving large loss of life continue to occur throughout Europe, Africa and Asia. The most recent accident to gain worldwide attention occurred in Ukraine in March of this year, when 80 miners were killed after a methane gas explosion because of an improperly ventilated air shaft.

The United States competes against these countries with notoriously low mine safety standards in the global energy market. However, the disparity in mine safety and health standards with which foreign and domestic coal companies must comply, places U.S. coal companies at a disadvantage by allowing foreign coal companies to export coal at a cheaper cost. This has contributed to a decrease in U.S. coal exports in the global energy market. According to the Department of Energy, U.S. coal exports to Europe and Asia have decreased from 78 million tons to 63 million tons between 1998 and 1999. The Administration projects that U.S. coal exports will continue to decrease to approximately 58 million tons by 2020. This reduction in coal exports falls on an industry that is already experiencing a steady decrease in the number of active coal mining operations and employment in the United States. Faced with strong competition from other coal exporting countries and limited growth in import demand from Europe and Asia, the United States needs to level the playing field as much as possible with its foreign competitors, and should encourage foreign governments to adopt safety and health standards similar to those in the United States.

Accordingly, representatives from the National Mining Association, the United Mine Workers of America, and the Mine Safety and Health Administration helped to draft a treaty in 1995 that would establish minimum mine safety and health standards for the international community. This treaty was based on the federal mine safety and health laws in the United States. Convention 176 was adopted by the General Conference of the International Labor Organization in 1995, and would designate that a competent authority monitor and regulate safety and health in mines and require foreign coal companies to comply with national safety and health laws. It would also encourage cooperation between employers and employees to promote safety and health in mines.

By encouraging other countries to ratify Convention 176, the United States can increase the competitiveness of U.S. coal prices in the global market place, while, at the same time, increasing protections for miners in all parts of the world. In addition, the United States can build a new market for itself where it can provide training and superior mine safety equipment to nations struggling to increase their mine safety standards.

The United States prides itself on having the safest mines in the world, while, at the same time, remaining a competitive force in the global energy market. This convention embraces the belief that other countries would do well to follow the U.S. example. I support this convention, and applaud the Senate for its approval.

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RICHARD GARDNER URGES HIGHER BUDGET PRIORITY FOR U.S. FOREIGN POLICY

Mr. KENNEDY. Mr. President, in an article published in the July/August issue of Foreign Affairs, Richard Gardner argues persuasively that at this time of record prosperity, America must commit itself to an increased budget for foreign policy in order to protect our vital interests and carry out our commitments around the world. He argues that America's security interests must be protected not only by maintaining a superior military force, but also by focusing on other international issues that are essential to our national security, such as global warming, AIDS, drug-trafficking, and terrorism. He asserts that to achieve these goals, foreign aid must be given higher spending priority, and the current trend of decreased funding for our international commitments must be reversed.

Mr. Gardner is well known to many of us in Congress. For many years, and under many Administrations, he has served our nation well as a distinguished diplomat. He skillfully represented U.S. interests abroad, and has made valuable contributions to advancing America's foreign policy objectives. He continues this important work today, serving as a Professor of Law and International Organization at Columbia University and a member of the President's Advisory Committee on Trade Policy and Negotiations.

I believe that Ambassador Gardner's article will be of interest to all of us in Congress, and I ask unanimous consent that it may be printed in the RECORD.

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

[From Foreign Affairs, July/August 2000]

THE ONE PERCENT SOLUTION—SHIRKING THE COST OF WORLD LEADERSHIP

(By Richard N. Gardner)

A dangerous game is being played in Washington with America's national security. Call it the ''one percent solution''—the fallacy that a successful U.S. foreign policy can be carried out with barely one percent of the federal budget. Unless the next president moves urgently to end this charade, he will

find himself in a financial straitjacket that frustrates his ability to promote American interests and values in an increasingly uncertain world.

Ultimately, the only way to end the dangerous one percent solution game is to develop a new national consensus that sees the international affairs budget as part of the national security budget—because the failure to build solid international partnerships to treat the causes of conflict today will mean costly military responses tomorrow. Those who play the one percent solution game do not understand a post-Cold War world in which a host of international problems now affects Americans' domestic welfare, from financial crises and the closing of markets to global warming, AIDS, terrorism, drug trafficking, and the spread of weapons of mass destruction. Solving these problems will require leadership, and that will cost.

MONEY CHANGES EVERYTHING

If this all sounds exaggerated, consider the way the one percent solution game is being played this year, when America has a GDP of nearly $10 trillion and a federal budget of over $1.8 trillion. Secretary of State Madeleine Albright asked the Office of Management and Budget (OMB) for $25 billion in the budget for fiscal year (FY) 2001, which begins October 1, for the so-called 150 Account, which covers the nonmilitary costs of protecting U.S. national security. OMB cut that figure to $22.8 billion to fit President Clinton's commitment to continued fiscal responsibility and limited budgetary growth.

The congressional budget committees cut it further to $20 billion, or $2.3 billion less than the $22.3 billion approved for FY 2000. At the same time, the budget committees raised defense spending authority for FY 2001 to $310.8 billion—$4.5 billion more than the administration requested.

Clinton and Albright strongly protested the congressional cuts. They will undoubtedly protest even more when the appropriations committees of the Senate and the House divide up the meager 150 Account pie into inadequate slices for essential foreign affairs functions. At the end of this congressional session, $1 billion or so of the foreign affairs cuts may be restored if Clinton threatens to veto the appropriation bills—not easy to do in an election year. Of course, the next president could make another familiar move in the one percent solution game—ask for a small supplemental appropriation to restore the previous cuts. But if the past is any guide, Congress will do its best to force the next administration to accommodate most of its supplemental spending within the existing budget. (This year, for instance, Congress resisted additional spending to pay for the U.S. share of multilateral projects such as more U.N. peacekeeping and debt reduction for the poorest countries.)

Even more discouraging for the next president are the projections for the 150 Account that the Clinton administration and the budget committees have presented as spending guidelines until 2005. The president's projected foreign affairs spending request of $24.5 billion for 2005 hardly keeps up with inflation, and the budget committees' target of $20 billion means a decrease of nearly 20 percent from FY 2000, adjusted for inflation. By contrast, the administration's projected defense spending authority goes up to $331 billion in FY 2005; the budget committees' defense projection is comparable. Thus the ratio of military spending to foreign affairs spending would continue to increase in the next few years, rising to more than 16 to 1.

The percentage of the U.S. budget devoted to international affairs has been declining for four decades. In the 1960s, the 150 Account made up 4 percent of the federal budget; in the 1970s, it averaged about 2 percent; during the first half of the 1990s, it went down to 1 percent, with only a slight recovery in FYs 1999 and 2000. The international affairs budget is now about 20 percent less in today's dollars than it was on average during the late 1970s and the 1980s.

A nation's budget, like that of a corporation or an individual, reflects its priorities. Both main political parties share a broad consensus that assuring U.S. national security in the post-Cold War era requires a strong military and the willingness to use it to defend important U.S. interests and values. The Clinton administration and Congress have therefore supported recent increases in the defense budget to pay for more generous salaries and a better quality of life in order to attract and retain quality personnel; fund necessary research, training, and weapons maintenance; and procure new and improved weapons systems. Politicians and military experts may differ on the utility and cost-effectiveness of particular weapons, but after the catch-up defense increases of the last several years, Washington appears to be on an agreed course to keep the defense budget growing modestly to keep up with the rate of inflation.

Why then, at a time of unprecedented prosperity and budget surpluses, can Washington not generate a similar consensus on the need to adequately fund the nonmilitary component of national security? Apparently spending on foreign affairs is not regarded as spending for national security. Compounding the problem is Washington's commendable new commitment to fiscal responsibility after years of huge budget deficits—a commitment reflected in the tight cap that Congress placed on discretionary spending in 1997. Even though that cap is already being violated and will undoubtedly be revised upward this year, the new bipartisan agreement to lock up the Social Security surplus to meet the retirement costs of the baby boomers will continue to make for difficult budget choices and leave limited room for increased spending elsewhere, foreign affairs included.

The non-Social Security surplus—estimated at something more than $700 billion during the decade 2000–2010—will barely cover some modest tax cuts while keeping Medicare solvent and paying for some new spending on health care and education. Fortunately, higher-than-expected GDP growth may add $20–30 billion per year to the non-Social Security surplus, affording some additional budgetary wiggle room. Even so, that windfall could be entirely eaten up by larger tax cuts, more domestic spending, or unanticipated defense budget increases—unless foreign affairs spending becomes a higher priority now.

More money is not a substitute for an effective foreign policy, but an effective foreign policy will simply be impossible without more money. Foreign policy experts therefore disdain ''boring budget arithmetic'' at their peril.

The State Department recently set forth seven fundamental national interests in its foreign affairs strategic plan: national security; economic prosperity and freer trade; protection of U.S. citizens abroad and safeguarding of U.S. borders; the fight against international terrorism, crime, and drug trafficking; the establishment and consolidation of democracies and the upholding of human rights; the provision of humanitarian assistance to victims of crisis and disaster; and finally, the improvement of the global environment, stabilization of world population growth, and protection of human health. This is a sensible list, but in the political climate of today's Washington, few in the executive branch or Congress dare ask how much money will really be required to support it. Rather, the question usually asked is how much the political traffic will bear.

Going on this way will force unacceptable foreign policy choices—either adequate funding for secure embassies and modern communications systems for diplomats or adequate funding for U.N. peacekeeping in Kosovo, East Timor, and Africa; either adequate funding for the Middle East peace process or adequate funding to safeguard nuclear weapons and materials in Russia; either adequate funding for family planning to control world population growth or adequate funding to save refugees and displaced persons. The world's greatest power need not and should not accept a situation in which it has to make these kinds of choices.

THE STATE OF STATE

Ideally, a bipartisan, expert study would tell us what a properly funded foreign affairs budget would look like. In the absence of such a study, consider the following a rough estimate of the increases now required in the two main parts of the 150 Account. The first part is the State Department budget, which includes not only the cost of U.S. diplomacy but also U.S. assessed contributions to international organizations and peacekeeping. The second part is the foreign operations budget, which includes bilateral development aid, the bilateral economic support fund for special foreign policy priorities, bilateral military aid, and contributions to voluntary U.N. programs and multilateral development banks.

Take State's budget first. The United States maintains 250 embassies and other posts in 160 countries. Far from being rendered less important by the end of the Cold War or today's instant communications, these diplomatic posts and the State Department that directs them are more essential then ever in promoting the seven fundamental U.S. foreign policy interests identified above.

Ambassadors and their staffs have to play multiple roles today—as the ''eyes and ears'' of the president and secretary of state, advocates for U.S. policies in the upper reaches of the host government, resourceful negotiators, and intellectual, educational, and cultural emissaries in public diplomacy with key interest groups, opinion leaders, and the public at large. As Albright put it in recent congressional testimony, the Foreign Service, the Civil Service, and the Foreign nationals serving in U.S. overseas posts contribute daily to the welfare of the American people ''through the dangers they help contain; the crimes they help prevent; the deals they help close; the rights they help protect, and the travelers they just plain help.''

Following the tragic August 1998 bombings of American embassies in Nairobi and Dar es Salaam, the secretary of state, with the support of the president and Congress, established the Overseas Presence Advisory Panel (OPAP), composed of current and former diplomats and private-sector representatives, to recommend improvements in America's overseas diplomatic establishment. ''The United States overseas presence, which has provided the essential underpinnings of U.S. foreign policy for many decades, is near a state of crisis,'' the panel warned. ''Insecure and often decrepit facilities, obsolete information technology, outmoded administrative and human resources practices, poor allocation of resources, and competition from the private sector for talented staff threaten to cripple America's overseas capability, with far-reaching consequences for national security and prosperity.''

The OPAP report focused more on reforms than on money, but many of its recommendations have price tags. The report

called for $1.3 billion per year for embassy construction and security upgrades—probably $100 million too little, since an earlier and more authoritative study by the Accountability Review Boards under former Joint Chiefs of Staff Chair William Crowe proposed $1.4 billion annually for that purpose. OPAP also called for another $330 million over several years to provide unclassified and secure Internet and e-mail information networks linking all U.S. agencies and overseas posts.

Moreover, OPAP proposed establishing an interagency panel chaired by the secretary of state to evaluate the size, location, and composition of America's overseas presence. Visitors who see many people in U.S. embassies often do not realize that the State Department accounts for only 42 percent of America's total overseas personnel; the Defense Department accounts for 37 percent, and more than two dozen other agencies such as the Agency for International Development and the Departments of Commerce, Treasury, and Justice make up the rest. If one includes the foreign nationals hired as support staff, State Department personnel in some large U.S. embassies are less than 15 percent of the employees, and many of them are administrators.

The State Department's FY 2001 budget of $6.8 billion provide $3.2 billion for administering foreign affairs. Of that, even after the East Africa bombings, only $1.1 billion will go toward embassy construction and security upgrades, even though $1.4 billion is needed. Moreover, only $17 million is provided for new communications infrastructure, although $330 million is needed. Almost nothing is included to fill a 700-position shortfall of qualified personnel. The State Department therefore requires another $500 million just to meet its minimal needs.

The FY 2001 State Department budget contains a small but inadequate increase—from $204 million in FY 2000 to $225 million—for the educational and cultural exchanges formerly administered by the U.S. Information Agency. Most of this money will go to the Fulbright academic program and the International Visitors Program, which brings future foreign leaders in politics, the media, trade unions, and other nongovernmental organizations (NGOS) to meet with their American counterparts. These valuable and cost-effective exchanges have been slashed from their 1960s and 1970s heights. A near-doubling of these programs' size—with disproportionate increases for exchanges with especially important countries such as Russia and China—would clearly serve U.S. national security interests. A sensible annual budget increase for educational and cultural exchanges would be $200 million.

The budget includes $946 million for assessed contributions to international organizations, of which $300 million is for the U.N. itself and $380 million more is for U.N.-affiliated agencies such as the International Labor Organization, the World Health Organization, the World Health Organization, the International Atomic Energy Agency, and the war crimes tribunals for Rwanda and the Balkans. Other bodies such as NATO, the Organization for Economic Cooperation and Development (OECD), and the World Trade Organization (WTO) account for the rest.

Richard Holbrooke, the able American ambassador to the U.N., is currently deep in difficult negotiations to reduce the assessed U.S. share of the regular U.N. budget and the budgets of major specialized U.N. agencies from 25 percent to 22 percent—a precondition required by the Helms-Biden legislation for paying America's U.N. arrears. If Holbrooke succeeds, U.S. contributions to international organizations will drop slightly.

But this reduction will be more than offset by the need to pay for modest U.N. budget increases. The zero nominal growth requirement that Congress slapped on U.N. budgets is now becoming counterproductive. To take just one example, the U.N. Department of Peacekeeping Operations is now short at least 100 staffers, which leaves it ill-prepared to handle the increased number and scale of peacekeeping operations. If Washington could agree to let U.N. budgets rise by inflation plus a percent or two in the years ahead and to channel the increase to programs of particular U.S. interest, America would have more influence and the U.N. would be more effective. Some non-U.N. organizations, such as NATO, the OECD, and the WTO, also require budget increases beyond the rate of inflation to do their jobs properly. Moreover, America should rejoin the U.N. Educational, Scientific, and Cultural Organization (UNESCO), given the growing foreign policy importance of its concerns and the role that new communications technology can play in helping developing countries. The increased annual cost of UNESCO membership ($70 million) and of permitting small annual increases in the U.N.'s and other international organizations' budgets ($30 million) comes to another $100 million.

Selling this will take leadership. In particular, a showdown is brewing with Congress over the costs of U.N. peacekeeping. After reaching a high of 80,000 in 1993 and then dropping to 13,000 in 1998, the number of U.N. peacekeepers is rising again to 30,000 or more as a result of new missions in Kosovo, East Timor, Sierra Leone, and the proposed mission in the Democratic Republic of the Congo (DRC). So the State Department had to ask Congress for $739 million for U.N. peacekeeping in the FY 2001 budget, compared to the $500 million it received in FY 2000. (The White House also requested a FY 2000 budget supplement of $143 million, which has not yet been approved.) But even these sums fall well short of what Washington will have to pay for peacekeeping this year and next. In Kosovo, the mission is seriously underfunded; the U.N. peacekeeping force in southern Lebanon will have to be beefed up after an Israeli withdrawal; and new or expanded missions could be required for conflicts in Sierra Leone, Ethiopia-Eritrea, and the DRC. So total U.N. peacekeeping costs could rise to $3.5–4 billion per year. With the United States paying for 25 percent of peacekeeping (although it is still assessed at the rate of 31 percent, which is unduly high), these new challenges could cost taxpayers at least $200 million per year more than the amount currently budgeted. Washington should, of course, watch the number, cost, and effectiveness of U.N. peacekeeping operations, but the existing and proposed operations serve U.S. interest and must be adequately funded.

Add up all these sums and one finds that the State Departments budget needs an increase of $1 billion, for a total of $7.9 billion per year.

A DECENT RESPECT

The Clinton administration has asked for $15.1 billion for the foreign operations budget for FY 2001—the second part of the 150 Account. Excluding $3.7 billion for military aid and $1 billion for the Export-Import Bank, that leaves about $10.l4 billion in international development and humanitarian assistance. This includes various categories of bilateral aid: $2.1 billion for sustainable development; $658 million for migration and refugee assistance; $830 million to promote free-market democracies and secure nuclear materials in the countries of the former Soviet Union; and $610 million of support for eastern Europe and the Balkans. It also covers about $1.4 billion for multilateral development banks, including $800 million for the International Development Association, the World Bank affiliate for lending to the poorest countries. Another $350 million goes to international organizations and programs such as the U.N. Development Program ($90 million), the U.N. Children's Fund ($110 million), the U.N. Population Fund ($25 million), and the U.N. Environment Program ($10 million).

The $10.4 billion for development and humanitarian aid is just 0.11 percent of U.S. GDP and 0.60 percent of federal budget outlays. This figure is now near record lows. In 1962, foreign aid amounted to $18.5 billion in current dollars, or 0.58 percent of GDP and 3.06 percent of federal spending. In the 1980s, it averaged just over $13 billion a year in current dollars, or 0.20 percent of GDP and 0.92 percent of federal spending. Washington's current 0.11 percent aid-to-GDP share compares unflatteringly with the average of 0.30 percent in the other OECD donor countries. On a per capita basis, each American contributes about $29 per year to development and humanitarian aid, compared to a media of $70 in the other OECD countries. According to the Clinton administration's own budget forecasts, the FY 2001 aid figure of $10.4 billion will drop even further in FY 2005, to $9.7 billion. Congress' low target for total international spending that year will almost certainly cut the FY 2005 aid figure even more.

Considering current economic and social trends in the world's poor countries, these law and declining aid levels are unjustifiable. World Bank President James Wolfensohn is right: the global struggle to reduce poverty and save the environment is being lost. Although hundreds of millions of people in the developing world escaped from poverty in recent years, half of the six billion people on Earth still live on less than $2 a day. Two billion are not connected to any energy system. One and a half billion lack clean water. More than a billion lack basic education, health care, or modern birth control methods.

The world's population, which grows by about 75 million a year, will probably reach about 9 billion by 2050; most will live in the world's poorest countries. If present trends continue, we can expect more abject poverty, environmental damage, epidemics, political instability, drug trafficking, ethnic violence, religious fundamentalism, and terrorism. This is not the kind of world Americans want their children to inherit. The Declaration of Independence speaks of ''a decent respect for the opinion of mankind.'' Today's political leaders need a decent respect for future generations.

To be sure, the principal responsibility for progress in the developing countries rests with those countries themselves. But their commitments to pursue sound economic policies and humane social policies will fall short without more and better-designed development aid—as well as more generous trade concessions—from the United States and its wealthy partners. At the main industrialized nations' summit last year in Birmingham, U.K. the G-8 (the G-7 group of highly industrialized countries plus Russia) endorsed such U.N.-backed goals as halving the number of people suffering from illiteracy, malnutrition, and extreme poverty by 2015.

Beyond these broad goals, America's next president should earmark proposed increases in U.S. development aid for specific programs that promote fundamental American interests and values and that powerful domestic constituencies could be mobilized to support. These would include programs that promote clean energy technologies to help fight global warming; combat the spread of

diseases such as AIDS, which is ravaging Africa; assure primary education for all children, without the present widespread discrimination against girls; bridge the ''digital divide'' and stimulate development by bringing information technology and the Internet to schools, libraries, and hospitals; provide universal maternal and child care, as well as family planning for all those who wish to use it, thus reducing unwanted pregnancies and unsafe abortions; support democracy and the rule of law; establish better corporate governance, banking regulations, and accounting standards; and protect basic worker rights.

What would the G–8 and U.N. targets and these specific programs mean for the U.S. foreign operations budget? Answering this question is much harder than estimating an adequate State Department budget. Doing so requires more information on total requirements, appropriate burden-sharing between developed and developing countries, the share that can be assumed by business and NGOs, the absorptive capacity of countries, and aid agencies' ability to handle more assistance effectively.

Still, there are fairly reliable estimates of total aid needs in many areas. For example, the 1994 Cairo Conference on Population and Development endorsed an expert estimate that $17 billion per year is now required to provide universal access to voluntary family planning in the developing world, with $5.7 billion of it to be supplied by developed countries. Were the United States to contribute based on its share of donor-country GDP, U.S. aid in this sector would rise to about $1.9 billion annually. By contrast, U.S. foreign family-planning funding in FY 2000 was only $372 million; the Clinton administration has requested $541 million for FY 2001.

We already know enough about aid requirements in other sectors to suggest that doing Washington's fair share in sustainable-development programs would require about $10 billion more per year by FY 2005, which would bring its total aid spending up to some $20 billion annually. This would raise U.S. aid levels from their present 0.11 percent of GDP to about 0.20 percent, the level of U.S. aid 20 years ago. That total could be reached by annual increases of $2 billion per year, starting with a $1.6 billion foreign-aid supplement for FY 2001 and conditioning each annual increase on appropriate management reforms and appropriate increases in aid from other donors.

An FY 2005 target of $20 billion for development and humanitarian aid would mean a foreign operations budget that year of about $25 billion; total foreign affairs spending that year would be about $33 billion. This sounds like a lot of money, but it would be less than the United States spent on foreign affairs in real terms in 1985. As a percentage of the FY 2005 federal budget, it would still be less than average annual U.S. foreign affairs spending in the late 1970s and 1980s.

STICKER SHOCK

For a newly elected George W. Bush or Al Gore, asking for $2.6 billion in additional supplemental funds for FY 2001 on top of reversing this year's budget cuts—thus adding $1 billion for the State Department and $1.6 billion more for foreign operations—would produce serious ''sticker shock'' in the congressional budget and appropriations committees. So would seeking $27 billion for the 150 Account for FY 2002 and additional annual increases of $2 billion per year in order to reach a total of $33 billion in FY 2005. How could Congress be persuaded?

The new president—Democrat or Republican—would have to pave the way in meetings with congressional leaders between election day and his inauguration, justifying the additional expenditures in national security terms. He would need to make the case with opinion leaders and the public, explaining in a series of speeches and press conferences that America is entering not just a new century but also a new era of global interaction. He would need to energize the business community, unions, and the religious and civic groups who are the main constituencies for a more adequate foreign affairs budget. Last but not least, he would need to emphasize reforms in the State Department, in foreign-aid programs, and in international agencies to provide confidence that the additional money would be spent wisely.

Starting off a presidency this way would be a gamble, of course. But most presidents get the benefit of the doubt immediately after their first election. Anyway, without this kind of risk-taking, the new commander in chief would be condemning his administration to playing the old one percent solution game, almost certainly crippling U.S. foreign policy for the remainder of his term. The one percent solution is no solution at all.

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SAMHSA AUTHORIZATION CONFERENCE REPORT

Mr. LEAHY. Mr. President, I want to speak today about the provisions in H.R. 4365—which passed the Senate on Friday, that address our Nation's growing problems with methamphetamines and ecstasy and other club drugs. I am happy to have worked with Senator HARKIN and Senator BIDEN to ensure that these provisions could be included in the conference report. Indeed, Senator HARKIN has worked tirelessly to address this issue, and I commend him for his efforts; without his involvement, this legislation would not have passed.

I believe that the methamphetamine provisions in this report embody the best elements of S. 486, which the Senate passed last year, while casting aside the more ill-advised ideas in that legislation. The manufacture and distribution of methamphetamines and amphetamines is an increasingly serious problem, and the provisions we have retained in this legislation will provide significant additional resources for both law enforcement and treatment. In addition to creating tougher penalties for those who manufacture and distribute illicit drugs, this bill allocates additional funding to assist local law enforcement, allows for the hiring of new DEA agents, and increases research, training and prevention efforts. This is a good and comprehensive approach to deal with methamphetamines in our local communities.

Meanwhile, we have not included in this legislation the provision in S. 486 that would have allowed law enforcement to conduct physical searches and seizures without the existing notice requirement, a serious curtailment of the civil liberties that Americans have come to expect. It would have also amended the Federal Rules of Civil Procedure so that Rule 41(d)'s requirements concerning the notice, inventory, and return of seized property would only apply to tangible property, thus exempting the contents of individuals' computers from the property protections provided to American citizens under current law. I worked hard to make sure that that provision did not become law, and I had effective and dedicated allies on both sides of the aisle in the House of Representatives. Indeed, the methamphetamine legislation approved by the House Judiciary Committee did not include this provision.

We have also not included those provisions from S. 486 that concerned advertising and the distribution of information about methamphetamines. Both of those provisions raised First Amendment concerns, and I believe the legislation is stronger without them. Once again, the House Judiciary Committee acted wisely, leaving those provisions out of its meth legislation.

The meth bill has taken a lengthy path from introduction to passage, and I believe it has been improved at each step. For example, we significantly improved this bill during committee considerations. As the comprehensive substitute for the original bill was being drafted, I had three primary reservations: First, earlier versions of the bill imposed numerous mandatory minimums. I continue to believe that mandatory minimums are generally an inappropriate tool in our critically important national fight against drugs. Simply imposing or increasing mandatory minimums subverts the more considered process Congress set up in the Sentencing Commission. The Federal Sentencing Guidelines already provide a comprehensive mechanism to equalize sentences among persons convicted of the same or similar crime, while allowing judges the discretion they need to give appropriate weight to individual circumstances.

The Sentencing Commission goes through an extraordinary process to set sentence levels. For example, pursuant to our 1996 anti-methamphetamine law, the Sentencing Commission increased meth penalties after careful analysis of recent sentencing data, a study of the offenses, and information from the DEA on trafficking levels, dosage unit size, price and drug quantity. Increasing mandatory minimums takes sentencing discretion away from judges. We closely examine judges' backgrounds before they are confirmed and should let them do their jobs.

Mandatory minimums also impose significant economic and social costs. According to the Congressional Budget Office, the annual cost of housing a federal inmate ranges from $16,745 per year for minimum security inmates to $23,286 per year for inmates in high security facilities. It is critical that we take steps that will effectively deter crime, but we should not ignore the costs of the one size fits all approach of mandatory minimums. We also cannot ignore the policy implications of the boom in our prison population. In 1970, the total population in the federal prison system was 20,686 prisoners, of

whom 16.3 percent were drug offenders. By 1997, the federal prison population had grown to almost 91,000 sentenced prisoners, approximately 60 percent of whom were sentenced for drug offenses. The cost of supporting this expanded federal criminal justice system is staggering. We ignore at our peril the findings of RAND's comprehensive 1997 report on mandatory minimum drug sentences: ''Mandatory minimums are not justifiable on the basis of cost-effectiveness at reducing cocaine consumption, cocaine expenditures, or drug-related crime.''

This is why I have repeatedly expressed my concerns about creating new mandatory minimum penalties, including in the last Congress, when another anti-methamphetamine bill was before the Judiciary Committee.

Second, earlier drafts of this bill would have contravened the Supreme Court's 1999 decision in Richardson versus U.S. I, along with some other members of the Committee, believed that it would be inappropriate to take such a step without first holding a hearing and giving thorough consideration to such a change in the law. The Chairman of the Committee, Senator HATCH, was sensitive to this concern and he agreed to remove that provision from this legislation.

Third, an earlier version of the bill contained a provision that would have created a rebuttable presumption that may have violated the Constitution's Due Process Clause. Again, I believed that we needed to seriously consider and debate such a provision before voting on it. And again, the Chairman was sensitive to the concerns of some of us on the Committee and agreed to remove that provision.

The SAMHSA authorization bill also dealt with ecstasy and other so-called ''club drugs.'' Ecstasy is steadily growing in popularity, especially among younger Americans. It is perceived by many young people as being harmless, but medical studies are beginning to show that it can have serious long-term effects on users. This bill asks the Sentencing Commission to look at our current sentencing guidelines for those who manufacture, import, export, or traffic ecstasy, and to provide for increased penalties as it finds appropriate. It also authorizes $10 million for prevention efforts. These efforts are particularly crucial with new drugs like ecstasy, so that our young people can learn the true consequences of use.

This legislation took a tough approach to drugs without taking the easy way out of mandatory minimums, and without undue Congressional interference with the Sentencing Commission. I hope that any future efforts we must take to address our drug problem will use these provisions as a model.

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THE NATIONAL RECORDING PRESERVATION ACT

Mr. BREAUX. Mr. President, I rise today to ask my colleagues support the National Recording Preservation Act, legislation that maintains and preserves America's most significant recordings during the first century of recorded sound for future generations to enjoy. This legislation is especially important to my state of Louisiana, which has its own rich and distinct musical tradition.

Louisiana is known around the world for having a culture all its own. We are best known for our good music, good food and good times. We especially celebrate our cultural heritage through our music.

The Storyville district in New Orleans is said to be the birthplace of jazz—America's only indigenous musical genre. Louis Armstrong, perhaps the most influential jazz artist of all time, grew up orphaned in New Orleans when jazz music was coming of age.

Acadiana is the home of great cajun and zydeco artists like the late Beau Jocque, the late Clifton Chenier, Michael Doucet and Beausoleil, and Zachary Richard, all of whom communicate to the rest of the world what life is like on the bayou.

In the northern part of our state, Shreveport's Municipal Auditorium was the home of the Louisiana Hayride, where Elvis Presley got his first break after being turned down by the Grand Ole Opry in Tennessee. The Louisiana Hayride shaped the country music scene in the 1940's and 50's by showcasing artists like Hank Williams, Johnny Cash and Willie Nelson in its weekly Saturday night radio broadcasts.

Bluesmen like Tabby Thomas and Snooks Eaglin have kept the Delta blues tradition alive and well in Louisiana. The Neville Brothers, Kenny Wayne Shepherd, all the talented members of the Marsalis family, and many others, continue to keep us connected to our culture and help us celebrate it.

According to the Louisiana Music Commission, the overall economic impact of the music industry in Louisiana is about $2.2 billion as of 1996, up from $1.4 billion in 1990. So music isn't just important to my state's culture, it is important to its economy. Unfortunately, since many recordings are captured only on perishable materials like tape, we are in danger of losing these priceless artifacts to time and decay.

Recognizing the importance of preserving Louisiana's musical heritage, I have sponsored The National Recording Preservation Act. This legislation, which is modeled after a similar law to preserve America's disappearing film recordings, creates a National Recording Registry within the Library of Congress

The registry will identify the most historically, aesthetically and culturally significant recordings of the first century of recorded sound and maintains these for future generations to enjoy. The registry will include works as diverse as slave songs, opera, world music and heavy metal. I hope Louisiana's many and varied contributions to the field of music would be well represented in this national registry.

The National Recording Preservation Act directs the Librarian of Congress to select up to 25 recordings or groups of recordings for the registry each year. Nominations will be taken from the general public, as well as from industry representatives. Recordings will be eligible for selection 10 years after their creation.

To help the Librarian of Congress implement a comprehensive recording preservation program, this legislation establishes a National Recording Preservation Board. The board will work with artists, archivists, educators, historians, copyright owners, recording industry representatives and others to establish the program.

The bill also charters a National Recording Preservation Foundation to raise funds to promote the preservation of recordings and ensure the public's access to the registry.

To maintain the success of the music industry in Louisiana, we must strive to inspire our youth by exposing them to their musical heritage. This legislation helps us take steps to cultivate our traditions and our young artists, and will allow us to continue to attract tourists to the New Orleans Jazz and Heritage Festival and the Zydeco Festival in Plaisance, Louisiana.

Congress should enact the National Recording Preservation Act so future generations can fully appreciate Louisiana's contributions to the history of recorded music in our country.

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THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, September 22, 2000, the Federal debt stood at $5,646,596,948,282.03, five trillion, six hundred forty-six billion, five hundred ninety-six million, nine hundred forty-eight thousand, two hundred eighty-two dollars and three cents.

One year ago, September 22, 1999, the Federal debt stood at $5,636,049,000,000, five trillion, six hundred thirty-six billion, forty-nine million.

Five years ago, September 22, 1995, the Federal debt stood at $4,949,192,000,000, four trillion, nine hundred forty-nine billion, one hundred ninety-two million.

Twenty-five years ago, September 22, 1975, the Federal debt stood at $550,764,000,000, five hundred fifty billion, seven hundred sixty-four million, which reflects a debt increase of more than $5 trillion—$5,095,832,948,282.03, five trillion, ninety-five billion, eight hundred thirty-two million, nine hundred forty-eight thousand, two hundred eighty-two dollars and three cents, during the past 25 years.

ADDITIONAL STATEMENTS

90TH ANNIVERSARY OF CATHOLIC CHARITIES USA

● Mr. MOYNIHAN. Mr. President, I want to congratulate the Catholic Charities USA on this their 90th anniversary of commitment to social change. Their organization has done tremendous work in the community towards reducing poverty and working with lawmakers to improve so many lives.

Catholic Charities USA began as a small group called the National Conference of Catholic Churches in 1910, with the goal in mind of providing legal representation for impoverished persons. They have grown under the current leadership of Father Kammer, SJ, to include after-school programs and parenting classes, all of which have made an impact on the people they have touched. In celebrating their 90th anniversary, I want to thank Catholic Charities USA for their devotion in developing stronger families and neighborhoods and wish them many more years of success.●

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MR. PHILIP E. GRECO AND MRS. DONNA GRECO ISSA RECEIVE ALEXANDER MACOMB 2000 FAMILY OF THE YEAR AWARD

● Mr. ABRAHAM. Mr. President, each year the Southeast Michigan Chapter of the March of Dimes recognizes a select group of individuals whose contributions to the Macomb County, Michigan, community have been invaluable. I rise today to recognize Mr. Philip E. Greco and Mrs. Donna Greco Issa, the winners of the 2000 Alexander Macomb Family of the Year Award. They will be presented this award at a dinner benefitting the March of Dimes on September 27, 2000.

Mr. Greco and Mrs. Greco Issa hold the position of President and Treasurer, respectively, at the Philip F. Greco Title Company, which was founded by their father in 1972. The two learned the business working alongside their father, and helped the company establish three regional offices and five satellite businesses.

Both Mr. Greco and Mrs. Greco Issa are very active within the Macomb County community. Mr. Greco is President of the advisory board for the St. John's North Shore Hospital. He is also a member of the Italian American Chamber of Commerce of Michigan, a past Commodore of both the North Channel Yacht Club and the Idle Hour Yacht Club, and has served on numerous charity golf committees.

Mrs. Greco Issa contributes time to St. Joseph's Hospital, the Italian American Cultural Center, the Macomb Medical Society, and Toys for Tots. She has also always been very active in volunteering her time and effort to the March of Dimes. Since 1986, she has been involved with the Alexander Macomb Dinner and March of Dimes WalkAmerica. Indeed, due to her personal commitment and contributions to the March of Dimes, Mrs. Greco Issa has become a member of the March of Dimes Southeast Michigan Chapter Board of Directors.

There is potential that this will not be the last time members of the Greco family are recognized for their charitable endeavors. Mr. Greco and his wife, Ida Marie, have two daughters, Leticia Greco and Christina Greco Ewald, and one son, Philip S. Greco. They also have one grandchild, Evan Thomas Greco Ewald. Mrs. Greco and her husband, Elias, have three sons: Nicholas P. Krause, Zachary Issa and Alexander Issa.

I applaud Mr. Greco and Mrs. Greco Issa for the dedication they have shown toward improving Macomb County. They have turned community service into a family affair, and their efforts have found extraordinary success. On behalf of the entire United States Senate, I congratulate Mr. Philip E. Greco and Mrs. Donna Greco Issa on receiving the 2000 Alexander Macomb Family of the Year Award.●

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HONORING NELSON LAGENDYK

● Mr. JOHNSON. Mr. President, I rise today to publicly commend Nelson Lagendyk of Avon, South Dakota on being inducted into the South Dakota Aviation Hall of Fame Combat Wing for his contributions to both state and national aviation.

Mr. Lagendyk enlisted in the Air Force in June 1941 where he became a squadron clerk and joined the all volunteer glider program. His outstanding aviation skills led to his promotion to staff sergeant and a transfer to Lubbock, Texas for glider combat training. Once in Texas, Nelson was again promoted, this time to the position of Flight Officer. Following his new promotion, he then traveled to Louisville, Kentucky for continued training in preparation of his flight to Europe.

Leadership, courage and honor define Nelson's heroic actions on June 6, 1944 when he joined 4,000 glider and tow planes for a dangerous flight into Hitler's occupied France. Nelson Lagendyk courageously risked his life to secure the airfield behind enemy lines, so that German prisoners may be transported to England where they would later be held accountable for the grave atrocities committed against the Jewish people under Hitler's infamous reign.

Nelson's honors for his exemplary service include the distinguished Air Medal and the prestigous Battle Field Commission to 2nd Lieutenant, as well as the Normandy Medal of the Jubilee of Liberty'', which was presented to him by the French government in appreciation for the World War II liberation. Upon his retirement with the rank of General, Nelson enlisted in the Air Force Reserves as a ready reservist. He presently serves as South Dakota's Commander of the World War II Glider Pilot Association.

Mr. President, Nelson Lagendyk richly deserves this noble distinction. It is an honor for me to share his heroic accomplishments with my colleagues and to publicly commend him for serving South Dakota and our country valiantly.●

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A TRIBUTE TO JIM KANOUSE

● Mr. SANTORUM. Mr. President, I rise today in tribute to Jim Kanouse of The Boeing Company, who is retiring after fourteen years of service with the aerospace company and over 30 years of service with the United States Army and the United States Congress.

Jim grew up in America's heartland, South Bend, Indiana, and graduated from Indiana University. He also attended the University of Notre Dame, and throughout his career has maintained the highest standards of his alma maters, always leading by example as a proud member of the ''Indiana Hoosiers'' and the ''Fighting Irish.''

Jim continued his career as an officer and Army Aviator with the United States Army including three tours of duty in Vietnam. He was highly decorated for valor and wounds in combat. As a pilot of numerous aircraft, including the very dangerous and very demanding OV–1 ''Mohawk,'' Jim survived many encounters and engagements with enemy forces ranging from an arrow shot at his aircraft in a rice paddy to a .50 caliber round piercing his fuselage and striking his pilot seat. He was highly decorated for valor and wounds in combat, including the Distinguished Flying Cross for rescuing a downed pilot. Like so many of his generation, Jim served proudly, unselfishly and bravely with little fanfare, recognition or appreciation. On behalf of the United States Senate, the United States Congress and the American people, I salute Jim Kanouse and all the veterans of his generation.

Jim eventually brought his skills to Washington, D.C. representing U.S. Army Legislative Affairs in the House of Representatives. Escorting members overseas, representing Army programs to members and staff, and responding to constituent inquiries about Army affairs, he again proudly served his nation and service. Members who traveled with Jim respected his knowledge, expertise and easygoing style. Respected by Democrats and Republicans alike, he then left Capitol Hill to pursue a career in legislative affairs with The Boeing Company.

For over a decade, Jim Kanouse was one of the primary focal points for Senators and Representatives with the world's largest aerospace company, representing revolutionary aircraft programs ranging from the RAH–66 ''Comanche'' Army scout helicopter to the F–22 ''Raptor'' Air Force jet fighter.

I consider Jim Kanouse a friend. We all in Congress wish you well deserved time to enjoy life with your lovely wife, Eileen, and your loving children

and grandchildren. Congratulations on your retirement.●

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TRIBUTE TO THE ''BUILDING SKILLS FOR AMERICA'' CAMPAIGN

● Mr. KENNEDY. Mr. President, last week nearly 200 high school and college student members of Skills USA-Vocational Industrial Clubs of America, their instructors, and corporate sponsors came to Capitol Hill to report the results of their year-long ''Building Skills for America'' signature campaign. Building Skills for America is a public awareness initiative by Skills USA-VICA to demonstrate the urgent needs of business and industry for a highly-skilled work force and the private sector's effective support for occupational instruction.

The campaign has given these students the opportunity to speak to their communities about their pride in their chosen professions and the many opportunities available through good technical education. The students were able to collect 200,000 signatures for the campaign. I congratulate all of these students for their skillful work and dedication in promoting state-of-the-art vocational education and job training programs.

I ask that a congratulatory letter to these outstanding young leaders, signed by Senators COLLINS, REED, GRASSLEY, KERRY, INHOFE, MILLER, LUGAR, BRYAN, MURKOWSKI, DODD, ROTH, KERREY, DEWINE, MURRAY, HAGEL, MIKULSKI, HATCH, HARKIN, REID, LINCOLN, BINGAMAN, HOLLINGS, LEVIN, CONRAD, CLELAND, WYDEN and myself may be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, September 20, 2000.

STUDENT MEMBERS AND STAFF,
SkillsUSA–VICA.

Warmest congratulations on your impressive efforts to raise the awareness of all Americans about the importance of a well-trained workforce. We commend you for your recognition that the nation's prosperity depends on the skills of our workers, and that a shortage of highly-skilled workers threatens American competitiveness and hampers the ability of companies to compete successfully in the modern economy.

It is estimated that the nation will have 50 million job openings between now and 2006—and most of these openings will require highly developed skills. Clearly, we must do more to promote the training necessary to respond to this challenge.

Education and technical training offered through the nation's colleges and schools in conjunction with the SkillsUSA–VICA program is a national resource for teaching the academic, occupational, and professional skills that will help students to become well-trained workers and responsible citizens. The 200,000 signatures that you collected over the past year in your Building Skills for America campaign have increased public support for the on-going education and training of the workforce across the country.

You deserve great credit for the success of your Building America Campaign. We are proud to support continuing state-of-the-art vocational education programs and job training programs that reflect the changing needs of American business and industry. The contributions of hard-working Americans have been and will continue to be essential to the prosperity of the nation. We look forward to working closely with you to achieve these important goals.

Edward M. Kennedy, Susan M. Collins, Jack Reed, Charles E. Grassley, John F. Kerry, James M. Inhofe, Zell Miller, Richard G. Lugar, Richard H. Bryan, Frank H. Murkowski, Christopher J. Dodd, William V. Roth, Jr., J. Robert Kerrey, Mike DeWine, Patty Murray, Chuck Hagel, Barbara A. Mikulski, Orrin G. Hatch, Tom Harkin, Harry Reid, Blanche L. Lincoln, Jeff Bingaman, Ernest F. Hollings, Carl Levin, Kent Conrad, Ron Wyden, Max Cleland.●

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MS. LILLIAN ADAMS RECEIVES 2000 ALEXANDER MACOMB CITIZEN OF THE YEAR AWARD

● Mr. ABRAHAM. Mr. President, each year the Southeast Michigan Chapter of the March of Dimes recognizes a select group of individuals whose contributions to the Macomb County, Michigan, community have been invaluable. I rise today to recognize Ms. Lillian Adams, who will receive an Alexander Macomb Citizen of the Year Award at a dinner benefitting the March of Dimes on September 27, 2000.

Ms. Adams has served as Executive Director of the Sterling Heights Area Chamber of Commerce for the past 24 years, after having held the same position on St. Clair Shores Chamber of Commerce for eight years. Her duties within these organizations have included small business advocacy, service as community ombudsman, and hosting local business cable programs.

Ms. Adams is a devoted participant in the Macomb County Community Growth Alliance and the St. Joseph Mercy Community Foundation. She has been an active supporter of the March of Dimes and the Kiwanis Club and serves on the boards of the Otsikita Girl Scouts and the Macomb Symphony Orchestra.

Ms. Adams also was a founding member of the Sterling Heights Foundation and the Shelby Township Community Foundation, and a past president of the Utica Community Schools Foundation for Educational Excellence.

And, as dedicated as she has been to these many causes, Ms. Adams is even more dedicated to her two sons, Micheal and Brian, and her grandchild, Brigette.

I applaud Ms. Adams on the dedication she has demonstrated to Macomb County, and the many successful efforts she has made to improve the quality of life for its citizens. On behalf of the entire United States Senate, I congratulate Ms. Lillian Adams on receiving the 2000 Alexander Macomb Citizen of the Year Award.●

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IN RECOGNITION OF THOMAS W. CORCORAN

● Mr. TORRICELLI. Mr. President, I rise today to recognize one of the truly dedicated public servants of the State of New Jersey. It gives me pleasure to extend my congratulations to Thomas Corcoran on receiving the Outstanding Citizen Award for 2000 from the Phillipsburg Area Chamber of Commerce.

Over the years, Mr. Corcoran has done a great deal for the betterment of Phillipsburg, New Jersey. He has fought for a better education for the children of the area through his efforts to promote a bond issue for the construction of new schools. He was appointed by former Governor Florio to serve as a commissioner on the Phillipsburg Housing Authority. Further, he has worked towards the revitalization of Phillipsburg's tourist industry by working with New Jersey State Legislators and other prominent individuals to promote Phillipsburg as the site of the New Jersey Railroad Museum.

Mr. Corcoran has always been there for the Town of Phillipsburg. Be it serving as town mayor and other public posts, or taking the time to serve as the public address announcer for Phillipsburg High School football games, Mr. Corcoran has been an exemplar of citizenship, town pride, and selflessness.

Through his efforts, Mr. Corcoran has shown the great dedication he holds for the town he calls home. Those efforts make it an honor for me to be able to stand with the Phillipsburg Area Chamber of Commerce and recognize an individual such as Mr. Corcoran.●

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COMMENDING IDAHO OLYMPIAN, CHARLES BURTON

● Mr. CRAPO. Mr. President, I rise today to commend the remarkable accomplishments of Charles Burton, an Idaho native and wrestler for the U.S. Olympic team.

Charles was born in Ontario, Oregon and raised in Boise, Idaho. He graduated from Centennial High School in Boise, where he was a state champion, and Boise State University, where he won All-American status. In 1997, Charles won the University Freestyle National Championship and became a Pan American bronze medalist. Charles earned the number two spot on the US National team in 1999 after earning a silver medal at the world team trials in Seattle, Washington. He will wrestle in the Olympics from September 29th through October 1st.

This Idahoan, and other devoted athletes, serve as reminders that through healthy competition, our challengers can inspire us to excel. They unify those of us who watch them through shared pride and passion. Their victories leave our souls soaring high and our feet light. In times of defeat, we are humbled by the fact that there is more work to be done to reach our team's victory.

The Olympic ideal is perhaps the best evidence that endurance, the desire to challenge oneself, and the pursuit of achieving top physical form are age-old endeavors. The events demonstrate

that the will to compete in the athletic arena is nearly universal, crossing boundaries of culture and geography to bring together most of the world's nations. It is one of the great celebrations of the human spirit and one of the finest examples of our time of peaceful multi-national competition.

I am very proud of Charles' accomplishments and the role that he will play in this international competition. I wish Charles, and all the other athletes who are participating in the Olympics this year, the challenge of vigorous competition. May they again know the exaltation of pushing themselves to their limits and the roar of a crowd that lives vicariously through their triumph.●

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101ST ANNIVERSARY OF THE FOUNDING OF THE VETERANS OF FOREIGN WARS

● Mr. GRAMS. Mr. President, I rise today to pay tribute to the Veterans of Foreign Wars on the 101st anniversary of its founding, which is to be celebrated this Friday, September 29, For over a century, the men and women of the VFW and the VFW Ladies Auxiliary have worked tirelessly to ensure that veterans are treated with the respect they deserve.

The Veterans of Foreign Wars can trace its origins to 1899, with the founding of several local organizations composed of veterans of the Spanish-American War and the Philippine Insurrection. Members of these organizations were interested in securing medical care and pensions related to their military service. Over the next few years, these groups took part in a series of mergers, until by 1913 a single group calling itself ''the Veterans of Foreign Wars of the United States'' was formed. The VFW was chartered by the U.S. Congress in 1936.

According to the VFW, which is headquartered in Kansas City, Missouri, eligibility requirements for membership include ''military service on foreign soil or in hostile waters in a campaign for which the U.S. government has authorized a medal.'' This has been a particularly war-torn century, and America has provided leadership in many of our century's conflicts, so a great many Americans meet these requirements. And a great many Americans have taken advantage of the benefits of membership: at this time, almost 2 million men and women belong to the VFW, including over 72,000 in my home state of Minnesota. The VFW pursues a number of goals through its many programs and services, which are aimed at strengthening comradeship among its members, perpetuating the memory and history of our fallen soldiers, fostering patriotism, defending the Constitution, and promoting service to our communities and our country.

The VFW also works to advance legislation benefiting veterans, their dependents and survivors. One of its main legislative goals, and one that's very near and dear to my own heart, is ensuring that Congress maintains an adequate budget for veterans' health care. The VFW also fights to make a full range of employment and educational opportunities available to veterans after they exit the service. And through its goals of an open national cemetery in every state, the VFW is honoring our nation's heroes in death no less than in life. Through these and other activities, the VFW is working hard to make sure that our nation lives up to its sacred commitment to those who have given freedom to America and the world by giving so much of themselves.

As a nation, we are duty-bound to pass on the experiences of America's veterans, and their brothers and sisters who didn't come home, to future generations. Through the sacrifices of our servicemen and women, freedom and prosperity flourish. The Veterans of Foreign Wars does the vitally important work of making sure that these sacrifices will never be forgotten.●

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NATIONAL KIDS VOTING WEEK

● Mr. MCCAIN. Mr. President, I would like to recognize Kids Voting USA and its efforts to educate our children about civic democracy and the importance of being an informed voter.

The program began in 1988 with three Arizona businessmen on a fishing trip to Costa Rica. They learned that voter turnout in that country was routinely about 80 percent. This high turnout was attributed to a tradition of children accompanying their parents to the polls. The men observed first-hand the success Costa Rica had achieved by instilling in children at an early age the importance of active participation and voting.

The three Arizona businessmen took this idea back to the United States and founded Kids Voting USA. Today, this nonprofit, nonpartisan organization reaches 5 million students in 39 states, and includes 200,000 teachers, and 20,000 voter precincts.

With voter turnout declining each year, Kids Voting USA recognizes the need to educate our youth and instill in them the responsibility to be active, informed citizens and voters. Kids Voting USA enables students to visit official polls on election day, accompanied by a parent or guardian, to cast a ballot that replicates the official ballot. Although not part of the official results, the students' votes are registered at schools and by the media.

This year, National Kids Voting Week is September 25–29. It is a week when Kids Voting communities across the country celebrate this vibrant and important program. I would like to recognize Kids Voting USA and all it has done to promote the future of democracy by engaging families, schools and communities in the election process.●

RETIREMENT OF DR. ERNEST URBAN

● Mr. SANTORUM. Mr. President, I rise today to recognize Dr. Ernest Urban as he retires from the largest healthcare system in the world, the Veterans Health Administration/Department of Veterans Affairs. For 26 years, Dr. Urban's compassionate, caring medical service has made an impact on our nation's heroes, our veterans.

Dr. Urban has served the Veterans Affairs Pittsburgh Healthcare System comprised of University Drive, Aspinwall and Highland Drive Divisions for 15 years as Chief of Staff. He has also been a professor and Assistant Dean for Veterans Affairs at the University of Pittsburgh's School of Medicine since 1985. Prior to 1985, he served in several other capacities in hospitals and universities all over the country. Dr. Urban has also authored publications dealing with many aspects of medicine that have proven to benefit the quality of care for our veterans. Most importantly, he continues to lecture and teach on a wide range of topics that benefit the VA Health Administration Personnel and provides medical leadership to carry into the 21st century.

I have been privileged to personally witness the hard work and dedication of doctors like Dr. Urban within the Veterans Administration Healthcare System. From 1946 until 1985, my mother served as a VA nurse at several hospitals including Aspinwall Veterans Hospital in Pittsburgh, Pennsylvania and Butler Veterans Hospital in Butler, Pennsylvania. As Chief of Nursing for 32 years, my mother can attest to the commitment which is typical of VA doctors and nurses everywhere. During times of low funding and limited staffing, VA doctors and staff worked harder than ever to care for the needs of their patients. While my experience on the Senate Armed Services Committee has served as affirmation of the dedication of Veterans Healthcare Administration, it pales in comparison to the hard work and sacrifice that I personally witnessed as the son of someone who served in the Veterans Healthcare Administration.

It is at this time that I would like to recognize Dr. Urban for his tremendous dedication to the medical profession. As he prepares for retirement, we can only celebrate the faithful service he provided to the needs of all veterans.●

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THE HONORABLE PETER J. MACERONI RECEIVES 2000 ALEXANDER MACOMB CITIZEN OF THE YEAR AWARD

● Mr. ABRAHAM. Mr. President, each year, the Southeast Michigan Chapter of the March of Dimes recognizes a select group of individuals whose contributions to the Macomb County, Michigan, community have been invaluable I rise today to recognize the

Honorable Peter J. Maceroni, who will receive an Alexander Macomb Citizen of the Year Award at a dinner benefitting the March of Dimes on September 27, 2000.

Judge Maceroni received his Bachelor of Arts Degree from Hillsdale College in 1962, and earned his Juris Doctor degree from Wayne State University Law School in 1965. He was in private practice for 35 years before being elected to the ninth Circuit Court Judgeship in 1990. In 1996, in addition to being reelected to this position, he was appointed to the Michigan Trial Court Assessment Commission by Governor John Engler.

As Chief Judge, he not only presides over civil and criminal cases, but is also responsible for supervising the operation of the Court, including the Friend of the Court. His duties in these capacities include developing the annual budget, which he presents to the Macomb County Board of Commissioners.

One of Judge Maceroni's most successful initiatives in the Macomb County Circuit Court has been a video arraignment program, which has reduced the cost of transporting prisoners from the jail for arraignment hearings and increased security by having fewer prisoners transported over public roads.

Judge Maceroni has served as president of the Macomb County Trial Lawyers Association, president of the Italian American Bar Association, as well as Director of the Macomb County Bar Association. In 1997, he received the Outstanding County Elected Official Award from the Michigan Association of Counties.

Outside the realm of the law, Judge Maceroni finds time to enjoy the company of his four children: Patricia, Peter, Jr., Patrick and James.

I applaud Judge Maceroni on the dedication he has demonstrated to Macomb County, and the many successful efforts he has made to improve the quality of life for its citizens. On behalf of the entire United States Senate, I congratulate the Honorable Peter J. Maceroni on receiving a 2000 Alexander Macomb Citizen of the Year Award.●

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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.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 130

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 25, 2000.*

PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995, and in Executive Order 13059 of August 19, 1997. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (''IEEPA''), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by U.S. persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Congress by message dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 (60 *Fed. Reg.* 24757, May 9, 1995) to further respond to the Iranian threat to the national security, foreign policy, and economy of the United States. The terms of that order and an earlier order imposing an import ban on Iranian-origin goods and services (Executive Order 12613 of October 29, 1987) were consolidated and clarified in Executive Order 13059 of August 19, 1997.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by U.S. persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of Title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing U.S. persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Zerbaijan, Kazakhstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of March 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House and the President of the Senate by letter dated May 6, 1995.

2. On August 19, 1997, I issued Executive Order 13059 (the ''order'') to clarify the steps taken in Executive Order 12957 and Executive Order 12959, to confirm that the embargo on Iran prohibits all trade and investment activities by U.S. persons, wherever located, and to consolidate in one order the various prohibitions previously imposed to deal with the national emergency declared on March 15, 1995. A copy of the order was transmitted to the Speaker of the House and the President of the Senate by letter dated August 19, 1997.

The order prohibits: (1) the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran except information or informational materials; (2) the exportation, reexportation, sale, or supply from the United States or by a U.S. person, wherever located, of goods, technology, or services to Iran or the

Government of Iran, including knowing transfers to a third country for direct or indirect supply, transshipment, or reexportation to Iran or the Government of Iran, or specifically for use in the production, commingling with, or incorporation into goods, technology, or services to be supplied, transshipped, or reexported exclusively or predominately to Iran or the Government to Iran; (3) knowing reexportation from a third country to Iran or the Government of Iran of certain controlled U.S.-origin goods, technology, or services by a person other than a U.S. person; (4) the purchase, sale, transport, swap, brokerage, approval, financing, facilitation, guarantee, or other transactions or dealings by U.S. persons, wherever located, related to goods, technology, or services for exportation, reexportation, sale or supply, directly or indirectly, to Iran or the Government of Iran, or to goods or services of Iranian origin or owned or controlled by the Government of Iran; (5) new investment by U.S. persons in Iran or in property or entities owned or controlled by the Government of Iran; (6) approval, financing, facilitation, or guarantee by a U.S. person of any transaction by a foreign person that a U.S. person would be prohibited from performing under the terms of the order; and (7) any transaction that evades, avoids, or attempts to violate a prohibition under the order.

Executive Order 13059 became effective at 12:01 a.m. eastern daylight time on August 20, 1997. Because the order consolidated and clarified the provisions of prior orders, Executive Order 12613 and paragraphs (a), (b), (c), (d), and (f) of section of Executive Order 12959 were revoked by Executive Order 13059. The revocation of corresponding provisions in the prior Executive orders did not affect the applicability of those provisions, or of regulations, licenses or other administrative actions taken pursuant to those provisions, with respect to any transaction or violation occurring before the effective date of Executive Order 13059. Specific licenses issued pursuant to prior Executive orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to prior orders continue in effect, except to the extent inconsistent with Executive Order 13059 or otherwise revoked or modified by the Secretary of the Treasury.

The declaration of national emergency made by Executive Order 12957, and renewed each year since, remains in effect and is not affected by the order.

3. On March 13, 2000, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995.

4. On April 28, 1999, I announced that existing unilateral economic sanctions programs would be amended to modify licensing policies to permit case-by-case review of specific proposals for the commercial sale of agricultural commodities and products, as well as medicine and medical equipment, where the United States Government has the discretion to do so. I further announced that the Administration was developing country-specific licensing criteria to guide the case-by-case review process so that governments subject to sanctions do not gain unwarranted benefits from such sales.

On July 27, 1999, the Iranian Transactions Regulations, 31 CFR Part 560 (the ''ITR'' or the ''Regulations'') were amended to add statements of licensing policy with respect to commercial sales of agricultural commodities and products, medicine and medical equipment (64 Fed. Reg. 41784, August 2, 1999). These provisions were amended on October 27, 1999 (64 Fed. Reg. 58789, November 1, 1999) to improve language that had prohibited the issuance of specific licenses authorizing financing by entities of the governments of Sudan, Libya, and Iran. In addition, technical revisions were made to the Regulations pertaining to informational materials and visas.

On March 17, 2000, Secretary of State Madeleine Albright announced that economic sanctions against Iran would be eased to allow Americans to purchase and import carpets and food products such as dried fruits, nuts, and caviar from Iran. To implement this policy, the Department of the Treasury's Office of Foreign Assets Control (''OFAC'') amended the Regulations to authorize by general license the importation into the United States of, and dealings in, certain Iranian-origin foodstuffs and carpets and related transactions (65 Fed. Reg. 25642, May 3, 2000).

5. During the current six-month period, OFAC made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 62 licenses. The majority of license denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for various industries—and the importation of Iranian-origin goods. Twenty-one licenses were issued authorizing commercial sales and exportation to Iran of bulk agricultural commodities; in addition, licenses were issued that authorized 20 sales of medicines or medical equipment. Other licenses that were issued authorized certain air and marine safety, diplomatic, legal, financial, and travel transactions, filmmaking, humanitarian, journalistic, and research activities, and the importation of arts objects for public exhibition. Pursuant to Sections 3 and 4 of Executive Order 12959, Executive Order 13059, and consistent with statutory restrictions concerning certain goods and technology, including those involved in air safety cases. Treasury continues to consult with the Departments of State and Commerce prior to issuing licenses.

For the period March 15 through September 14, 2000, on OFAC's instructions, U.S. banks refused to process more than 1,100 commercial transactions, the majority involving foreign financial institutions, that would have been contrary to U.S. sanctions against Iran. The transactions rejected amounted to nearly $170 million worth of business denied Iran by virtue of U.S. economic sanctions.

Since my last report, OFAC has collected nearly $342,000 in civil monetary penalties for violations of IEEPA and the Regulations. The violators included one insurer, seven companies, six U.S. financial institutions, and six individuals. An additional 102 cases are undergoing penalty action for violations of IEEPA and the Regulations.

6. On January 14, 2000, the vice president of a Wisconsin corporation was sentenced in the Eastern District of Wisconsin to 41 months in prison for his October 1999 jury conviction on charges he violated IEEPA and the Arms Export Control Act by illegally exporting U.S.-origin military aircraft component parts to Iran. On February 3, 2000, the corporation president was sentenced to six months in prison and ordered to pay a $5,000 fine for his guilty plea to one count of making false statements to the Government, and the corporation was ordered to pay a fine of $15,000. The defendants were charged with violating sanctions against Iran in an August 1998 indictment.

A California resident is scheduled to be tried in October 2000 in the District of Maryland for IEEPA and other charges filed in a superseding indictment on March 20, 1997. The indictment charges the defendant with the attempted exportation to Iran of gas chromatographs from the United States.

On May 10, 2000, a Georgia corporation pleaded guilty in U.S. District Court in Atlanta to one count of violating IEEPA by exporting automobile parts from the United States to Iran through third countries. Two company officials entered guilty pleas for making false statements to the United States Government in connection with the shipments. Sentencing is pending. The guilty pleas were the result of a 24-count indictment returned in December 1998.

Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued.

7. The expenses incurred by the Federal Government in the six-month period from March 15 through September 14, 2000 that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are reported to be approximately $1.5 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely

centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the Chief Counsel's Office).

8. The situation reviewed above continues to present an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government's opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957, 12959, and 13059 continue to advance important objectives in promoting the nonproliferation and anti-terrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

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REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)—MESSAGE FROM THE PRESIDENT—PM 131

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 25, 2000.*

PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)

I hereby report to the Congress on the developments since my last report of March 27, 2000, concerning the national emergency with respect to UNITA that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola (''UNITA''), involving the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.)* and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution (''UNSCR'') 864, dated September 15, 1993, the order prohibited the sale or supply by U.S. persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. U.S. persons are prohibited from activities which promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Treasury Department's Office of Foreign Assets Control (''OFAC'') issued the UNITA (Angola) Sanctions Regulations, 31 C.F.R. Part 590 (the ''Regulations'') (58 *Fed. Reg.* 64904), to implement Executive Order 12865.

On August 28, 1997, the United Nations Security Council adopted UNSCR 1127, expressing its grave concern at the serious difficulties in the peace process, demanding that the Government of Angola and in particular UNITA comply fully and completely with those obligations, and imposing additional sanctions against UNITA. Subsequently, on September 29, 1997, the Security Council adopted UNSCR 1130 postponing the effective date of measures specified by UNSCR 1127 until 12:01 a.m. EST, October 30, 1997.

On December 12, 1997, I issued Executive Order 13069 to implement in the United States the provisions of UNSCRs 1127 and 1130 (62 *Fed. Reg.* 65989, December 16, 1997), placing additional sanctions on UNITA. Effective 12:01 a.m. EST on December 15, 1997, Executive Order 13069 closed all UNITA offices in the United States and prohibited various aircraft-related transactions. Specifically, section 2(a) of Executive Order 13069 prohibits the sale, supply, or making available in any form by U.S. persons, or from the United States or using U.S.-registered vessels or aircraft, of aircraft or aircraft components, regardless of their origin, to the territory of Angola, other than through designated points of entry, or to UNITA. Section 2(b) prohibits the insurance, engineering, or servicing of UNITA aircraft by U.S. persons or from the United States. Section 2(c) prohibits the granting of takeoff, landing, or overflight permission to any aircraft on flights or continuations of flights to or from the territory of Angola other than to or from designated places in Angola. Section 2(d) prohibits the provision of engineering and maintenance servicing, the certification of airworthiness, the payment of new insurance claims against existing insurance contracts, and the provision, renewal, or making available of direct insurance by U.S. person or from the United States with respect to any aircraft registered in Angola, except designated aircraft, and with respect to any aircraft that has entered the territory of Angola other than through designated points of entry.

On August 18, 1998, I issued Executive Order 13098 (64 *Fed. Reg.* 44771, August 20, 1998), placing further sanctions on UNITA, taking into account the provisions of United Nations Security Council Resolutions 1173 of June 12, 1998, and 1176 of June 24, 1998. These additional sanctions went into effect at 12:01 a.m. EDT on August 19, 1998. Section 1 of Executive Order 13098 blocks all property and interests in property of UNITA, designated senior UNITA officials, and designated adult members of their immediate families if the property or property interests are in the United States, hereafter come within the United States, or are or hereafter come within the United States, or are or hereafter come within the possession or control of U.S. persons. Section 2 of Executive Order 13098 prohibits the importation into the United States of all diamonds exported from Angola that are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation (the ''GURN''). Section 2 also prohibits the sale or supply by U.S. persons or from the United States or using U.S.-registered vessels or aircraft of equipment used in mining, and of motorized vehicles, watercraft, or spare parts for motorized vehicles or watercraft, regardless of origin, to the territory of Angola other than through a designated point of entry. Finally, section 2 prohibits the sale or supply by U.S. persons or from the United States or using U.S.-registered vessels or aircraft of mining services or ground or waterborne transportation services, regardless of their origin, to persons in designated areas of Angola to which the GURN's State administration has not been extended.

On June 25, 1999, pursuant to Executive Order 13098, OFAC amended Appendix A to 31 CFR chapter V, which contains the names of blocked persons, specially designated nationals, specially designated terrorists, foreign

terrorist organizations, and specially designated narcotics traffickers designated pursuant to the various sanctions programs administered by OFAC. The amendment adds to Appendix A the names of 10 individuals who have been determined to be senior officials of UNITA (64 Fed. Reg. 34991, June 30, 1999). All property and interests in property of these individuals that are in the United States, that come within the United States, or that come within the control of U.S. persons are blocked. All transactions by U.S. persons or within the United States in property or interests in property of these individuals are prohibited unless licensed by OFAC.

On August 12, 1999, OFAC amended the Regulations to implement Executive Orders 13069 and 13098 and to make technical and conforming changes (64 Fed. Reg. 43924, August 12, 1999). Since the amendments are extensive, part 590 was reissued in its entirety. Additional prohibitions, definitions, interpretive sections, general licenses, and appendices were added to the Regulations to reflect the new sanctions imposed in Executive Orders 13069 and 13098, and certain existing prohibitions were renumbered. Five new appendixes were added to the Regulations.

2. There have been no amendments to the UNITA (Angola) Sanctions Regulations since my last report.

3. OFAC has worked closely with the U.S. financial and exporting communities to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and a variety of media, including via the Internet, fax-on-demand, special fliers, and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. No UNITA bank accounts have been identified in U.S. banks. There have been two recent attempts to transfer small amounts of funds in which UNITA clearly had an interest; both transfers were blocked. In the previous reporting period a U.S. financial institution refused to process a suspect transaction. No licenses have been issued under the program since my last report.

4. The expenses incurred by the federal government in the six-month period from March 26 through September 2, 2000 that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are estimated at about $100,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Departments of State (particularly the Office of Southern African Affairs) and Commerce.

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

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MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

A message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill on September 22, 2000:

H.R. 940. An act to designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

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EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10897. A communication from the Director of the Regulation Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Health Claims; Plant Sterol/Stanol Esters and Coronary Health Disease'' (Docket Nos. 00P–1275 and 00P–1276) received on September 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10898. A communication from the Director of the Office of Congressional Affairs, Office of the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision to Policy Statement on Staff Meetings Open to the Public'' received on September 20, 2000; to the Committee on Environment and Public Works.

EC–10899. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) Activities; to the Committee on Foreign Relations.

EC–10900. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''October 2000 Applicable Federal Rates'' (Revenue Ruling 2000–45) received on September 20, 2000; to the Committee on Finance.

EC–10901. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Kathy A. King v. Commissioner'' (115 T.C.No. 8 (filed August 10, 2000)) received on September 20, 2000; to the Committee on Finance.

EC–10902. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committees on Appropriations; the Budget; Energy and Natural Resources; Foreign Relations; Armed Services; and Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1331: A bill to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county (Rept. No. 106–417).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 2950: A bill to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado. (Rept. No. 106–418).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 3084: A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln (Rept. No. 106–419).

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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. HARKIN (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, and Mr. KERRY):

S. 3100. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ASHCROFT (for himself and Mr. SESSIONS):

S. 3101. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States; to the Committee on Finance.

By Mr. ASHCROFT:

S. 3102. A bill to require the written consent of a parent of an unemancipated minor prior to the referral of such minor for abortion services; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Mr. BRYAN):

S. 3103. A bill to amend the Internal Revenue Code of 1986 to impose a discriminatory profits tax on pharmaceutical companies which charge prices for prescription drugs to domestic wholesale distributors that exceed the most favored customer prices charged to foreign wholesale distributors; to the Committee on Finance.

By Mr. SHELBY (for himself, Mr. COCHRAN, and Mr. BOND):

S. 3104. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Finance.

By Mr. BREAUX:

S. 3105. A bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. REED, and Mr. LEAHY):

S. 3106. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the medicare home health benefit; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, and Mr. KERRY):

S. 3100. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

CHILDREN'S ACT FOR RESPONSIBLE EMPLOYMENT

Mr. HARKIN. Mr. President, I am pleased today to introduce legislation to update and bring America's child labor laws into the 21st century. This much-needed bill is titled the Children's Act for Responsible Employment of 2000 (The CARE Act of 2000).

As many of you know, I have been working to eradicate child labor overseas since 1992. At that time, I introduced the Child Labor Deterrence Act, which prohibits the importation of products made by abusive and exploitative child labor. Since then, we have made significant progress.

Let me cite just three examples.

In Bangladesh in 1995, a precedent-setting memorandum of understanding was signed between the garment industry and the International Labor Organization, which has resulted in 9,000 children being moved from factories and into schools. In Pakistan two years later, another memorandum of understanding was signed to the benefit of hundreds of children sewing soccer balls and to the benefit of their families.

In May of this year, it was a pleasure to go to the White House to witness President Clinton signing into law new provisions I authored to flatly prohibit the importing into the U.S. of any products made by forced or indentured child labor and to deny duty-free trade benefits to any country that is not meeting its legal obligations to eliminate the worst forms of child labor.

It is important to understand that when the growth of a child is stopped, so is the growth of a nation. In keeping with our nation's commitment to human rights, democracy, and economic justice, the United States must continue to lead the struggle against the scourge of exploitative child labor wherever it occurs. But to have the credibility and moral authority to lead this global effort, we must be certain that we are doing all we can to eradicate exploitative child labor here at home.

Sadly, this is not the case as I stand here before you today. This is why I am sponsoring this new legislation to crack down on exploitative child labor in America. I am also heartened by the fact that the Clinton administration and the Child Labor Coalition made up of more than 50 organizations all across our country endorse prompt enactment of this bill.

Consider the plight of child labor in just one sector of the American economy—large-scale commercial agriculture.

Just three months ago in June, Mr. President, an alarming report entitled ''Fingers to the Bone'' was released by Human Rights Watch. It is a deeply troubling indictment of America's failure to protect child farmworkers who pick our fruits and vegetables every day. As many as 800,000 children in the U.S. work on large-scale commercial farms, corporate farms if you will, often under very hazardous conditions that expose them to pesticide poisoning, heat illness, serious injuries, and lifelong disabilities. The sad truth is that despite very difficult and dangerous working conditions, current federal law allows children as young children to take jobs on corporate farms at a younger age, for longer hours, and under more hazardous conditions than children in nonagricultural lines of work.

We must end this disgraceful double standard.

Furthermore, the Fair Labor Standards Act (FLSA), first enacted in 1938, allows children as young as 10 years old to work in the fields of America's corporate farms. In nonagricultural lines of work, children generally must be at least 14 years of age and are limited to three hours of work a day while school is in session. Truth be told, even those laws are inadequately enforced by the U.S. Labor Department where young farmworkers are concerned. The FLSA simply must be revised and improved to protect the health, safety, and education of all children in America.

I also want to call to the attention of my colleagues a five-part Associated Press series on child labor in the United States that was published in 1997. It dramatically unmasks the shame of exploitative child labor in our midst. For example, it graphically portrays the exploitation and desperation of 4-year-olds picking chili peppers in New Mexico and 10-year-olds harvesting cucumbers in Ohio. It documents how 14-year-old Alexis Jaimes was crushed to death, while working on a construction site in Texas when a 5,000 pound hammer fell on him.

This is outrageous and intolerable. Children should be learning, not risking their health and forfeiting their future in sweatshops. Children should be acquiring computer skills so we don't have to keep importing every-increasing numbers of H–1B visa workers from abroad, as we are being pressured to support now, and not slaving in the fields or street peddling and being short-changed on a solid education. At bottom, children should be afforded their childhood, not treated like chattel or disposable commodities. Not just here in the United States, but in every country in the world.

But we cannot expect to curb exploitative child labor overseas unless America leads by example, cracking down on exploitative child labor in our own backyard.

There is no national database on children working in America or the injuries they incur. But there is mounting evidence to suggest there is a growing problem with exploitative child labor in America, as underscored by the recently released Human Rights Watch study delivered to all of our offices and an excellent series of investigative reports from the General Accounting Office (GAO) and the National Institute of Occupational Safety and Health (NIOSH).

At least 800,000 children are working in the fields of large-scale commercial agriculture in the U.S.

The FLSA's bias against farmworker children amounts to de facto race-based discrimination because an estimated 85 percent of migrant and seasonal farmworkers nationwide are racial minorities.

In some regions, including Arizona, approximately 99 percent of farmworkers are Latino.

Only 55 percent of the child laborers toiling in the fields will ever graduate from high school.

Existing EPA regulations and guidelines offer no more protection from pesticide poisoning for child laborers than they do for adult farmworkers.

Every 5 days, a child dies from a work-related accident.

Mr. President, one of the great U.S. Senators of the 20th century, Hubert Humphrey, used to remind all of us that the greatness of any society should be measured by how it treats people at the dawn and twilight of life. By that measure, we clearly need to do better by America's children.

There is no good reason why children working in large-scale commercial agriculture are legally permitted to work at younger ages, in more hazardous occupations, and for longer periods of time than their peers in other industries. As GAO investigators have noted, a 13-year-old is not allowed under current law to perform clerical work in an air-conditioned office, but the same 13-year-old may be employed to pick strawberries in a field in the heat of summer.

And so I offer this legislation in order that we fight exploitative child labor here at home with the same resolve that we confront it in the global economy. This legislation will toughen civil and criminal penalties for willful child labor violators, afford minors working in large-scale commercial agriculture the same rights and protection as those working in nonagricultural jobs, prohibit children under 16 from working in peddling or door-to-door sales, strengthen the authority of the U.S. Secretary of Labor to deal with ''hot goods'' made by child labor in interstate commerce, and improve enforcement of our nation's child labor laws.

But it is not my purpose to prevent children from working under any circumstances in America. My focus is on preventing exploitation. Accordingly, this bill also preserves exemptions for children working on family farms as well as selling door-to-door as volunteers for nonprofit organizations like the Girl Scouts of America.

In conclusion, I want to remind my colleagues that a child laborer has little chance to get a solid education because he or she spend his or her days at work with little regard for that child's safety and future. But it becomes clearer every day that in order for an individual or a nation to be competitive in the high-tech, globalized economy of the 21st century, a premium must be placed upon educating all children. We can't afford to leave any of our children behind.

At the bottom, this is why I am sponsoring this legislation to strengthen our child labor laws here at the home and effectively deter and punish those who exploit our children in the workplace. It is time to bring our nation's child labor laws into modern times, so that we can prepare for the future.

It is totally unacceptable to me that upon entering the 21st century, the commercial exploitation of children in the workplace continues in our midst—largely out of sight and out of mind to most Americans.

It is time to give all of the children in the U.S. and around the world the chance at a real childhood and extend to them the education necessary to competing in tomorrow's high-road workplace.

Mr. ASHCROFT (for himself and Mr. SESSIONS):

S. 3101. A bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States; to the Committee on Finance.

RESERVISTS TAX RELIEF ACT OF 2000

Mr. ASHCROFT. Mr. President, for the past fourteen years, the men and women serving selflessly in the Reserve components of our Armed Forces, which includes the National Guard and federal Reserve, have been denied a sensible, fair, and morally right tax deduction. Today, I am introducing a bill that will correct this tax injustice.

The Reservist Tax Relief Act of 2000 will allow Reservist and National Guardsmen and women, who are our nation's purest citizen-soldiers, to deduct travel expenses as a business expense, when they travel in connection with military service. It is my hope that my colleagues will join me in quickly passing this legislation before the end of the 106th Congress.

With the dramatic downsizing of the U.S. military over the past decade, the Reserve component has become an increasingly valuable aspect of our national defense. Traditionally geared to provide trained units and individuals to augment the Active components in time of war or national emergency, the Reserve component's role and responsibility has rapidly increased throughout the 1990s. During the Cold War, the Reserve component was rarely mobilized due to the robust nature of the Active Duty forces, however, with the 1/3 cut in Active Duty forces since 1990 there have been five presidential mobilizations of the Guard and Reserve beginning with the 1990–1991 Gulf War. The Guard and Reserve are heavily relied upon to provide support for smaller regional contingencies, peace-keeping and peace-making operations, and disaster relief. Although this level of mobilization is unprecedented during a time of peace, the men and women of the Guard and Reserve have performed a tremendous job in bridging the gap in our national security. For instance, more than 1,000 Missouri Army National Guard soldiers went to Honduras to help the country recover from the devastation of Hurricane Mitch. Additionally, Missouri Air Force Reservists have defended the skies over Bosnia-Herzegovina. America's Reserve component is now essential to our everyday military operations.

I strongly believe that our Active Duty forces should be provided additional resources to improve the readiness and overall capability of our national defense so America will not have to over-use its ''weekend warriors.'' But I also know that Congress should provide the necessary resources and support for the Reserve component to complement their new position in our security. Beyond providing the Reserve component with the resources, training, and equipment to be fully integrated into the military's ''Total Force'' concept, the Reserve component personnel should be provided targeted support to address their unique concerns.

When a member of the Reserve component chooses to serve, these brave men and women give up at least several weeks a year for training. In return, they are provided only minimal pay. With this training, along with additional out of area deployments each lasting up to 179 days, the 866,000 Reserve troops have put in 12 to 13 million man—days in each of the last three years. This type of commitment often puts a tremendous strain on these men and women, their families, and their employers. They all deserve our deepest thanks and sense of gratitude, and also our full support.

Mr. President, the Reservist Tax Relief Act of 2000 is one way we can actively support the contribution made by the Reserves to our national defense. This bill, endorsed by the Reserve Officers' Association of the United States, will provide a tax deduction to National Guard and Reserve members for travel expenses related to their military services, so that their travel costs in connection with Guard duty can be treated as a business expense. This provision was part of the federal tax code until it was removed by the Tax Reform Act of 1986. Estimates show that approximately 10 percent of Reserve members, or about 86,000 personnel, must travel over 150 miles each way from home in order to fulfil their military commitments. The expenses involved in traveling this distance at least ''one weekend a month and two weeks a year'' can become a tremendous burden for dedicated citizen-soldiers. It is time, with taxes at record levels in this country, to reinstate this tax deduction for military reservists, who give up more than just their time in service to this country.

This tax relief bill is estimated to result in $291 million less tax dollars being collected by the Treasury over the next five years; the first year ''cost'' is $13 million. In the era of multi-billion dollar programs and surpluses this amount may seem small to Washington bureaucrats, but to the hard-working Reservists and Guardsmen in Missouri, this additional tax deduction will provide real financial help. Most Reservists and National Guardsmen and women do not enlist as a means to become a millionaire, but are motivated by a sense of duty to country. It is our responsibility to respond to their service with this simple tax correction. I urge my colleagues to support this measure and to support the men and women of our Reserve and Guard forces. I ask unanimous consent that the full 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. 3101

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 ''Reservists Tax Relief Act of 2000''.

SEC. 2. DEDUCTION OF CERTAIN EXPENSES OF RESERVISTS.

(a) DEDUCTION ALLOWED.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (p) as subsection (q) and inserting after subsection (o) the following new subsection:

''(p) TREATMENT OF EXPENSES OF MEMBERS OF RESERVE COMPONENT OF ARMED FORCES OF THE UNITED STATES.—For purposes of subsection (a), in the case of an individual who performs services as a member of a reserve component of the Armed Forces of the United States at any time during the taxable year, such individual shall be deemed to be away from home in the pursuit of a trade or business during any period for which such individual is away from home in connection with such service.''.

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ELECTS TO ITEMIZE.—Section 62(a)(2) of the Internal Revenue Code of 1986 (relating to certain trade and business deductions of employees) is amended by adding at the end the following new subparagraph:

''(D) CERTAIN EXPENSES OF MEMBERS OF RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—The deductions allowed by section 162 which consist of expenses paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2000.

By Mr. ASHCROFT:

S. 3102. A bill to require the written consent of a parent of an unemancipated minor prior to the referral of such minor for abortion services; to the Committee on the Judiciary.

PUTTING PARENTS FIRST ACT

Mr. ASHCROFT. Mr. President, I rise today to introduce legislation that will reaffirm the vital role parents play in the lives of their children. My legislation, the Putting Parents First Act, will guarantee that parents have the opportunity to be involved in one of their children's most important and life-affecting decisions—whether or not to have an abortion.

The American people have long understood the unique and essential role the family plays in our culture. It is the institution through which we best inculcate and pass down our most cherished values. As is frequently the case, President Reagan said it best. Within the American family, Reagan said, ''the seeds of personal character are planted, the roots of public virtue first nourished. Through love and instruction, discipline, guidance and example, we learn from our mothers and fathers the values that will shape our private lives and public citizenship.''

The Putting Parents First Act establishes something that ought to be self-evident, but tragically is not: that mothers and fathers should be allowed to be involved in a child's decision whether or not to have a major, life-changing, and sometimes life-threatening, surgical procedure—an abortion. This seems so simple. In many states, school officials cannot give a child an aspirin for a headache without parental consent. But doctors can perform abortions on children without parental consent or even notification. This defies logic.

The legislation I am introducing today would prohibit any individual from performing an abortion upon a minor under the age of 18 unless that individual has secured the informed written consent of the minor and a parent or guardian. In accordance with Supreme Court decisions concerning state-passed parental consent laws, the Putting Parents First Act allows a minor to forego the parental involvement requirement in cases where a court has issued a waiver certifying that the process of obtaining the consent of a parent or guardian is not in the best interests of the minor or that the minor is emancipated.

For too long, the issue of abortion has polarized the American people. To some extent, this is the inevitable result of vastly different views of when life begins and ends, what 'choices' are involved, and who has the ability to determine these answers for others. Many including myself, view abortion as the destruction of innocent human life that should be an option in only the most extreme situations, such as rape, incest, or when the very life of the mother is at stake. Others, including a majority of current Supreme Court Justices, view abortion as a constitutionally-protected alternative for pregnant women that should almost always be available. I think that all sides would agree that abortion involves a serious decision and a medical procedure that is not risk-free.

Thankfully, there are areas of common ground in the abortion debate on which both sides, and the Supreme Court, can agree. One such area of agreement is that, whenever possible, parents should be informed and involved when their young daughters are faced with a decision as serious as abortion. A recent CBS/New York Times survey found that 78 percent of Americans support requiring parental consent before an abortion is performed on a girl under age 18. Even those who do not view an abortion as a taking of human life recognize it as a momentous, indeed a life-changing, decision that a minor should not be left to make alone. The fact that nearly 80 percent of the states have passed laws requiring doctors to notify or seek the consent of a minor's parents before performing an abortion also demonstrates the consensus in favor of parental involvement.

The instruction and guidance about which President Reagan spoke are needed most when our children are dealing with important life decisions. It is hard to imagine a decision more important than whether or not a child should have a child of her own. We recognize, as fundamental to our understanding of freedom, that parents have unique rights and responsibilities to control the education and upbringing of their children—rights that absent a compelling interest, neither government nor other individuals should supercede. When a young woman finds herself in a crisis situation, ideally she should be able to turn to her parents for assistance and guidance. This may not always happen, and may not be reality for some young women, but at the very least, we should make sure that our policies support good parenting, not undercut parents. Sadly, another reason to encourage young women to include a parent in the decision to undergo an abortion is because of adverse health consequences that can arise after an abortion. Abortion is a surgical procedure that can and sometimes does result in complications. Young women have died of internal bleeding and infections because their parents were unaware of the medical procedures that they had undergone, and did not recognize post-abortion complications.

Unfortunately, parental involvement laws are only enforced in about half of the 39 states that have them. Some states have enacted laws that have been struck down in state or federal courts; in other states, the executive branch has chosen not to enforce the legislature's will. As a result, just over 20 states have parental consent laws in effect today. In the remaining 30 states, parents are often excluded from taking part in their minor children's most fundamental decisions.

Moreover, in those states where laws requiring parental consent are on the books and being enforced, those laws are frequently circumvented by pregnant minors who cross state lines to avoid the laws' requirements. Often, a pregnant minor is taken to a bordering state by an adult male attempting to ''hide his crime'' of statutory rape and evade a state law requiring parental notification or consent. Sadly, nowhere is this problem more apparent than in my home state of Missouri. I was proud to have successfully defended Missouri's parental consent law before the Supreme Court in Planned Parenthood versus Ashcroft. Unfortunately, a study a few years ago in the American Journal of Public Health found that the odds of a minor traveling out of state for an abortion increased by over 50 percent after Missouri's parental consent law went into effect. There are ads in the St. Louis, Missouri, Yellow Pages luring young women to Illinois clinics with the words ''No Parental Consent Required'' in large type.

The limited degree of enforcement and the ease with which state laws can be evaded demand a national solution. The importance of protecting the fundamental rights of parents demands a national solution. And the protection of life—both the life of the unborn child, and the life and health of the pregnant young woman—demands we take action. Requiring a parent's consent before a minor can receive an abortion is one way states have chosen to protect not only the role of parents and the health and safety of young women, but also, the lives of the unborn. Thus, enactment of a federal parental consent law will allow Congress to protect the guiding role of parents as it protects human life.

The Putting Parents First Act is based on state statutes that have already been determined to be constitutional by the U.S. Supreme Court. The legislation establishes a minimum level of involvement by parents that must be honored throughout this nation. It does not preempt state parental involvement laws that provide additional protections to the parents of pregnant minors.

Mr. President, sound and sensible public policy requires that parents be involved in critical, life-shaping decisions involving their children. A young person whose life is in crisis may be highly anxious, and may want to take a fateful step without their parents' knowledge. But it is at these times of crisis that children need their parents most. They need the wisdom, love and guidance of a mother or a father, not policy statements of government bureaucrats, or uninvolved strangers. This legislation will strengthen the family and protect human life by keeping parents involved when children are making decisions that could shape the rest of their lives.

By Mr. LEVIN (for himself and Mr. BRYAN):

S. 3103. A bill to amend the Internal Revenue Code of 1986 to impose a discriminatory profits tax on pharmaceutical companies which charge prices for prescription drugs to domestic wholesale distributors that exceed the most favored customer prices charged to foreign wholesale distributors; to the Committee on Finance.

PRESCRIPTION DRUG PRICE ANTI-DISCRIMINATION ACT

Mr. LEVIN. Mr. President, American consumers should have access to reasonably priced medicines. That seems like such a simple and reasonable statement to make, yet it is a bold one to make in this Congress. Drug prices should be a central part of the debate. I firmly believe we must do two things relative to prescription drugs (1) add a prescription drug benefit to the Medicare program and (2) address the high price of drugs. It is the second issue that the bill I am introducing today with Senator BRYAN seeks to address.

The Prescription Drug Price Anti-Discrimination Act provides that when a prescription drug manufacturer has a policy that discriminates against U.S. wholesalers by charging them more than it charges foreign wholesalers, a 10 percent discriminatory profits tax would be imposed on that manufacturer. This 10 percent discriminatory profits tax will be dedicated to Part A of the Medicare trust fund.

This legislation does not attempt to control drug prices. The manufacturer may charge what it chooses to a foreign wholesaler or a U.S. wholesaler. But if the manufacturer does not have a non-discriminatory pricing policy, the discriminatory profits penalty kicks in. It is up to the manufacturer. If the manufacturer reports that it has a policy to charge U.S. wholesalers no more than foreign wholesalers, there is no penalty. That statement would be attached to the company's tax return, and it would be treated like any other representation on a tax return.

This bill applies to U.S. manufacturers distributing to foreign wholesalers in Canada and any country that is a member of the European Union. By limiting the bill to Canada and the European countries, we still allow for prescription drug manufacturers to sell AIDS drugs at lower prices to African countries or other countries ravaged by diseases. The bill refers only to other countries whose resources are comparable to ours.

Fortune magazine recently reported that pharmaceuticals ranked as the most profitable industry in the country in three benchmarks-return on revenues, return on assets, and return on equity. Yet, Americans are forced to pay extraordinarily high prices for prescription drugs in the U.S. when they can cross the border to Canada to buy those same drugs at far lower prices. This legislation should help bring Americans the prescription drugs that they need at lower prices.

I have come to the Senate floor on previous occasions to talk about my own constituents who travel from Michigan to Canada just to purchase lower priced prescription drugs. We found that seven of the prescription drugs most used by Americans cost an average of 89 percent more in Michigan than in Canada. For example, Premarin, an estrogen tablet taken by menopausal women costs $23.24 in Michigan and $10.04 in Ontario. The Michigan price is 131 percent above the Ontario price. Another example, Synthroid, a drug taken to replace a hormone normally produced by the thyroid gland, costs $13.16 in Michigan and $7.96 in Ontario. The Michigan price is 65 percent above the Ontario price.

To add insult to injury, these drugs received financial support from the taxpayers of the United States through a tax credit for research and development and in some cases through direct grants from the NIH to the scientists who developed these drugs. In 1996 (the latest year that we have data) through a variety of tax credits, the industry reduced its tax liability by $3.8 billion or 43 percent.

Research is very important and we want pharmaceutical companies to engage in robust research and development. But American consumers should not pay the share of research and development that consumers in other countries should be shouldering.

Manufacturers of prescription drugs are spending fortunes for advertising. According to the Wall Street Journal, spending on consumer advertising for drugs rose 40 percent in 1999 compared with 1998. In 1999 the drug industry spent nearly $14 billion on promotion, public relations and advertising.

Mr. President, I have been sent a letter from Families USA, a noted health care advocacy group, which states that the bill we are introducing today ''will help Medicare beneficiaries buy drugs at lower prices.''

Our citizens should not have to cross the border for cheaper medicines made in the U.S. U.S. consumers are subsidizing other countries when it comes to prescription drug prices. That is simply wrong and this legislation will help to correct this situation.

Mr. BRYAN. Mr. President, I am pleased to cosponsor the Prescription Drug Price Anti-Discrimination Act and I commend my colleague, Senator LEVIN, for his leadership on this initiative.

This bill would require drug manufacturers to treat American patients fairly—a manufacturer must have a policy in place that states that it does not discriminate against U.S. wholesalers by charging them more than it charges foreign wholesalers. If the company does not have this policy in place, then a 10 percent discriminatory profits tax would be imposed.

The reason for this bill is abundantly clear: American patients are being charged significantly higher prices than are patients in foreign countries for the exact same drugs. Is there any reason why our citizens—44 million of whom are uninsured and faced with paying these high prices—should be forced to make the choice between going without much-needed prescription drugs or paying 50, 100, or even 300 percent more for their drugs than do citizens in Canada, Great Britain, and Australia? Of course there isn't.

Today, patients without drug coverage in the United States are not treated fairly by U.S. manufacturers. I was shocked to discover the enormous price disparities that exist for some of the most commonly used drugs. For example, Prevacid, which is used to treat ulcers, is 282 percent more expensive in the United States than in Great Britain. Claritin is used to treat all allergies—as we all know thanks to frequent television commercials—and is 308 percent more expensive when purchased by American patients than when purchased by Australian patients. And Prozac, which can help millions of Americans suffering from depression, is out of reach to many as it is 177 percent more expensive in the United States than in Australia.

Our Medicare beneficiaries deserve a prescription drug benefit, and all of our citizens deserve the assurance that U.S. manufacturers will not charge them significantly more than they charge foreign patients.

This bill will not harm the drug industry. They can choose to accept the tax penalty, or they can lower prices to American consumers to the levels they charge foreign consumers. Either way, they will remain a very profitable industry:

Fortune magazine recently again rated the pharmaceutical industry as the most profitable industry in terms of return on revenues, return on assets, and return on equity.

Drug companies enjoy huge tax benefits relative to other industries: their effective tax rate was 40 percent lower than that of all other U.S. industries between 1993–1996. Compared to certain industries, the drug industry's effective tax rate was even lower—for example, it was 47 percent lower than that for wholesale and retail trade.

Additionally, higher drug prices for American patients simply aren't justified in the face of soaring marketing and advertising budgets: the industry spent almost $2 billion in 1999 on direct-to-consumer advertising, and more than $11 billion on marketing and promotion to physicians.

I don't have an argument with large profits—but American patients should not be charged more than patients in other countries for the same drugs. Moreover, American taxpayers should not be forced to underwrite highly profitable corporations that exploit American consumers.

Although many of us are still hopeful that we can pass a meaningful Medicare prescription drug benefit before the close of this Congress, at the very least we should require fair pricing for American patients.

I urge my colleagues to cosponsor this bill.

Mr. SHELBY (for himself, Mr. COCHRAN, and Mr. BOND):

S. 3104. A bill to amend the Tariff Act of 1930 with respect to the marking of door hinges; to the Committee on Finance.

TARIFF ACT OF 1930 AMENDMENT

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

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

S. 3104

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

SECTION 1. MARKING OF DOOR HINGES.

Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following new subsection:

''(l) MARKING OF CERTAIN DOOR HINGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no exception may be made under subsection (a)(3) with respect to door hinges and parts thereof (except metal forgings and castings imported for further processing into finished hinges and door hinges designed for motor vehicles), each of which shall be marked on the exposed surface of the hinge when viewed after fixture with the English name of the country of origin by means of die stamping, cast-in-mold lettering, etching, or engraving.

''(2) OTHER MEANS OF MARKING.—If, because of the nature of the article, it is not technically or commercially feasible to mark it by 1 of the 4 methods specified in paragraph (1), the article may be marked by an equally permanent method of marking such as paint stenciling or, in the case of door hinges of less than 3 inches in length, by marking on the smallest unit of packaging utilized.''.

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 apply to goods entered, or withdrawn from warehouse for consumption, on and after the date that is 6 months after the date of enactment of this Act.

Mr. BREAUX:

S. 3105. A bill to amend the Internal Revenue Code of 1986 to clarify the allowance of the child credit, the deduction for personal exemptions, and the earned income credit in the case of missing children, and for other purposes; to the Committee on Finance.

MISSING CHILDREN TAX FAIRNESS ACT OF 2000

Mr. BREAUX. Mr. President, I rise today to introduce the Missing Children Tax Fairness Act.

As a father and grandfather, I know there is no greater fear than having a child taken from you. No family should have to go through such a horrible tragedy, yet in 1999 alone, approximately 750,000 children were reported missing. The parents of these missing children must face the daily reality that they may never find their children or even know their fate, yet most never lose hope or give up the search for any clue. It seems unfathomable that families in such a tragic predicament would be faced with the added burden of higher taxation, but that is exactly what is happening under current tax policy.

Recently, the Internal Revenue Service (IRS) issued an advisory opinion which stated that the families of missing children may claim their child as a dependent only in the year of the kidnapping. However, in the following years, no such deduction may be taken, regardless of if the child's room is still being maintained and money is still being spent on the search. The IRS Chief Counsel admitted that this issue is ''not free from doubt'' but concluded that, in the absence of legal authority to the contrary, denying the dependency exemption was consistent with the intent of the law. I believe this issue should be decided differently and that Congress must remedy this unjust situation.

The Missing Children Tax Fairness Act will clarify the treatment of missing children with respect to certain basic tax benefits and ensure that the families of these children will not be penalized by the tax code. It makes certain that families will not lose the dependency exemption, child credit, or earned income credit because their child was taken from them. I believe this a fair and equitable solution to a tax situation faced by families who are victims of one of the most heinous crimes imaginable—child abduction. I urge my colleagues to cosponsor this important piece of legislation.

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

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

S. 3105

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 ''Missing Children Tax Fairness Act of 2000''.

SEC. 2. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.

(a) IN GENERAL.—Subsection (c) of section 151 of the Internal Revenue Code of 1986 (relating to additional exemption for dependents) is amended by adding at the end the following new paragraph:

''(6) TREATMENT OF MISSING CHILDREN.—

''(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

''(i) who is presumed to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

''(ii) who would be (without regard to this paragraph) the dependent of the taxpayer for the taxable year in which the kidnapping occurred if such status were determined by taking into account the 12 month period beginning before the month in which the kidnapping occurred,

shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the child is kidnapped.

''(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

''(i) the deduction under this section,

''(ii) the credit under section 24 (relating to child tax credit), and

''(iii) whether an individual is a surviving spouse or a head of a household (as such terms are defined in section 2).

''(C) TERMINATION OF TREATMENT.—Subparagraph (A) shall not apply with respect to any child of a taxpayer as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).''

(b) COMPARABLE TREATMENT FOR EARNED INCOME CREDIT.—Section 32(c)(3) of the Internal Revenue Code of 1986 (relating to qualified child) is amended by adding at the end the following new subparagraph:

''(F) TREATMENT OF MISSING CHILDREN.—

''(i) IN GENERAL.—For purposes of this paragraph, an individual—

''(I) who is presumed to have been kidnapped by someone who is not a member of the family of such individual or the taxpayer, and

''(II) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping,

shall be treated as meeting the requirement of subparagraph (A)(ii) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

''(ii) TERMINATION OF TREATMENT.—Clause (i) shall not apply with respect to any child of a taxpayer as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18).''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. JEFFORDS (for himself, Mr. REED, and Mr. LEAHY):

S. 3106. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the Medicare home health benefit; to the Committee on Finance.

THE HOME HEALTH CARE PROTECTION ACT OF 2000

Mr. JEFFORDS. Mr. President, I am here today to introduce the Home Health Care Protection Act of 2000. This legislation has been written to make sure that qualification for Medicare home health services does not negatively impact other area's of a patient's recovery process, or preclude participation in important personal activities, like religious services.

The homebound requirement to qualify for Medicare home health services has been applied restrictively and inconsistently by the Health Care Financing Administration (HCFA) and its various Medicare contractors. In April 1999, the Secretary of Health and Human Services sent a report to Congress on the homebound definition. The report identifies the wide variety in interpretation of the definition and the absurdity of some coverage determinations that follow. While I do not support all the conclusions of the report, I do agree with the Secretary that a clarification of the definition is needed to improve uniformity of application.

Of particular concern to me is the disqualification of seniors who,

through significant assistance, are capable of attending adult day care programs for integrated medical treatment that has been empirically recognized as effective for some severe cases of Alzheimer's and related dementia's. A close reading of current law does not preclude homebound beneficiaries from using adult day services, yet some fiscal intermediaries are establishing reimbursement policies that force beneficiaries to forgo needed adult day services in order to remain eligible for home health benefits.

The Home Health Protection Act states that absences for attendance in adult day care for health care purposes shall not disqualify a beneficiary. It is inappropriate and counterproductive to force seniors to choose between Medicare home health benefits and adult day care services in circumstances where both are needed as part of a comprehensive plan of care.

I have also heard from numerous beneficiaries who fear that absences from the home for family emergencies or religious purposes could disqualify them from the home health benefit. Current law attempts to address this situation by allowing for absences of infrequent or short duration. However, one Vermont senior, who suffers from multiple sclerosis and numerous complications, cannot leave the home without a wheelchair and a van equipped with a lift. She left the home once a week, for three hours at a time, to visit her terminally ill spouse in a nursing home and attend religious services there together. She was determined to be ''not homebound.''

There are more stories like this. At the same time, visiting nurses have identified individuals who are healthy enough to leave the home without difficulty, but because they never do, they retain home health benefits at the expense of the Medicare program. Our legislation specifically clarifies that absences from the home are allowed for religious services and visiting infirm and sick relatives. In a time of great need or family crisis, seniors should feel comforted that the government won't stand in their way.

Federally funded home health care is an often quiet but invaluable part of life for America's seniors. We in Congress have an obligation to make sure that the Medicare program lives up to its promise and that home health will be available to those who need it. I would like to thank my cosponsors, Senators REED and LEAHY for their dedication to this issue. We look forward to working with the rest of Congress to turn this legislation into law.

Mr. REED. Mr. President, I rise today to join my colleague, the junior Senator from Vermont, in introducing legislation that I hope will resolve an issue that has needlessly confined Medicare beneficiaries receiving home health benefits to their residences. Today, my colleague and I are introducing a revised version of a bill we introduced earlier this year. I am pleased that this new legislation, the Home Health Care Protection Act, has the support of several national aging organizations, including the Alzheimer's Association, the National Council on Aging and the National Association for Home Care.

The Home Health Care Protection Act seeks to clarify the conditions under which a beneficiary may leave his or her home while maintaining eligibility for Medicare home health services. The Health Care Financing Administration (HCFA) requires that a beneficiary be ''confined to the home'' in order to be eligible for services. The current homebound requirement is supposed to allow beneficiaries to leave the home to attend adult day care services, receive medical treatment, or make occasional trips for non-medical purposes, such as going to the barber. However, the definition has been inconsistently applied, resulting in great distress for beneficiaries who are fearful that they will lose their benefit if they leave their home to attend events such as church services. Clearly, the intent of the rule is not to make our frail elderly prisoners in their own homes. The legislation we are introducing today seeks to bring greater clarity to the homebound definition so that they no longer are.

I am proud to have worked with my colleague, Senator JEFFORDS, on this issue and hope that we can get this legislation passed before the end of the session. Mr. President, the Home Health Care Protection Act seeks to provide some reasonable parameters that will enable beneficiaries suffering from Alzheimer's, among other chronic and debilitating diseases, to leave their home without worry. This modest legislation would make a real difference to home health beneficiaries in my state of Rhode Island as well as Medicare beneficiaries across the country and I would urge my colleagues to support it.

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ADDITIONAL COSPONSORS

S. 178

At the request of Mr. INOUYE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 178, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 1446

At the request of Mr. LOTT, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1446, a bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of bonds originally issued to finance governmental facilities used for essential governmental functions.

S. 1536

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

S. 1726

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1726, a bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

S. 2271

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2271, a bill to amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2272

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2272, a bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

S. 2290

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2290, a bill to amend the Internal Revenue Code of 1986 to clarify the definition of contribution in aid of construction.

S. 2434

At the request of Mr. L. CHAFEE, the names of the Senator from Virginia (Mr. ROBB), the Senator from Vermont (Mr. JEFFORDS), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. DEWINE), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2580

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2698

At the request of Mr. MOYNIHAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor 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 Vermont (Mr. LEAHY) 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. 2731

At the request of Mr. FRIST, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2731, a bill to amend title III of the Public Health Service Act to enhance the Nation's capacity to address public health threats and emergencies.

S. 2764

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Vermont (Mr. LEAHY), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2764, a bill to amend the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973 to extend the authorizations of appropriations for the programs carried out under such Acts, and for other purposes.

S. 2819

At the request of Mr. REED, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2819, to provide for the establishment of an assistance program for health insurance consumers.

S. 2963

At the request of Mr. BRYAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2963, a bill to amend title XIX of the Social Security Act to require the Secretary of Health and Human Services to make publicly available Medicaid drug pricing information.

S. 2967

At the request of Mr. MURKOWSKI, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 2969

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2969, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

S. 2994

At the request of Mr. ROBB, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2994, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small business health plans, and for other purposes.

S. 3020

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

S. 3060

At the request of Mr. WELLSTONE, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Wisconsin (Mr. KOHL), the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. AKAKA), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 3060, a bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

S. 3072

At the request of Mr. GRAMS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3072, a bill to assist in the enhancement of the development of expansion of international economic assistance programs that utilize cooperatives and credit unions, and for other purposes.

S. CON. RES. 111

At the request of Mr. NICKLES, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. RES. 339

At the request of Mr. REID, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from California (Mrs. FEINSTEIN), the Senator from Virginia (Mr. ROBB), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. Res. 339, a resolution designating November 18, 2000, as ''National Survivors of Suicide Day.''

S. RES. 340

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 340, a resolution designating December 10, 2000, as ''National Children's Memorial Day.''

AMENDMENTS SUBMITTED

AMERICAN COMPETITIVENESS IN THE TWENTY-FIRST CENTURY ACT OF 2000

CONRAD AMENDMENT NO. 4183

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill (S. 2045) amending the Immigration and Nationality Act with respect to H–1B nonimmigrant aliens; as follows:

At the end of the bill, add the following:

SEC. . EXCLUSION OF CERTAIN "J" NONIMMIGRANTS FROM NUMERICAL LIMITATIONS APPLICATION TO "H–1B NONIMMIGRANTS.

The numerical limitations contained in section 2 of this Act shall not apply to any nonimmigrant alien granted a waiver that is subject to the limitation contained in paragraph (1)(B) of the first section 214(l) of the Immigration and Nationality Act (relating to restrictions on waivers).

KENNEDY (AND OTHERS) AMENDMENT NO. 4184

(Ordered to lie on the table.)

Mr. KENNEDY (for himself, Mr. REID, Mr. DURBIN, Mr. REED, Mr. GRAHAM, Mr. LEAHY, Mr. WELLSTONE, and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 2045, supra; as follows:

At the appropriate place in the bill, insert the following:

TITLE ____—LATINO AND IMMIGRANT FAIRNESS ACT OF 2000

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Latino and Immigrant Fairness Act of 2000''.

Subtitle A—Central American and Haitian Parity

SEC. ___11. SHORT TITLE.

This subtitle may be cited as the ''Central American and Haitian Parity Act of 2000''.

SEC. ___12. ADJUSTMENT OF STATUS FOR CERTAIN NATIONALS FROM EL SALVADOR, GUATEMALA, HONDURAS, AND HAITI.

Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in the section heading, by striking ''NICARAGUANS AND CUBANS'' and inserting ''NICARAGUANS, CUBANS, SALVADORANS, GUATEMALANS, HONDURANS, AND HAITIANS'';

(2) in subsection (a)(1)(A), by striking ''2000'' and inserting ''2003'';

(3) in subsection (b)(1), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatemala, Honduras, or Haiti''; and

(4) in subsection (d)—

(A) in subparagraph (A), by striking ''Nicaragua or Cuba'' and inserting ''Nicaragua, Cuba, El Salvador, Guatamala, Honduras, or Haiti; and

(B) in subparagraph (E), by striking ''2000'' and inserting ''2003''.

SEC. ___13. APPLICATIONS PENDING UNDER AMENDMENTS MADE BY SECTION 203 OF THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

An application for relief properly filed by a national of Guatemala or El Salvador under the amendments made by section 203 of the Nicaraguan Adjustment and Central American Relief Act which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, shall, at the election of the applicant, be considered to be an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections ___12 and ___15 of

this Act, upon the payment of any fees, and in accordance with procedures, that the Attorney General shall prescribe by regulation. The Attorney General may not refund any fees paid in connection with an application filed by a national of Guatemala or El Salvador under the amendments made by section 203 of that Act.

SEC. ___14. APPLICATIONS PENDING UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

An application for adjustment of status properly filed by a national of Haiti under the Haitian Refugee Immigration Fairness Act of 1998 which was filed on or before the date of enactment of this Act, and on which a final administrative determination has not been made, may be considered by the Attorney General to also constitute an application for adjustment of status under the provisions of section 202 of the Nicaraguan Adjustment and Central American Relief Act, as amended by sections ___12 and ___15 of this Act.

SEC. ___15. TECHNICAL AMENDMENTS TO THE NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.

(a) IN GENERAL.—Section 202 of the Nicaraguan Adjustment and Central American Relief Act is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may, in the unreviewable discretion of the Attorney General, waive the grounds of inadmissibility specified in section 212(a)(1) (A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, or removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A) to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

''(ii) in the case of''; and

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

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence''; and

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

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act requires the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A) to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

''(ii) in the case of''; and

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

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence''; and

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

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Nicaraguan and Central American Relief Act. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. ___16. TECHNICAL AMENDMENTS TO THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(1) in subsection (a)—

(A) by inserting before the period at the end of paragraph (1)(B) the following: '', and the Attorney General may waive the grounds of inadmissibility specified in section 212(a)(1)(A)(i) and (6)(C) of such Act for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest'';

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In determining the eligibility of an alien described in subsection (b) or (d) for either adjustment of status under this section or other relief necessary to establish eligibility for such adjustment, or for permission to reapply for admission to the United States for the purpose of adjustment of status under this section, the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply. In addition, an alien who would otherwise be inadmissible pursuant to section 212(a)(9) (A) or (C) of such Act may apply for the Attorney General's consent to reapply for admission without regard to the requirement that the consent be granted prior to the date of the alien's reembarkation at a place outside the United States or attempt to be admitted from foreign contiguous territory, in order to qualify for the exception to those grounds of inadmissibility set forth in section 212(a)(9) (A)(iii) and (C)(ii) of such Act.''; and

(D) by amending paragraph (3) (as redesignated by subparagraph (B)) to read as follows:

''(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. Such an alien may be required to seek a stay of such an order in accordance with subsection (c) to prevent the execution of that order pending the adjudication of the application for adjustment of status. If the Attorney General denies a stay of a final order of exclusion, deportation, or removal, or if the Attorney General renders a final administrative determination to deny the application for adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made. If the Attorney General grants the application for adjustment of status, the Attorney General shall cancel the order.'';

(2) in subsection (b)(1), by adding at the end the following: ''Subsection (a) shall not apply to an alien lawfully admitted for permanent residence, unless the alien is applying for such relief under that subsection in deportation or removal proceedings.'';

(3) in subsection (c)(1), by adding at the end the following: ''Nothing in this Act shall require the Attorney General to stay the removal of an alien who is ineligible for adjustment of status under this Act.'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows: ''SPOUSES, CHILDREN, AND UNMARRIED SONS AND DAUGHTERS.—'';

(B) by amending the heading of paragraph (1) to read as follows: ''ADJUSTMENT OF STATUS.—'';

(C) by amending paragraph (1)(A), to read as follows:

''(A) the alien entered the United States on or before the date of enactment of the Central American and Haitian Parity Act of 2000;'';

(D) in paragraph (1)(B), by striking ''except that in the case of'' and inserting the following: ''except that—

''(i) in the case of such a spouse, stepchild, or unmarried stepson or stepdaughter, the qualifying marriage was entered into before the date of enactment of the Central American and Haitian Parity Act of 2000; and

''(ii) in the case of'';

(E) by adding at the end of paragraph (1) the following new subparagraph:

''(E) the alien applies for such adjustment before April 3, 2003.''; and

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

''(3) ELIGIBILITY OF CERTAIN SPOUSES AND CHILDREN FOR ISSUANCE OF IMMIGRANT VISAS.—

''(A) IN GENERAL.—In accordance with regulations to be promulgated by the Attorney General and the Secretary of State, upon approval of an application for adjustment of status to that of an alien lawfully admitted for permanent residence under subsection (a), an alien who is the spouse or child of the alien being granted such status may be issued a visa for admission to the United States as an immigrant following to join the principal applicant, if the spouse or child—

''(i) meets the requirements in paragraphs (1)(B) and (1)(D); and

''(ii) applies for such a visa within a time period to be established by such regulations.

''(B) RETENTION OF FEES FOR PROCESSING APPLICATIONS.—The Secretary of State may retain fees to recover the cost of immigrant visa application processing and issuance for certain spouses and children of aliens whose applications for adjustment of status under subsection (a) have been approved. Such fees—

''(i) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of such processing and issuance; and

''(ii) shall be available until expended for the same purposes of such appropriation to support consular activities.'';

(5) in subsection (g), by inserting '', or an immigrant classification,'' after ''for permanent residence'';

(6) by redesignating subsections (i), (j), and (k) as subsections (j), (k), and (l), respectively; and

(7) by inserting after subsection (h) the following new subsection:

''(i) STATUTORY CONSTRUCTION.—Nothing in this section authorizes any alien to apply for admission to, be admitted to, be paroled into, or otherwise lawfully return to the United States, to apply for, or to pursue an application for adjustment of status under this section without the express authorization of the Attorney General.''.

(b) EFFECTIVE DATE.—The amendments made by paragraphs (1)(D), (2), and (6) shall be effective as if included in the enactment of the Haitian Refugee Immigration Fairness Act of 1998. The amendments made by paragraphs (1) (A)–(C), (3), (4), and (5) shall take effect on the date of enactment of this Act.

SEC. ___17. MOTIONS TO REOPEN.

(a) NATIONALS OF HAITI.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Haiti who, on the date of enactment of this Act, has a final administrative denial of an application for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998, and is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998.

(b) NATIONALS OF CUBA.—Notwithstanding any time and number limitations imposed by law on motions to reopen, a national of Cuba or Nicaragua who, on the date of enactment of the Act, has a final administrative denial of an application for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act, and who is made eligible for adjustment of status under that Act by the amendments made by this title, may file one motion to reopen an exclusion, deportation, or removal proceeding to have the application reconsidered. Any such motion shall be filed within 180 days of the date of enactment of this Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act.

Subtitle B—Adjustment of Status of Other Aliens

SEC. ___21. ADJUSTMENT OF STATUS.

(a) GENERAL AUTHORITY.—Notwithstanding any other provision of law, an alien described in paragraph (1) or (2) of subsection (b) shall be eligible for adjustment of status by the Attorney General under the same procedures and under the same grounds of eligibility as are applicable to the adjustment of status of aliens under section 202 of the Nicaraguan Adjustment and Central American Relief Act.

(b) COVERED ALIENS.—An alien referred to in subsection (a) is—

(1) any alien who was a national of the Soviet Union, Russia, any republic of the former Soviet Union, Latvia, Estonia, Lithuania, Poland, Czechoslovakia, Romania, Hungary, Bulgaria, Albania, East Germany, Yugoslavia, any or state of the former Yugoslavia and who has been physically present in the United States for a continuous period, beginning not later than December 1, 1995, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days; and

(2) any alien who is a national of Liberia and who has been physically present in the United States for a continuous period, beginning not later than December 31, 1996, and ending not earlier than the date the application for adjustment under subsection (a) is filed, except an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in the aggregate not exceeding 180 days.

Subtitle C—Restoration of Section 245(i) Adjustment of Status Benefits

SEC. ___31. REMOVAL OF CERTAIN LIMITATIONS ON ELIGIBILITY FOR ADJUSTMENT OF STATUS UNDER SECTION 245(i).

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended by striking ''(i)(1)'' through ''The Attorney General'' and inserting the following:

''(i)(1) Notwithstanding the provisions of subsections (a) and (c) of this section, an alien physically present in the United States who—

''(A) entered the United States without inspection; or

''(B) is within one of the classes enumerated in subsection (c) of this section;

may apply to the Attorney General for the adjustment of his or her status to that of an alien lawfully admitted for permanent residence. The Attorney General''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119; 111 Stat. 2440).

SEC. ___32. USE OF SECTION 245(i) FEES.

Section 245(i)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(3)(B)) is amended to read as follows:

''(B) One-half of any remaining portion of such fees remitted under such paragraphs shall be deposited by the Attorney General into the Immigration Examinations Fee Account established under section 286(m), and one-half of any remaining portion of such fees shall be deposited by the Attorney General into the Breached Bond/Detention Fund established under section 286(r).''.

Subtitle D—Extension of Registry Benefits

SEC. ___41. SHORT TITLE.

This subtitle may be cited as the ''Date of Registry Act of 2000''.

SEC. ___42. RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS.

(a) IN GENERAL.—Section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended—

(1) in subsection (a), by striking ''January 1, 1972'' and inserting ''January 1, 1986''; and

(2) by striking ''JANUARY 1, 1972'' in the heading and inserting ''JANUARY 1, 1986''.

(b) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

(2) EXTENSION OF DATE OF REGISTRY.—

(A) PERIOD BEGINNING JANUARY 1, 2002.—Beginning on January 1, 2002, section 249 of the Immigration and Nationality Act (8 U.S.C. 1259) is amended by striking ''January 1, 1986'' each place it appears and inserting ''January 1, 1987''.

(B) PERIOD BEGINNING JANUARY 1, 2003.—Beginning on January 1, 2003, section 249 of such Act is amended by striking ''January 1, 1987'' each place it appears and inserting ''January 1, 1988''.

(C) PERIOD BEGINNING JANUARY 1, 2004.—Beginning on January 1, 2004, section 249 of such Act is amended by striking ''January 1, 1988'' each place it appears and inserting ''January 1, 1989''.

(D) PERIOD BEGINNING JANUARY 1, 2005.—Beginning on January 1, 2005, section 249 of such Act is amended by striking ''January 1, 1989'' each place it appears and inserting ''January 1, 1990''.

(E) PERIOD BEGINNING JANUARY 1, 2006.—Beginning on January 1, 2006, section 249 of such Act is amended by striking ''January 1, 1990'' each place it appears and inserting ''January 1, 1991''.

''RECORD OF ADMISSION FOR PERMANENT RESIDENCE IN THE CASE OF CERTAIN ALIENS WHO ENTERED THE UNITED STATES PRIOR TO JULY 1, 1924 OR JANUARY 1, 1986''.

(3) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act is amended by amending the item relating to section 249 to read as follows:

''Sec. 249. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to July 1, 1924 or January 1, 1986.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2001, and the amendment made by subsection (a) shall apply to applications to record lawful admission for permanent residence that are filed on or after January 1, 2001.

KENNEDY AMENDMENTS NOS. 4185–4187

(Ordered to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to the bill, S. 2045, supra; as follows:

AMENDMENT NO. 4185

On page 9, strike line 24 and all that follows through page 11, line 13, and insert the following:

SEC. 2. TEMPORARY INCREASE IN NUMBER OF ALIENS AUTHORIZED TO BE GRANTED H–1B NONIMMIGRANT STATUS.

Section 214(g)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(A)) is amended by striking clauses (iii), (iv), and (v) and inserting the following:

''(iii) 200,000 in each of the fiscal years 2000, 2001, and 2002; and

''(iv) 65,000 in each succeeding fiscal year.''.

SEC. 3. ALLOCATION OF H–1B NUMBERS FOR HIGHLY SKILLED PROFESSIONALS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by section 2, is further amended by adding at the end the following new paragraphs:

''(5)(A) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b) in a fiscal year, not less than 12,000 shall be nonimmigrant aliens issued visas or otherwise provided status under section 101(a)(15)(H)(i)(b) who are employed (or have received an offer of employment) at—

''(i) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity;

''(ii) a nonprofit entity that engages in established curriculum-related clinical training of students registered at any such institution; or

''(iii) a nonprofit research organization or a governmental research organization.

''(B) To the extent the 12,000 visas or grants of status specified in subparagraph (A) are not issued or provided by the end of the third quarter of each fiscal year, the remainder of such visas or grants of status shall be available for aliens described in paragraph (6) as well as aliens described in subparagraph (A).

''(6) Of the total number of aliens authorized to be granted nonimmigrant status under section 101(a)(15)(H)(i)(b), not less than 40 percent for fiscal year 2000, not less than 45 percent for fiscal year 2001, and not less than 50 percent for fiscal year 2002, are authorized for such status only if the aliens have attained at least a master's degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States or an equivalent degree (as determined in a credential evaluation performed by a private entity prior to filing a petition) from such an institution abroad.''.

AMENDMENT NO. 4186

On page 16, after line 8, insert the following:

DEPARTMENT OF LABOR SURVEY; REPORT.

(g) SURVEY.—The Secretary of Labor shall conduct an ongoing survey of the level of compliance by employers with the provisions and requirements of the H–1B visa program. In conducting this survey, the Secretary shall use an independently developed random sample of employers that have petitioned the INS for H–1B visas. The Secretary is authorized to pursue appropriate penalties where appropriate.

(b) REPORT.—Beginning 2 years after the date of enactment of this Act, and biennially thereafter, the Secretary of Labor shall submit a report to Congress containing the findings of the survey conducted during the preceding 2-year period.

AMENDMENT NO. 4187

On page 20, after line 13, insert the following:

Section 286(s)(5) of the Immigration and Nationality Act (8 U.S.C. (s)(5) is amended to read as follows:

(f) USE OF FEES FOR DUTIES RELATING TO PETITIONS.—4 percent of the amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Attorney General until expended to carry out duties under paragraphs (1) and (9) of section 214(c) related to petitions made for nonimmigrants described in section 101(a)(15)(H)(i)(b), under paragraph (1) (C) or (D) of section 204 related to petitions for immigrants described in section 203(b), and under section 212(n)(5).''.

Notwithstanding any other provision of this Act, the figure on page 17, line 19 is deemed to be ''55 percent''; the figure on page 17, line 21 is deemed to be ''22 percent''; the figure on page 17, line 23 is deemed to be ''4 percent''; and the figure on page 18, line 12 is deemed to be ''15 percent''.

WATER RESOURCES DEVELOPMENT ACT OF 2000

ABRAHAM AMENDMENT NO. 4188

Mr. SMITH of New Hampshire (for Mr. ABRAHAM) proposed an amendment to the bill (S. 2796) providing for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . EXPORT OF WATER FROM GREAT LAKES.

(a) ADDITIONAL FINDING.—Section 1109(b) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(b)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), and by inserting after paragraph (1) the following:

(2) to encourage the Great Lakes States, in consultation with the Provinces of Ontario and Quebec, to develop and implement a mechanism that provides a common conservation standard embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin;

(b) APPROVAL OF GOVERNORS FOR EXPORT OF WATER.—Section 1109(d) of the Water Resources Development Act of 1986 (42 U.S.C. 1962d–20(d)) is amended by

(1) inserting or exported after diverted; and

(2) inserting or export after diversion.

(c) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Secretary of State should work with the Canadian Government to encourage and support the Provinces in the development and implementation of a mechanism and standard concerning the withdrawal and use of water from the Great Lakes Basin consistent with those mechanisms and standards developed by the Great Lakes States.

VETERANS CLAIMS ASSISTANCE ACT OF 2000

SPECTER (AND ROCKEFELLER) AMENDMENT NO. 4189

Mr. BROWNBACK (for Mr. SPECTER (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill (H.R. 4864) to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Claims Assistance Act of 2000''.

SEC. 2. CLARIFICATION OF DEFINITION OF "CLAIMANT" FOR PURPOSES OF VETERANS CLAIMS.

Chapter 51 of title 38, United States Code, is amended by inserting before section 5101 the following new section:

"§ 5100. Definition of 'claimant'

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

SEC. 3. ASSISTANCE TO CLAIMANTS.

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

"§ 5102. Application forms furnished upon request; notice to claimants of incomplete applications

''(a) FURNISHING FORMS.—Upon request made by any person claiming or applying for, or expressing an intent to claim or apply for, a benefit under the laws administered by the Secretary, the Secretary shall furnish such person, free of all expense, all instructions and forms necessary to apply for that benefit.

''(b) INCOMPLETE APPLICATIONS.—If a claimant's application for a benefit under the laws administered by the Secretary is incomplete, the Secretary shall notify the claimant and the claimant's representative, if any, of the information necessary to complete the application.

"§ 5103. Notice to claimants of required information and evidence

''(a) REQUIRED INFORMATION AND EVIDENCE.—Upon receipt of a complete or substantially complete application, the Secretary shall notify the claimant and the claimant's representative, if any, of any information, and any medical or lay evidence, not previously provided to the Secretary that is necessary to substantiate the claim. As part of that notice, the Secretary shall indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, the Secretary, in accordance with section 5103A of this title and any other applicable provisions of law, will attempt to obtain on behalf of the claimant.

''(b) TIME LIMITATION.—(1) In the case of information or evidence that the claimant is notified under subsection (a) is to be provided by the claimant, if such information or evidence is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

''(2) This subsection shall not apply to any application or claim for Government life insurance benefits.

''§ 5103A. Duty to assist claimants

''(a) DUTY TO ASSIST.—(1) The Secretary shall make reasonable efforts to assist a claimant in obtaining evidence necessary to substantiate the claimant's claim for a benefit under a law administered by the Secretary.

''(2) The Secretary is not required to provide assistance to a claimant under this section if no reasonable possibility exists that such assistance would aid in substantiating the claim.

''(3) The Secretary may defer providing assistance under this section pending the submission by the claimant of essential information missing from the claimant's application.

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

''(2) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

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

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

''(C) describe any further action to be taken by the Secretary with respect to the claim.

''(3) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection or subsection (c), the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.

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

''(1) The claimant's service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant's active military, naval, or air service that are held or maintained by a governmental entity.

''(2) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

''(3) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

''(d) MEDICAL EXAMINATIONS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under subsection (a) shall include providing a medical examination or obtaining a medical opinion when such an examination or opinion is necessary to make a decision on the claim.

''(2) The Secretary shall treat an examination or opinion as being necessary to make a decision on a claim for purposes of paragraph (1) if the evidence of record before the Secretary, taking into consideration all information and lay or medical evidence (including statements of the claimant)—

''(A) contains competent evidence that the claimant has a current disability, or persistent or recurrent symptoms of disability; and

''(B) indicates that the disability or symptoms may be associated with the claimant's active military, naval, or air service; but

''(C) does not contain sufficient medical evidence for the Secretary to make a decision on the claim.

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

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

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

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

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

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

SEC. 4. DECISION ON CLAIM.

Section 5107 of title 38, United States Code, is amended to read as follows:

''§ 5107. Claimant responsibility; benefit of the doubt

''(a) CLAIMANT RESPONSIBILITY.—Except as otherwise provided by law, a claimant has the responsibility to present and support a claim for benefits under laws administered by the Secretary.

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

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

Section 5106 of title 38, United States Code, is amended by adding at the end the following new sentence: ''The cost of providing information to the Secretary under this section shall be borne by the department or agency providing the information.''.

SEC. 6. CLERICAL AMENDMENTS.

The table of sections at the beginning of chapter 51 of title 38, United States Code, is amended—

(1) by inserting before the item relating to section 5101 the following new item:

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

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

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

''5103. Notice to claimants of required information and evidence.

''5103A. Duty to assist claimants.'';

(3) by striking the item relating to section 5107 and inserting the following:

''5107. Claimant responsibility; benefit of the doubt.'';

and

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

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

SEC. 7. EFFECTIVE DATE.

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

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

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

(b) RULE FOR CLAIMS THE DENIAL OF WHICH BECAME FINAL AFTER THE COURT OF APPEALS FOR VETERANS CLAIMS DECISION IN THE MORTON CASE.—(1) In the case of a claim for benefits denied or dismissed as described in paragraph (2), the Secretary of Veterans Affairs shall, upon the request of the claimant or on the Secretary's own motion, order the claim readjudicated under chapter 51 of such title, as amended by this Act, as if the denial or dismissal had not been made.

(2) A denial or dismissal described in this paragraph is a denial or dismissal of a claim for a benefit under the laws administered by the Secretary of Veterans Affairs that—

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

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

(3) A claim may not be readjudicated under this subsection unless a request for readjudication is filed by the claimant, or a motion is made by the Secretary, not later than two years after the date of the enactment of this Act.

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

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NOTICE OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''The U.S. Forest Service: Taking a Chain Saw to Small Business.'' The hearing will be held on Wednesday, October 4, 2000 9:30 a.m. in 428A Russell Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact Mark Warren at 224–5175.

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KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA ACT OF 2000

On September 22, 2000, the Senate amended and passed S. 2511, as follows:

S. 2511

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 ''Kenai Mountains-Turnagain Arm National Heritage Area Act of 2000''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Kenai Mountains-Turnagain Arm transportation corridor is a major gateway to Alaska and includes a range of transportation routes used first by indigenous people who were followed by pioneers who settled the Nation's last frontier;

(2) the natural history and scenic splendor of the region are equally outstanding; vistas of nature's power include evidence of earthquake subsidence, recent avalanches, retreating glaciers, and tidal action along Turnagain Arm, which has the world's second greatest tidal range;

(3) the cultural landscape formed by indigenous people and then by settlement, transportation, and modern resource development in this rugged and often treacherous natural setting stands as powerful testimony to the human fortitude, perseverance, and resourcefulness that is America's proudest heritage from the people who settled the frontier;

(4) there is a national interest in recognizing, preserving, promoting, and interpreting these resources;

(5) the Kenai Mountains-Turnagain Arm region is geographically and culturally cohesive because it is defined by a corridor of historical routes—trail, water, railroad, and roadways through a distinct landscape of mountains, lakes, and fjords;

(6) national significance of separate elements of the region include, but are not limited to, the Iditarod National Historic Trail, the Seward Highway National Scenic Byway, and the Alaska Railroad National Scenic Railroad;

(7) national heritage area designation provides for the interpretation of these routes, as well as the national historic districts and numerous historic routes in the region as part of the whole picture of human history in the wider transportation corridor including early Native trade routes, connections by waterway, mining trail, and other routes;

(8) national heritage area designation also provides communities within the region with the motivation and means for ''grassroots'' regional coordination and partnerships with each other and with borough, State, and Federal agencies; and

(9) national heritage area designation is supported by the Kenai Peninsula Historical Association, the Seward Historical Commission, the Seward City Council, the Hope and Sunrise Historical Society, the Hope Chamber of Commerce, the Alaska Association for Historic Preservation, the Cooper Landing Community Club, the Alaska Wilderness Recreation and Tourism Association, Anchorage Historic Properties, the Anchorage Convention and Visitors Bureau, the Cook Inlet Historical Society, the Moose Pass Sportsman's Club, the Alaska Historical Commission, the Gridwood Board of Supervisors, the Kenai River Special Management Area Advisory Board, the Bird/Indian Community Council, the Kenai Peninsula Borough Trails Commission, the Alaska Division of Parks and Recreation, the Kenai Peninsula Borough, the Kenai Peninsula Tourism Marketing Council, and the Anchorage Municipal Assembly.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize, preserve, and interpret the historic and modern resource development and cultural landscapes of the Kenai Mountains-Turnagain Arm historic transportation corridor, and to promote and facilitate the public enjoyment of these resources; and

(2) to foster, through financial and technical assistance, the development of cooperative planning and partnerships among the communities and borough, State, and Federal Government entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Kenai Mountains-Turnagain Arm National Heritage Area established by section 4(a) of this Act.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the 11-member Board of Directors of the Kenai Mountains-Turnagain Arm National Heritage Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area.

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

SEC. 4. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall comprise the lands in the Kenai Mountains and upper Turnagain Arm region generally depicted on the map entitled ''Kenai Peninsula/Turnagain Arm National Heritage Corridor'', numbered ''Map #KMTA–1'', and dated ''August 1999''. The map shall be on file and available for public inspection in the offices of the Alaska Regional Office of the National Park Service and in the offices of the Alaska State Heritage Preservation Officer.

SEC. 5. MANAGEMENT ENTITY.

(a) The Secretary shall enter into a cooperative agreement with the management entity to carry out the purposes of this Act. The cooperative agreement shall include information relating to the objectives and management of the Heritage Area, including the following:

(1) A discussion of the goals and objectives 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.

(b) Nothing in this Act authorizes the management entity to assume any management authorities or responsibilities on Federal lands.

(c) Representatives of other organizations shall be invited and encouraged to participate with the management entity and in the development and implementation of the management plan, including but not limited to: The State Division of Parks and Outdoor Recreation; the State Division of Mining, Land and Water; the Forest Service; the State Historic Preservation Office; the Kenai Peninsula Borough; the Municipality of Anchorage; the Alaska Railroad; the Alaska Department of Transportation; and the National Park Service.

(d) Representation of ex officio members in the nonprofit corporation shall be established under the bylaws of the management entity.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the Secretary enters into a cooperative agreement with the management entity, the management entity shall develop a management plan for the Heritage Area, taking into consideration existing Federal, State, borough, and local plans.

(2) CONTENTS.—The management plan shall include, but not be limited to—

(A) comprehensive recommendations for conservation, funding, management, and development of the Heritage Area;

(B) a description of agreements on actions to be carried out by Government and private organizations to protect the resources of the Heritage Area;

(C) a list of specific and potential sources of funding to protect, manage, and develop the Heritage Area;

(D) an inventory of resources contained in the Heritage Area; and

(E) a description of the role and participation of other Federal, State and local agencies that have jurisdiction on lands within the Heritage Area.

(b) PRIORITIES.—The management entity shall give priority to the implementation of actions, goals, and policies set forth in the cooperative agreement with the Secretary and the heritage plan, including assisting communities within the region in—

(1) carrying out programs which recognize important resource values in the Heritage Area;

(2) encouraging economic viability in the affected communities;

(3) establishing and maintaining interpretive exhibits in the Heritage Area;

(4) improving and interpreting heritage trails;

(5) increasing public awareness and appreciation for the natural, historical, and cultural resources and modern resource development of the Heritage Area;

(6) restoring historic buildings and structures that are located within the boundaries of the Heritage Area; and

(7) ensuring that clear, consistent, and appropriate signs identifying public access points and sites of interest are placed throughout the Heritage Area.

(c) PUBLIC MEETINGS.—The management entity shall conduct 2 or more public meetings each year regarding the initiation and implementation of the management plan for the Heritage Area. The management entity shall place a notice of each such meeting in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

SEC. 7. DUTIES OF THE SECRETARY.

(a) The Secretary, in consultation with the Governor of Alaska, or his designee, is authorized to enter into a cooperative agreement with the management entity. The cooperative agreement shall be prepared with public participation.

(b) In accordance with the terms and conditions of the cooperative agreement and upon the request of the management entity, and subject to the availability of funds, the Secretary may provide administrative, technical, financial, design, development, and operations assistance to carry out the purposes of this Act.

SEC. 8. SAVINGS PROVISIONS.

(a) REGULATORY AUTHORITY.—Nothing in this Act shall be construed to grant powers of zoning or management of land use to the management entity of the Heritage Area.

(b) EFFECT ON AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to manage or regulate any use of land as provided for by law or regulation.

(c) EFFECT ON BUSINESS.—Nothing in this Act shall be construed to obstruct or limit business activity on private development or resource development activities.

SEC. 9. PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.

The management entity may not use funds appropriated to carry out the purposes of this Act to acquire real property or interest in real property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) FIRST YEAR.—For the first year $350,000 is authorized to be appropriated to carry out

the purposes of this Act, and is made available upon the Secretary and the management entity completing a cooperative agreement.

(b) IN GENERAL.—There is authorized to be appropriated not more than $1,000,000 to carry out the purposes of this Act for any fiscal year after the first year. Not more than $10,000,000, in the aggregate, may be appropriated for the Heritage Area.

(c) MATCHING FUNDS.—Federal funding provided under this Act shall be matched at least 25 percent by other funds or in-kind services.

(d) SUNSET PROVISION.—The Secretary may not make any grant or provide any assistance under this Act beyond 15 years from the date that the Secretary and management entity complete a cooperative agreement.

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NATIONAL VETERANS AWARENESS WEEK

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 304, which was reported by the Judiciary Committee.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 304) 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.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed, the amendment to the title be agreed, the motion to reconsider be laid upon the table, and any statement relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 304) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 304

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedoms and way of life;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in our Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations; and

Whereas our system of civilian control of the Armed Forces makes it essential that the country's future leaders understand the history of military action and the contributions and sacrifices of those who conduct such actions: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Secretary of Education should work with the Secretary of Veterans Affairs, the Veterans Day National Committee, and the veterans service organizations to encourage, prepare, and disseminate educational materials and activities for elementary and secondary school students aimed at increasing awareness of the contributions of veterans to the prosperity and freedoms enjoyed by United States citizens;

(2) the week that includes Veterans Day be designated as ''National Veterans Awareness Week'' for the purpose of presenting such materials and activities; and

(3) the President should issue a proclamation calling on the people of the United States to observe such week with appropriate educational activities.

The title was amended so as to read:

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 of November 5, 2000, as ''National Veterans Awareness Week'' for the presentation of such educational programs.

—

ORDERS FOR TUESDAY, SEPTEMBER 26, 2000

Mr. ROBERTS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 9:30 in the morning on Tuesday, September 26. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin consideration of the H–1B visa bill as under the previous order.

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

Mr. ROBERTS. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

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

Mr. ROBERTS. Mr. President, I ask unanimous consent that the scheduled cloture vote occur at 10:15 on Tuesday morning with the time prior to the vote divided as ordered previously.

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

Mr. ROBERTS. I ask unanimous consent that second-degree amendments may be filed at the desk up to 10:15 in the morning under the terms of rule XXII.

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

—

PROGRAM

Mr. ROBERTS. Mr. President, for the information of all Senators, the Senate will begin 45 minutes of debate on the H–1B visa bill at 9:30 tomorrow morning. Following that debate, at 10:15 a.m., the Senate will proceed to a cloture vote on the pending amendment to the H–1B legislation. If cloture is invoked, the Senate will continue debate on the amendment. If cloture is not invoked, the Senate is expected to resume debate on the motion to proceed to S. 2557, the National Energy Security Act of 2000.

Also this week, the Senate is expected to take up any appropriations conference reports available for action.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak in morning business for approximately 10 to 15 minutes.

Mr. ROBERTS. Mr. President, I yield the floor.

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

The Senator from Alabama is recognized for 10 to 15 minutes.

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ENERGY PRICES

Mr. SESSIONS. Mr. President, we are now dealing with a very important issue to the future of our country; and that is the price of energy; oil and gas, gasoline, and home heating fuel prices. They have been going up at a dramatic rate.

This is not a surprise. This is an event predicted and warned about by Members of this Congress for years, including Senator MURKOWSKI, who chairs the Energy Committee. I have talked about it for the last 3 or 4 years that I have been in this Senate.

This is what the issue is about. By allowing our domestic energy production to decline steadily, we have less and less ability to control prices in the world market, and, in fact, we become more and more vulnerable to price increases and production reductions by the OPEC oil cartel—that group of nations centered in the Middle East that get together to fix prices by manipulating production levels.

We now find ourselves in a very serious predicament. It is not a predicament that a simple release of a little oil from the Strategic Petroleum Reserve is going to help. It threatens our economy in the long term.

Kofi Annan, Secretary General of the U.N., just wrote an editorial that I saw over the weekend. He has predicted that the poorer nations, the developing nations, will be hurt more by rising energy prices than the wealthy nations, but he does not dispute that wealthy nations will also be damaged.

This increase in fuel costs amounts to a tax on the American people. It comes right out of their pocket every time they go to the gas station.

Now we have this ''bold'' plan of the Gore-Clinton administration to release 30 million barrels of oil from the Strategic Petroleum Reserve. This is supposed to be a solution to this problem, it is supposed to really help. But what this recent action really amounts to, is

closing the barn door after the horse is out.

Releasing 30 million barrels of oil will meet no more than 1½ days demand for energy in America. We consume nearly 20 million barrels of oil per day in this country. A 30-million barrel release will not affect, in any significant way, the problems we are facing. That is a fact.

Oil demand is not elastic. That is the crux of this problem. People have to have it. If you are traveling to work in your automobile—and there is no other way to get to work for an overwhelming number of American citizens, students, workers, and kids going to school—you must use gasoline and pay the price it costs.

So the way this thing has worked is this: The OPEC nations over the years saw economies around the world steadily strengthening. Third World nations, began using more automobiles and electricity, increasing demand for oil, using more energy. We salute them for that. The life span for people in countries that have readily available electricity and energy is almost one-half longer than for those in countries that do not have it. We ought to celebrate poor countries being able to improve their standard of living. But as they improve their standard of living, their demand for energy increases. It is happening more and more around the world, and we should be happy quality of life is improving for third world nations. But as demand increased, oil prices remained at a steady rate for a significant period, then OPEC withdrew its production.

You have to understand, it does not take much of a difference in production to spike the price. That is exactly what happened. They cut production below the world demand. To get the oil and gasoline that people around the world needed, they were willing to pay a higher price. They had to pay a higher price to fill up their gas tank. People could not stop buying gas when the price went from $1 to $1.50 to $1.80. They had to keep buying gas, just as all of us do in this country today. So the shortfall does not have to be large to give them that kind of manipulative power over the price.

This Administration has blamed the oil industry. I have no doubt that if the oil industry could make a few cents more per gallon, they would try to do so at any point in time. But let's remember, a little over a year ago, in my State of Alabama, you could buy gasoline for $1 a gallon. Of that $1 of gasoline you bought, 40 cents of it was tax. So really you were paying only 60 cents for a gallon of gas, less than a gallon of water.

That gasoline was probably produced somewhere in Saudi Arabia, refined, and shipped here in ships on which they spend billions to keep as safe as they possibly can. It is transported, 24 hours a day, to gas stations around the country. You take a gas pump nozzle, put it in the receptacle, and the gas goes into your tank. Nobody ever doubts the quality of the gasoline or likely gives much thought to where it came from. It is a remarkable thing that the oil industry can do that. Does anybody think a Government agency could do that? No, sir.

So what happened? When OPEC cut their production, it spiked the world price—and they have a world market for oil—a barrel of oil which was selling for $13, $12, has now hit $36 a barrel and it may be going higher because of price manipulation.

The price has gone up 50, 60, 70 cents a gallon. What does that really mean? It is not like an American tax on gasoline where we take that 40 cents with which to build roads and other things. It is a tax by OPEC on us. Foreign countries that are supplying us their oil are in effect charging us 40, 50 cents more for a gallon of gas which every American is paying. It is a drain on the wealth of this country. It threatens our economic vitality and growth.

You may say: ''Jeff, why didn't we do a better job of producing oil?'' There are some who say this administration has no energy policy. I don't agree. It has a policy. It is a no-growth, no-production policy. It has been that policy for the last 7½ years. If AL GORE is elected President, it will continue, and you ain't seen nothing yet when it comes to the price for fuel in this country. That is a plain fact.

We have tremendous reserves in Alaska for example. We voted on this floor—and the vote was vetoed by the administration—to produce oil and gas from the tremendous ANWR reserves. Oh, they said, it is a pristine area, and America will be polluted. The fact is, there are oil wells all around this country. People live right next to them. Oil wells do not pollute. But despite this plain fact, the Administration refused to allow production.

It has been reported, the ANWR reserves could be safely produced in an area less than the size of Dulles Airport serving the Washington, DC area. We would not destroy the Alaskan environment as we produce oil and gas there. Unfortunately, this administration would rather us pay Saudi Arabia, Kuwait and the sheiks for it rather than produce it in our own country, keeping the wealth here.

They say: ''Some of that Alaskan oil is sold to Japan''. Economically that does not make any difference. When you sell it to Japan, you get money from Japan. You can buy it from Saudi Arabia, or wherever you buy it from—Venezuela. It makes no difference in economic terms.

That is a bogus argument, as any person who thinks about it would understand. The more we produce here, the less wealth of our Nation is transferred outside our Nation.

Fundamentally, this increase in prices was not driven so much by supply and demand. It was driven by a cartel. If this administration wants to address antitrust crimes, maybe they ought to worry less about Microsoft and worry more about this cartel that has come together to drive up energy prices. They have driven it up through political means.

We, as American citizens, need to ask our Government: What political means are you using, Mr. Clinton, to overcome this threat? What are you proposing, Mr. Gore, to overcome that? Windmills? Eliminate the internal combustion engine? Is that your proposal? Are we going to use solar energy production?

I support various alternatives. I voted for ethanol. I voted for a pilot program to determine whether a switch grass could be utilized to produce energy, and it has potential. I supported the advanced vehicle technology programs and renewable energy research. But these technologies are a drop in the bucket compared to what we need to deal with our energy demands in this Nation.

Think about what we are doing. We are seeing major impacts on American consumers. If a family had an average monthly bill for gasoline of $60, when that gallon of gasoline went from $1 to $1.50, that means that the bill per month went from $60 to $90, a $30-a-month after tax draw on that family's budget for no other reason than an increase in gasoline prices. If the bill was $100 a month, and many families will pay more than that, it has become $150. It is a $50-a-month draw on their budget.

This is a matter of great national importance. It need not happen. The experts are in agreement. There are sufficient energy reserves in our country to increase the supply and meet demand. Our government could drive down these prices. But we have to have an administration that believes in producing oil and gas, not an administration that is systematically, repeatedly blocking attempts at more production.

For example, there is a procedure used in my home State of Alabama called hydraulic fracturing. It is used in the production of coalbed methane. In some areas, coal may not be of sufficient quality and quantity to mine, but it does have methane in it. What has been discovered is that you can drill into the coal and produce methane from it with almost no disruption of the environment.

Methane is one of the cleanest burning fossil fuels we can have. It is far better for the environment than many competing fuels. Production of coalbed methane is something we ought to encourage. Hydraulic fracturing of coalbeds has never caused a single case of underground drinking water contamination. In fact, for years, the EPA did not bother to regulate it. Then somebody filed a lawsuit. Because the use of this technology for coalbed methane production is relatively new, Congress had never addressed it. The lawsuit argued that pumping water into the ground needed to be regulated in the same way as injecting hazardous waste

into the ground because there was no other statutory framework to apply. This has caused coalbed methane producers to go through all kinds of extensive regulatory procedures and generally depressed coalbed methane production activities. The EPA never really wanted to regulate, and in fact, argued that hydraulic fracturing did not need to be regulated at the federal level because it had caused no environmental problems and the state programs were working well. Unfortunately, the court ruled against the EPA because the law which governs this activity was written at a time this activity barely existed. I have introduced legislation which would allow the states to continue their successful regulatory programs. Yet we have been unable to get the kind of support from the administration and the EPA that would allow us to produce this clean form of gas all across America. It would be good for our country. That is an example of the no growth, no production policy of the administration.

We have taken out of the mix, the possibility of drilling in so many of our western lands that are Government owned. There are huge areas out there with very large reserves of gas and oil. Yet, this administration has systematically blocked production. They have vetoed legislation—which we almost overrode—to keep us from drilling in ANWR. They have refused to drill off the coast of California. They have refused to drill and are proposing to limit drilling in the Gulf of Mexico. In fact, Vice President GORE recently, stated he favored no more drilling in the Gulf of Mexico and in fact would limit, perhaps, leases that had already been let.

That is a big deal. Electric energy in America is being produced more and more through the use of natural gas. In addition to home heating, it is being increasingly used to generate electricity. It is generating it far cleaner than most any other source of energy. Almost every new electric-generating plant in this country has been designed to use natural gas. It comes through pipelines. Most of it is coming out of the Gulf of Mexico. There are huge reserves off the gulf coast of my home State of Alabama and throughout the gulf area. That ought to be produced.

It is unbelievable that we would not produce that clean natural gas, but instead continue to import our oil from the Middle East and allow a huge tax to be levied on American citizens by the OPEC cartel members. It makes no sense at all. As anybody who has been here knows, they know what the policy is. The policy of the extreme no-growth people in America is to drive up the price of gasoline. They figure if they drive it up high enough, you will have to ride your bicycle to work, I suppose. But most people don't live a few blocks or miles from work. A lot of people are elderly. A lot of people have children to take to school, and they have to take things with them when they go to work. They have errands to run and family obligations to meet. They cannot use bicycles or rely on windmills to do their work.

That is the policy of this administration, to drive up energy costs. That is the only way you can see it. Systematically, they have blocked effort after effort after effort to allow this country to increase production. We have to change that. Our current energy problems will only get worse if we do not.

We have tremendous energy reserves in America. If we insist on sound environmental protection but not excessive regulation, if we make sure that production in areas such as ANWR in Alaska is conducted as previous Alaskan oil and gas production has been conducted we can make great strides in controlling our energy prices. The Trans-Alaskan Pipeline, has been delivering oil for two decades now and has had a minimal impact on the environment and not destroyed anything. The caribou are still there. The tundra has not melted. America has benefited from the Trans-Alaskan Pipeline and the energy that has been produced there. We certainly cannot stop producing oil and gas in the Gulf of Mexico, as the Vice President has proposed. That idea is stunning. It is a radical proposal. It is a threat to our future. We cannot allow it.

We cannot assume, we cannot take for granted one moment the belief that this release of a supply equal to 1½ day's demand is going to deal with our long-term problem. We have an administration that is cheerfully accepting, increased prices American must pay for energy. Those prices are going to continue to increase unless we do something about it. It does not take a huge increase in supply to help better balance demand and supply. So if we can begin to make even modest progress toward increasing our domestic supply, I think we can begin to see the price fall in a relatively short term. However, we cannot do it with the kinds of no-growth policies this administration is talking about.

I do believe in improving the environment. I support the policies that do so. I support research in many alternative energy sources and hope we will see some break throughs. I hope we will continue to develop technologies to increase the quality of the energy sources, which could make the use of energy cleaner and more efficient. I think these are good prudent steps to take.

But with the world demand we are facing, these efforts have not yet led to a big step—a good step, but not a big step. We are going to see increased demand in the United States and around the world. The experts tell us there is energy here in the United States. We need to be able to produce it and not continue to allow the wealth of this Nation to be transferred across the ocean to a few nations that were lucky enough to be founded on pools of oil.

That must remain our goal. That is what I and others will continue to working for in this Congress.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 10 minutes.

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

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ENERGY CRISIS

Mr. BROWNBACK. Mr. President, I join my colleague from Alabama in noting that what the President is doing on SPR, in my view, is a diversion. It is not solving the fundamental problem we have with the energy supply in this country—either the refining capacity that has been limited, as the Senator from Alaska, Mr. MURKOWSKI, has spoken of, or the supply of the raw resource, about which the Senator from Alaska and others have spoken. We need to be able to get access to that, and this administration has stopped that from taking place. They stopped it from taking place on our shores and stopped an expansion of biomass, biofuels, and ethanol production. They have not been supportive of expansion there as well. They stopped expansion in places such as in Central Asia, in which I have done a fair amount of work. There are large reserves of hydrocarbons and oil and gas there. They have done nothing to bring this online. Yet countries in that region of the world—many of which most people haven't heard of—have, I believe, the third largest pool of hydrocarbons in the world. They are seeking ways to get it out to the West in an oil and gas pipeline. This administration hasn't done anything to get that started.

So here we are today with high fuel prices, with no end in sight. Despite the President's diversion by using SPR and the misuse of this program—the way it was set up at least, the fundamental problem remains. We have to deal with the supply issue, and this administration hasn't done that. I applaud my colleague from Alabama for addressing that issue.

Mr. SESSIONS. Will the Senator yield?

Mr. BROWNBACK. Yes.

Mr. SESSIONS. Mr. President, the Senator has been here, as I have, for nearly 4 years now. I want to just ask him this: Has Senator MURKOWSKI, who chairs the Energy Committee, and others in this Congress, been warning for years about this, saying that we were denied American production, that it was going to come back to haunt us and prices would go up and it would drain our wealth? Have they been urging this administration for years to deal with it and support some production?

Mr. BROWNBACK. Absolutely. He has been stating that for a long period of time. The administration, each step along the way, has continued to thwart, stall, and say things that were positive but with no action. That is what I have seen taking place in pushing for marginal well tax credits for

small oil well production such as we have in Kansas. We need to encourage this domestic production. Let's have a tax credit for these marginal oil wells that produce less than 10 barrels a day. You get positive comments from the administration, but then nothing happens. On biofuels or Central Asia, there is enormous capacity in that region for oil and gas. Yes, this takes place, but what are you going to do to cause this to happen? What is your strategy? Nothing is put forward.

Here we are with high gas prices and high heating oil. My parents burn propane to heat their home. They are paying a significant premium price now. All of these things are taking place, and then their answer is to tap this 1½ day supply, instead of dealing with fundamentals which they have failed to do over a period of time. So we have been warned. I hope we can press the administration, and I hope this is something to which people pay attention.

Mr. SESSIONS. I thank the Senator for those comments, and I do think it is important for America. The average citizen doesn't have time to watch debate here and hear what goes on in committees, but this has been a matter of real contention for a number of years. There have been warnings by people such as Senator MURKOWSKI, who chairs the Energy Committee, and others, that this would occur, and it has now occurred. I think it is particularly a condemnation of the policy when you have been told about the consequences and warned about it publicly and still you have not acted. That, to me, is troubling. I appreciate the Senator's comments.

I yield the floor.

—

THE PACKERS AND STOCKYARDS ENFORCEMENT IMPROVEMENT ACT OF 2000

Mr. BROWNBACK. Mr. President, I rise to address something about which the occupant of the chair has a great deal of concern. A bill was introduced recently by Senator GRASSLEY from Iowa. I support his bill, the Packers and Stockyards Enforcement Improvement Act of 2000. I think this is a commonsense approach to a very difficult agricultural antitrust concern taking place. I applaud Senator GRASSLEY's approach and endorse his Stockyards Enforcement Act of 2000.

Concerns about concentration and market monopolization have risen in recent years, with the remaining low prices that farmers have received and the struggle that we have had to adopt and adapt to the globalized commerce that we see taking place.

I was visiting yesterday with my dad, who farms full time in Kansas, and my brother who farms with him, about concerns regarding the concentration and the low prices taking place and what is happening around them.

What Senator GRASSLEY has done is request a GAO study, and he found that the USDA has not adequately put forward efforts of enforcement in the packers and stockyards field, and that needs to take place. He is taking the GAO study and putting it into legislative language. I believe it would be prudent and wise for this Congress to pass that language.

Senator GRASSLEY's bill spells out specific reforms that will make a direct difference in the way antitrust issues and anticompetitive practices are dealt with. Specifically, the bill will require USDA to formulate and improve investigation and case methods for competition-related allegations in consultation with the Department of Justice and the Federal Trade Commission; integrate attorney and economist teams, with attorney input from the very beginning of an investigation, rather than merely signing off at the end of the inquiry.

It turns out that the GAO study reports that the economists are looking at the cases early on but the attorneys are not. The attorneys need to be involved at the very outset. By the nature of these charges, they are legal issues and should be looked at by attorneys at the very outset. It would establish specific training programs for attorneys and investigators involved in antitrust investigations. It would require a report to Congress on the state of the market and concerns about anticompetitive practices.

Senator GRASSLEY, today, chaired a hearing that further illuminated the problems, needs, and solutions.

Senator GRASSLEY's bill comes after a thorough examination of USDA's enforcement of the Packer's and Stockyards Act by the GAO. That report, released last week, found numerous problems in the way the agency approaches these investigations. I have to say, as somebody whose family is directly involved in farming, who has been secretary of agriculture for the State of Kansas, it troubles me when the Department is having difficulties enforcing this very important area of the law.

This bill simply puts into law these GAO recommendations for USDA reform. This bill is necessary because USDA has been struggling to address many of these concerns raised by the GAO in terms of antitrust enforcement over the past 3 years. This issue has been raised in the Kansas State Legislature this last session with a great deal of concern about really who is watching. Are they properly prepared and adequately staffed to look into these antitrust investigations and allegations? This bill gets reforms done within a year and ensures that the law is being enforced.

Today's agricultural markets are in tough shape. Prices are too low. We cannot, however, make assumptions about concentration as the cause without having accurate information and thorough investigations. Under Senator GRASSLEY's bill, this process will be greatly improved because it requires USDA to retool and devote more resources to the area of antitrust enforcement.

This bill avoids the pitfalls of lumping the innocent in with the guilty and instead sorts out anticompetitive practices where they occur. These reforms are necessary to restore producer confidence in the Packers and Stockyards Act and USDA's ability to police this increasingly concentrated industry.

Again, I thank Senator GRASSLEY for his wise approach on this tough issue and his continued sincere concern for the farmers of this Nation. This has been an excellent effort to move forward by Senator GRASSLEY.

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THE VETERANS CLAIMS ASSISTANCE ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4864, and the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4864) to amend title 48, 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.

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

AMENDMENT NO. 4189

Mr. BROWNBACK. Mr. President, there is a substitute amendment at the desk submitted by Senators SPECTER and ROCKEFELLER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) for Mr. SPECTER and Mr. ROCKEFELLER proposes an amendment numbered 4189.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. SPECTER. Mr. President, I have sought recognition to explain briefly an action that I, as chairman of the Senate Committee on Veterans' Affairs, propose to take today with respect to a House-passed bill, H.R. 4864. I take this action with the concurrence and support of the committee's ranking member, Senator JAY ROCKEFELLER and Senator PATTY MURRAY, the original sponsor of Senate legislation, S. 1810, to reinstate VA's duty to assist claimants in the preparation of their claims.

In 1999, the United States Court of Appeals for Veterans claims issued a ruling, *Morton* v. *West*, 12 Vet. App. 477 (1999), which had the effect of barring the Department of Veterans Affairs (VA) from offering its assistance to

veterans and other claimants in preparing and presenting their claims to VA prior to the veteran first accumulating sufficient evidence to show that his or her claim is ''well grounded.'' This decision overturned a long history of VA practice under which VA had taken upon itself a duty to assist veterans in gathering evidence and otherwise preparing their claims for VA adjudication. That practice was grounded in a long VA tradition of non-adversarial practice in the administrative litigation of veterans' claims.

For over a year, the Senate Committee on Veterans' Affairs has worked to craft, and then to develop VA and veterans service organization support for, a legislative solution that returns VA to the pre-Morton status quo ante, and reinstates VA's duty to assist veterans and other claimants in the preparation of their claims. The product of the Senate committee's work is contained in section 101 of S. 1810, a bill which was approved by the Senate on September 21, 2000. Since S. 1810 was reported, however, committee staff has worked with the staff of the House Veterans' Affairs Committee to reconcile the provisions of section 101 of S. 1810 and a similar bill, H.R. 4864, which passed the House of Representatives on July 25, 2000.

The Senate and House committees have now reached such an agreement, and have reconciled the differences between the Senate- and House-passed provisions. Those differences—which are, principally, matters of tone and emphasis, not substance—are contained in the proposed amendment to H.R. 4864 which I present to the Senate today and which is explained in detail in the staff-prepared joint explanatory statement which I have filed with the amendment's text. This compromise agreement has been reached after extensive consultation with VA's general counsel and the major veterans service organizations.

I now ask that the Senate approve this compromise agreement by approving the proposed amendments to H.R. 4864. The House will then be in a position to approve the Senate-passed amendments to the House bill and send this legislation to the President for his signature.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4189) was agreed to.

The bill (H.R. 4864), as amended, was passed.

Mr. ROCKEFELLER. Mr. President, as the ranking member of the Committee on Veterans' Affairs, I am enormously pleased that the Senate has passed this bill to reestablish the Department of Veterans Affairs' duty to assist veterans in developing their claims for benefits from the Department. Senator MURRAY, who introduced the original Senate bill, S. 1810, that led to this compromise bill should be praised for her leadership on this issue.

The ''duty to assist,'' along with other principles such as giving the veteran the benefit of the doubt in benefits' determinations, are parts of what make the relationship between the Department of Veterans Affairs (VA) and the claimant unique in the Federal Government. Congress has long recognized that this Nation owes a special obligation to its veterans. The system to provide benefits to veterans was never intended to be adversarial or difficult for the veteran to navigate. That is why Congress codified, in the Veterans Judicial Review Act of 1988 (Public Law 100–687), these longstanding practices of the VA to help claimants develop their claims for veterans benefits.

Over time, the U.S. Court of Appeals for Veterans Claims attempted to give meaning to loosely defined, but well-ingrained concepts of law. In Caluza v. Brown, the Court identified three requirements that would be necessary to establish a well-grounded claim, which the Court viewed as a prerequisite to VA's duty to assist. These requirements were: (1) a medical diagnosis of a current disability; (2) medical or lay evidence of the inservice occurrence or aggravation of a disease or injury; and (3) medical evidence of a nexus or link between an inservice injury or disease and the current disability. Through a series of cases, which culminated in Morton v. West, the Court ruled that VA has no authority to develop claims that are not ''well-grounded.'' This resulted in a change of practice where VA no longer sought records or offered medical examinations and opinions to assist the veteran in ''grounding'' the claim.

Veterans advocates, VA, and Congress grew very concerned over this situation and the resulting potential unfairness to veterans. Veterans may be required to submit records that are in the government's possession (e.g., VA medical records, military service records, etc.). Also, veterans who could not afford medical treatment and did not live near or did not use a VA medical facility (and thus had no medical records to submit) would not be provided a medical exam. Many veterans claims were denied as not well-grounded.

Therefore, Congress, with significant input from the veterans service organizations and VA, developed legislation to correct this problem. H.R. 4864, as amended, reflects the compromise language developed jointly by the staff of the House and Senate Committees on Veterans' Affairs. I believe that this bill restores VA to its pre-Morton duty to assist, as well as enhances VA's obligation to notify claimants of what is necessary to establish a claim and what evidence VA has not been able to obtain before it makes its decision on the claim.

In developing this compromise, it was very important to me to ensure that veterans will get all the assistance that is necessary and relevant to their claim for benefits. This assistance should include obtaining records, providing medical examinations to determine the veteran's disability or opinions as to whether the disability is related to service, or any other assistance that VA needs to decide the claim. On the other hand, it was also important to balance this duty against the futility of requiring VA to develop claims where there is no reasonable possibility that the assistance would substantiate the claim. For example, wartime service is a statutory requirement for VA non-service-connected pension benefits. Therefore, if a veteran with only peacetime service sought pension, no level of assistance would help the veteran prove the claim; and if VA were to spend time developing such a claim, some other veteran's claim where assistance would be helpful would be delayed. However we need to ensure that the bar is no longer set so high that veterans with meritorious claims will be turned away without assistance.

H.R. 4864, as amended, does specify certain types and levels of assistance for compensation claims. The majority of VA's new casework is in making these initial disability determinations. If the record could be developed properly the first time the veteran submits an application for benefits, subsequent appeals or claims for rating increases or for service connection for additional conditions would be much more accurate and efficient.

The compromise bill provides that VA shall provide a veteran a medical examination or a medical opinion when such an exam or opinion is necessary to make a decision on the claim. The bill specifies one instance when an exam or opinion is necessary—when there is competent evidence that the veteran has a disability or symptoms that may be related to service, but there is not sufficient evidence to make a decision. This determination may be based upon a lay statement by the veteran on a subject that he or she is competent to speak about. That is, if a veteran comes to VA claiming that she or he has a pain in his leg that may be related to service—and there is no evidence that the veteran, for example, was awarded a workers compensation claim for a leg disability last month—VA must provide an examination or opinion. The veteran can probably not provide evidence that the pain is due to traumatic arthritis; that would requires a doctor's expertise. H.R. 4864 does recognize that there are many other instances when a medical examination or opinion would be appropriate or necessary.

Again, by specifying certain types of assistance for compensation claims,

the bill does not limit VA's assistance to those types of claims or to a specific type of assistance. It expressly provides that nothing in the bill prevents the Secretary from rendering whatever assistance is necessary. It also does not undo some of the complementary Court decisions that require the VA to render certain additional types of assistance, such as those required in McCormick v. Gober.

Although VA is moving its claims adjudication system toward a team-based, case management system that will result in better service and communication with claimants, I felt that it was critical to include requirements that VA explain to claimants what information and evidence will be needed to prove their claim. VA will also be required to explain what information and evidence it would secure (e.g., medical records, service medical records, etc.) and what information the claimant should submit (e.g., marriage certificate, Social Security number, etc.). Currently, many veterans are asked for information in a piecemeal fashion and don't know what VA is doing to secure other evidence. Better communication will lead to expedited decisionmaking and higher satisfaction in the process.

H.R. 4864, as amended, provides for retroactive applications of the bill's duty to assist provisions, as well as the enhanced notice procedures. Now, claimants that were denied due to the Morton decision will be able to have their claims readjudicated in accordance with the provisions of this bill and receive VA's full duty to assist. This will also ensure an earlier effective date if their claim is successful.

It is critical that we honor our commitment to veterans and their families. We should not create technicalities and bureaucratic hoops for them to jump through. I am pleased that Congress is able to move this provision and begin the restoration of VA's duty to assist claimants in developing the evidence and information necessary to establish their claims for veterans benefits.

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RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:53 p.m., recessed until Tuesday, September 26, 2000, at 9:30. a.m.

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NOMINATIONS

Executive nominations received by the Senate September 25, 2000:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DONALD L. FIXICO, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE ALAN CHARLES KORS, TERM EXPIRED.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

PAULETTE H. HOLAHAN, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2004, VICE MARY S. FURLONG, TERM EXPIRED.

MARILYN GELL MASON, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2003, VICE JOEL DAVID VALDEZ, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JOHN J. WILSON, OF MARYLAND, TO BE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, VICE SHELDON C. BILCHIK.

EXTENSIONS OF REMARKS

HONORING JOSEPH B. WARSHAW, M.D., FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to an exceptional member of the New Haven, CT, community and a good friend, Joe Warshaw, as he leaves the Yale School of Medicine to become the Dean of the School of Medicine at the University of Vermont.

Joe, who currently serves as professor and chairman of Pediatrics and Deputy Dean for Clinical Affairs at the Yale University School of Medicine, has been an outstanding figure at Yale Medical School for over 30 years. His deep commitment and dedication has always been focused on some of our Nation's most vulnerable citizens—our children.

Joe is broadly published in his pediatric subspeciality, developmental biology and neonatal and perinatal medicine, and Joe is well-known for his dedication to improving children's health. Throughout his career, he has been an active member on a number of boards and medical organizations, including the American Pediatric Society, the American Society for Clinical Investigations, and Eastern Society for Pediatric Research. Joe has served on the Advisory Council of the National Institute of Child Health and Human Development of the National Institute of Health, numerous external review panels, and the editorial boards of Pediatrics and Pediatric Research. Just this year, Joe was honored for his work in neonatology and developmental adaption by the Cerebral Palsy Foundation with the 2000 Weinstein-Goldenson Medical Science Award.

Joe's profound humanitarianism extends beyond his medical abilities and has touched hundreds of lives. Some of my most cherished memories of Joe are of his selflessness during the Christmas season. Each holiday season my husband, Stan, and I have the privilege of touring Yale-New Haven Hospital with Joe, who dons his Santa Claus suit, visiting each hospital room and spreading Christmas cheer. The most precious of these moments are when he arrives at the neonatal care unit—bringing the promise of hope and holiday miracles to these very special infants and their families. Words cannot begin to express the inspiration Joe has been to our community.

Joe's career has taken him across this great Nation—New Haven and the Yale School of Medicine has been fortunate to have been home to his talent for so many years. Joe has been a strong leader in New Haven's healthcare community, always ensuring that those least able to make their voices heard.

It is with great pride that I stand today to join family, friends, and colleagues in extending my sincere thanks and appreciation for his many contributions to our community. My best wishes to Joe and his wife Cynthia as they depart for Vermont. He will certainly be missed, by the Yale Medical community and the city of New Haven alike.

JEWISH HERITAGE MUSEUM ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I am proud to introduce legislation for the establishment of a new national museum in Washington, DC, celebrating the contributions of the Jewish people to the United States and to the world generally. The museum will be called the National Museum of Jewish Heritage. It will profile the role played by Jews in the aesthetic, cultural, and intellectual history of Western Civilization.

The new museum will offer to Jews and non-Jews alike a source of knowledge and information on a people whose contribution to a world we all share has been remarkable, and remarkably disproportionate to their numbers. The museum will offer to all an accessible doorway into the many facets of the Jewish legacy.

Currently there is no museum in Washington, DC, and few, if any, elsewhere in the world, dedicated to presenting the full range of contributions made by Jews over the ages, and the relationship of those contributions to the civilization of which we all partake on a day to day basis.

There is, of course, the U.S. Holocaust Museum in Washington, DC. It is however, devoted only to a most taumatic and anguished period of the Jewish experience. The new museum would offer a balance to that uniquely dark narrative. I believe that it would indeed be unfortunate for the rich Jewish history to be defined by that tragic chapter alone. The new museum will see that that does not occur. It will do so by profiling the many happy chapters of that history. It is a history to revere, and to learn from, and this new museum will allow this to happen in the Nation's Capital.

The new museum will accomplish its important goals by creating galleries that sweep from the archaeological artifacts of antiquity to contemporary painting and sculpture, to music, literature, cinema, sports, science, military, education and, in general, to the world of creative ideas. The museum would mount the kinds of exhibits that reflect the diverse involvement and attainments of Jews across history and geography—from Einstein and Salk to Freud and Marx.

The proposed legislation makes it clear that this will be a private initiative. No appropriated funds are being nor will be authorized. The role of the Government is highly limited. The President will appoint members of the Board of Directors. Honorary members will be appointed by congressional leaders. Other national museums may lend works or art and other objects to the new museum. The National Park Service will assist the museum in finding a site in the Nation's Capitol, which could be provided by the U.S. Government. The legislation will, however, offer the recognition and appreciation of the Government of the United States.

I am proud of the contributions made by the Jewish people to the civilization we all enjoy. I am all the more proud to sponsor this legislation.

TRIBUTE TO POLLY FISHER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. BERRY. Mr. Speaker, today I pay tribute to a great Arkansan, and I am proud to recognize Polly Fisher in the Congress for her invaluable contributions and service to our Nation.

Polly Fisher distinguished herself through her devotion to her family, friends, and community. She was born in Fisherville, TN, on May 19, 1920, the daughter of Dr. John Samuel and Alverta Dunn Miller. Shortly thereafter, she moved to Arkansas, and graduated from Parkin High School before attending Arkansas Tech University in Russellville.

One of the happiest days of her life surely must have been March 5, 1945, when she married Harrell Cecil Fisher. Many more happy days followed, thanks to the births of her daughter, 5 sons, 10 grandchildren, and 4 great-grandchildren. One of those sons, Roger Fisher, worked for the people of the First Congressional District of Arkansas as a field representative, and he was a tremendous asset to our office, to the people of our State, and to our Nation.

Polly Fisher is probably best-known for her work with developmentally disabled and delayed children through Miss Polly's Day Care Center in Wynne, AR. Her generosity and hard word touched many families in Cross County and surrounding areas, and her legacy will inspire those who continue to provide these important services at the facility that bears her name.

Sadly, Polly Fisher passed away last month. Her congregation at the Wynne Baptist Church, where she was church secretary for 20 years, will miss her greatly, as will her family and friends.

I am among this group, and on behalf of the Congress I extend my deepest sympathies to her family, even as I encourage them to join me in celebrating her extraordinary life.

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

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

A TRIBUTE TO THE GENERAL MOTORS BALTIMORE ASSEMBLY PLANT ON THE UNVEILING OF ITS 12 MILLIONTH VEHICLE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. CARDIN. Mr. Speaker, today I pay tribute to an important member of Baltimore's manufacturing community and an institution central to the cultural and social life of Maryland. On Wednesday, September 27, 2000, the General Motors Baltimore Assembly Plant will unveil the 12 millionth vehicle assembled at this plant.

Production at the Broening Highway plant began in 1935, in the midst of this country's Great Depression. But the new plant, combined with a willing and capable work force, set new standards for quality production. Throughout the second half of the 20th century, the Baltimore Assembly Plant adapted to the changing needs of the American market. Renovations and upgrades to the assembly line and manufacturing process positioned the plant to remain productive. However, the competitive edge for the Baltimore Assembly Plant has been assured by innovative management and a highly trained and skilled work force.

The production of the 12 millionth vehicle marks not only a milestone in a great manufacturing tradition, but sends a clear signal that the Baltimore Assembly Plant is ready to meet new challenges. General Motors Corporation, management at the Baltimore Assembly Plant, the skilled workers, the unions, and Maryland's elected representatives have acknowledged that new products will offer this plant the opportunity to continue its legacy of fine automotive manufacturing. We look forward to, and accept the challenge of working together to secure the future of the Baltimore Assembly Plant.

I ask my colleagues to join me in expressing congratulations to all those associated with the great past, and a strong future of the General Motors Baltimore Assembly Plant, in Baltimore, MD, on this milestone date.

WELCOMING THE ''ISLENDINGUR'' IN CELEBRATION OF THE MILLENNIAL ANNIVERSARY OF LEIF ERICSON'S VIKING VOYAGE ACROSS THE ATLANTIC

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I stand today to welcome Ambassador Hannibalsson and the ''Islendingur'' to the New Haven Harbor as many gather to celebrate the millennial anniversary of Leif Ericson's voyage from Iceland across the North Atlantic to the shores of North America. The center of a long historical debate, the Viking Sagas come to life with an outstanding cultural exhibit and the arrival of the ''Islendingur''—a replica of the Viking Ship ''Gaukstadaskip'' that sailed 1,000 years ago.

For centuries, the Vikings did not record their history in books. Instead they passed their culture, traditions, and stories generation to generation in oral sagas. Much of our knowledge of these courageous people comes from the written records of their European neighbors which, unfortunately, recounts only a 200-year history as raiders and plunderers. It is only in the past century that archeological digs have brought credit to the stories of the Norse expansion across the Atlantic—bringing a new fascination and excitement for this rich culture.

The most recent archeological work has revealed important evidence of the Viking expansion. Uncovering settlements, complex trade networks, and well-preserved artifacts has given us tremendous insight into the lives of the Vikings. Remarkable mariners, without maps or navigational equipment to chart a course, Viking captains, like Erik the Red and Leif Ericson, relied on their knowledge of the stars, sun, and the patterns of nature to guide them across the seas. When we look at the incredible accomplishments of the Icelandic people, we see a group that displayed unparalleled courage—leaving everything they knew to discover and explore new lands.

Throughout history, we have witnessed a unique quality in the human spirit, a drive to explore beyond what we know and understand, to travel into the unknown in search of new experiences. The Vikings embodied this drive and it is this spirit that we celebrate today. I am honored to rise today and join the Icelandic Millennium Commission and the New Haven community in commemorating this very special era of our history. My congratulations and best wishes to all.

HONORING RICHARD A. ALAIMO

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to my good friend, Richard A. Alaimo, as he is honored for his contributions to our community. Dick is founder and President of the Alaimo Group, Consulting Engineers, which is located in Mount Holly and Paterson, New Jersey.

As a Consulting Civil and Municipal Engineer, and a licensed Professional Engineer in several states, he and his five associated firms have served over 70 municipalities and public agencies through the years.

His staff of over 100 engineers, planners, architects and construction managers have completed numerous large state projects in addition to municipal design and reconstruction programs.

Established over 30 years ago, Dick Alaimo's firm has designed facilities with constructed values in excess of $1 billion.

Dick is a member of many civic organizations, among them the South Jersey Port Corporation, which he serves as Director and Chairman; Burlington County United Fund; Mount Holly Rotary; and, Rutgers University Foundation Board of Overseers.

Through the years, he has been selected as recipient of various awards such as Outstanding Young Man and Outstanding Citizen of the Greater Mount Holly Area; Longsdorf Good Citizenship Award; Distinguished Citizen Award; and, one of the Outstanding Young Men in America.

I am privileged and honored to recognize the accomplishments of Richard A. Alaimo, and to congratulate him on his service to the community.

ARE DRUG PROFITS NECESSARY TO RUN AN ONCOLOGY PRACTICE? NOT IN THE CASE OF ONE FLORIDA PRACTICE! ONCOLOGISTS PARTNERS HID $2.6 MILLION IN DRUG PROFITS FROM OTHER DOCTORS—DIDN'T PUT DRUG PROFITS INTO THE PRACTICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. STARK. Mr. Speaker, Medicare has delayed reducing the level of reimbursement for various chemotherapy drugs, because of lobbying by some oncologists and drug companies that the profits are essential to cover the cost of running an oncology medical practice.

Hmmmmmmm.

Not in one Florida practice, where a lawsuit between several partners who are gastroenterologists and oncologists reveals how the oncologists pocketed millions in profits from drugs, didn't put the money into the practice, and (apparently) the practice was successful in more than meeting its costs.

I am happy that HCFA is going to review its reimbursement of the costs of administering chemotherapy drugs. I hope they will check out this court case, before they buy all the arguments of the industry.

The following excerpts from the court case were provided by an attorney from Florida and I submit into the CONGRESSIONAL RECORD:

July 24, 2000.

Re Summary of Information that you may find Illuminating and Helpful in Understanding the False Drug Pricing Scheme that Generates Huge Kickbacks From Medicare and Medicaid to Oncologists; Medical Practice Partners' Litigation Between Gastroenterologists and Oncologists Over Profits from the Sale of Chemotherapy Drugs From Medicare, Medicaid and Private Insurance Being Kept Secretly by the Oncologist Partners and not shared with the Gastroenterologist Partners.

Dear Representative STARK: The original complaint in the *Chetan Desai, M.D., et al. v. Jayaprakash K. Kamath, M.D., et al.* case charges that two (2) oncologists made 2.6 million dollars in profits from the sale of chemotherapy drugs between 1993 and 1997 (page 4 ¶10). Additionally, the complaint charges that the two oncologists in 1997 overdrew their compensation by approximately $385,000 (page 4, ¶11). By the time the Amended Complaint was filed, the feuding doctor partners and their lawyers had realized that a public fight in written documents over 2.6 million dollars in chemotherapy profits for two oncologists in four years' worth of practice may raise eyebrows of the court and law enforcement. Therefore, the Amended Complaint and the depositions were done with an agreement between the feuding parties not to mention the 2.6 million dollars worth of chemotherapy profits in four years for two oncologists gut to only discuss chemotherapy profits in general and the $385,000.00 1997 overdraw of compensation. Nevertheless, the accounting exhibits, Plaintiffs' Exhibit No. 33, Defendants' Exhibit No. 12 and Plaintiffs' Exhibit No. 34

show the tremendous profits in ''reimbursement'' for chemotherapy infusion and other infusion drugs from Medicare over the actual costs in obtaining the drugs from the manufacturers.

The following are some excerpts from the depositions in the case:

1. Geetha Kamath, M.D. is one of the oncologist defendants, the wife of the gastroenterologist defendant who allegedly changed the accounting system so that the oncologists got all the benefit from the sales of oncology drugs. You will note that the oncologists testified that it was common knowledge among all the partners, administration and all physicians generally that huge profits were made from the sale of oncology drugs. However, the gastroenterologists and some administrators (and physicians that we have interviewed in other specialities that oncology) testified that they had no idea that huge profits were made by oncologists merely from the sale of the drugs from their reimbursement from Medicare and Medicaid.

EXCERPTS OF TESTIMONY OF THE DEPOSITION OF GEETHA KAMATH, M.D.

(A) Deposition of November 6, 1998 of Geetha Kamath, M.D.

Page 156, Line 21.—I always thought that it was such a well known fact that drugs are profitable; it's a known fact in the medical community as far as I am concerned.

Page 163–164.—Exhibit No. 34 is a history of gastro and onco collections which reflect the increase in collections by oncologists between 1987 and 1995.

(B) Deposition of November 11, 1998 of Geetha Kamath, M.D.

Page 8, line 25 through Page 9, line 5.—Profit from chemotherapy drugs went to the oncologists. Profits from the sale of chemotherapy drugs were not shared by the gastroenterologists.

2. Belur S. Sreenath, M.D. is a gastroenterologist plaintiff. He sued the defendant oncologists because of their failure to distribute money from chemotherapy profits.

EXCERPTS OF TESTIMONY OF THE DEPOSITION OF BELUR S. SREENATH, M.D.

(C) Deposition of September 17, 1998 of Belur S. Sreenath, M.D.

Page 23, line 6 through 23.—The gastroenterologists do not make any money from the sales of drugs. They write a prescription and the patients go to the patients' pharmacists and get their prescriptions filled. (essentially the same testimony on page 24, line 20-25)

Page 39, line 21 through Page 40, line 5.—He sued the oncologists because they diverted the profits from chemotherapy drugs in the amount of $385,000.00

Page 72.—The gastroenterologists were aware that oncologists were being paid more from insurance companies and Medicare; however, they didn't know that the large profits were from the sale of chemotherapy drugs.

Page 124.—That Dr. Sreenath knew in 1997 the revenue from one oncologist, Dr. Geetha Kamath was $2,490,000.00 and Dr. Sreenath's total revenue was only $363,909.00 but he only understood that each oncologist was making a lot more money than he was but he didn't know that it came from the profits from the sale of chemotherapy infusion drugs.

Page 127.—He first relized that there was so much chemotherapy profits in the end of the year of 1997.

3. Pothen Jacob is a gastroenterologist partner suing for his share of the 2.6 million dollars in chemotherapy drug profits.

EXCERPTS OF TESTIMONY OF THE DEPOSITION OF POTHEN JACOB

(D) Deposition of July 14, 1998 of Pothen Jacob:

Page 107.—More than 2.6 million dollars in profits from chemotherapy drugs were paid by GOA to the defendants from 1993 to the filing of the suit in April 1997.

Page 51.—The oncologists are paid for a professional component when they administer the chemotherapy drugs and they also get reimbursed separately for the oncology drugs administered.

Page 60.—Medicare pays for the chemotherapy drugs at a parallel or same time that the oncologists have to pay the manufacturers for the chemotherapy drugs.

Page 61.—The dramatic difference in revenues between the oncologists and the gastroenterologists are the chemotherapy drug profits received by the oncologists.

Page 66.—Gastroenterology physicians' receipts were lower in 1995 and 1996 because reimbursement was lowered for gastroenterology services and the cost of malpractice insurance was higher.

Pages 71–72.—Endosopic procedures are personally done by gastroenterologists. Chemotherapy is not personally administered by an oncologist but by a nurse.

Page 83.—For drugs by gastroenterologist, the patient pays the cost, either buying from GOA at cost or buying it from the pharmacy.

Page 155.—The first time he learned of the extent of chemotherapy sales' profits in GOA was in the middle of 1997 when they were investigated entering MSO.

4. Debra Mitchell was the administrative nurse who was demoted in salary by the administrator physician partner, Dr. Jay Kamath, husband of one of the oncologists. He hired a second administrator just to work for the two oncologists.

EXCERPTS OF TESTIMONY OF THE DEPOSITION OF DEBRA MITCHELL

(E) Deposition of July 14, 1998 of Debra Mitchell, R.N.:

Page 75–76.—In December of 1997, oncologist Dr. Geetha Kamath had revenue of $2,497,938.00 and oncologist Anil Raiker had revenue of $1,327,570.00

Page 82–83.—The old reports only showed Medicare allowables. The new reports showed the amounts being reimbursed by Medicaid (reviewing Exhibit 11).

Page 83.—GOA first began tracking the cost of the chemotherapy drugs in November of 1996.

Page 85.—The only doctors that saw the chemotherapy reports were the oncologists. The GI doctors were never given copies of the chemo reports.

Page 86–87.—In November of 1996, the witness was told by the accountant Odalys Lara there's profit in chemotherapy drugs. Exhibit No. 12 sets up the spread sheet showing the month to date and the year to date profits for each of the oncologists for the sales of chemotherapy drugs.

5. Odalys Lara was the CPA for GOA from April 1994 to the date of her deposition on September 3, 1998.

EXCERPTS OF TESTIMONY OF THE DEPOSITON OF ODALYS LARA

(F) Deposition of September 3, 1998 of Odalys Lara, C.P.A.:

Page 14.—When she began, she did not know that there was any profit in the sale of chemotherapy drugs.

Page 25–26.—She first found out there was profits in the sale of chemotherapy drugs in July or August of 1997.

Page 32–33.—Plaintiffs' Exhibit No. 4 is a report of infusion and chemotherapy drug profits by year in 1994, 1995, 1996 and 1997.

Page 35.—In 1994 profits from the sale of infusion and chemotherapy drugs for two oncologists went from $489,000.00 in 1994 to $814,000.00 in 1997. From 1994 to 1997, 2.6 million dollars in chemotherapy and infusion drug profits were made by the two oncologists. Those totals do not indicate the reimbursements from private insurance which is a separate figure. These figures only include Medicare's reimbursements. It is a conservative figure because insurance companies reimburse more.

There's some very good gem testimony regarding the huge profits made by oncologists from Medicare for the sale of infusion and chemotherapy drugs. Also there is excellent testimony about how the knowledge of these huge chemotherapy drug sales profits was kept secret from partner physicians who were not oncologists. However, these gems are buried in a morass of deposition harangue.

I trust that this information will be useful for people reviewing the frauds against the Medicare and Medicaid Programs in the infusion, and oncology drug business.

STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. SANDERS. Mr. Speaker, today I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I submit these statements into the CONGRESSIONAL RECORD, as I believe that the views of these young persons will benefit my colleagues.

PRESCRIPTION DRUG COSTS

KAYLA GILDERSLEEVE: To start off, good afternoon, Congressman Sanders. We sincerely thank you for providing some time for young people to be able to voice their opinions and concerns for our state and our country. And today we have come to you to encourage you to continue the battle with pharmaceutical companies for our senior citizens.

ANGELA DEBLASIO: In the Year 2000 the United States of America as well as our fine State of Vermont have a problem, the soaring cost of prescription drugs. There are millions of Americans, an estimated 13 million elderly Americans who need drugs; they cannot afford them because they do not have prescription drug coverage. This just does not affect poor people. Many middle class seniors without additional private insurance struggle to pay for what they need. Those who cannot afford the prescription drugs pay for their drugs by taking their limited amount of money out of their food budget or not adequately heating their homes in the winter season; thus their quality of life deteriorates. The result is that some do without their prescribed medications, take half a dose or in extreme cases use their partner's medication, assuming they are one in the same, and so they suffer, die, or travel to the emergency room with higher cost to the health care and Medicare systems.

TESS GROSSI: Congressman Sanders, you have stated in a May 3rd press release that, and we quote, ''The industry is continuing to fleece Americans while working to kill major prescription drug legislation in Congress.'' As the Fortune 500 number shows us, pharmaceutical companies took in more profit than the top auto, oil and airline companies. This is approximately an 18.9 percent

profit, the highest margin of any industry in the nation. These pharmaceutical companies are raking in more profit, and the elderly and the sick all over can't afford the care and the help they desperately need.

KAYLA GILDERSLEEVE: Of course these companies make claims that their high profit margins are necessary to support research and development.

These development costs do not even begin to explain the rising prices of existing drugs which are projected from the price competition by patent. However, only 20 to 30 cents of each dollar is spent in actual; research and development and less; between 5 to 25 cents is spent on actual production of the drug. The remaining 40 to 70 cents is spent in marketing, selling and administration.

Many industry critics call the R & D warning a scare tactic, noting a huge percent return on revenues for the previous year. The reality is that they are earning a lot more than they spend on research and development. In addition, drug companies spend approximately $30 million on ad campaigns to combat any attempts to regulate drug pricing. They spend even more on state and federal lobbying efforts.

TESS GROSSI: Congressman Sanders, we have an industry that makes an exorbitant profit off of sickness, misery and illness of people, and that is disgusting. Drug companies come close to getting $4 billion every year in tax breaks and still Americans pay more and more for these drugs than citizens from other countries. There should be a way that consumers can afford the prescription drugs and at the same time a way for drug companies to make a modest profit and continue research and development. Senior citizens need fair, modest drug prices and it is in America's best interest to do so.

ANGELA DEBLASIO: Therefore, we urge you to continue your work with the International Prescription Drug Parity Act which allows pharmacists, wholesalers and distributors to re-import prescription drugs from other countries as long as those drugs meet strict FDA standards. We also encourage you to continue to take bus trips to Canada to help our elderly fill or refill their prescriptions. It is one of those random act advantages in living in a border state that not every American has access to which is why continuing to push for prescription drug legislation is necessary and vital to our economy and the lives of our country's senior citizens. We must fulfill our responsibility to protect elderly Americans and to do this we must provide affordable prescription medication.

KAYLA GILDERSLEEVE: Thank you for your time.

NEED FOR ALTERNATIVE ACTIVITIES TO KEEP KIDS FROM ALCOHOL, DRUGS AND TOBACCO

APRIL NILES: I am April and I am the PR outreach worker for Youth services and I work with Kids Against Tobacco group which is these guys, and we are basically here to talk about alternatives to doing drugs and alcohol and just trying to think up some activities to keep teens from doing drugs. And as it is now we have one activity night a week down at the Living Room where I work, and we just basically play pool and watch movies and we cook a dinner every Thursday but we would like to have more activities to do. And that is about it.

BLAKE KINCAID: I am Blake and we just recently held a dance in our group and it was Kids Against Tobacco and we had facts on the walls for students to read, and we had speakers and we held a raffle and Craig will tell you about the speakers.

CRAIG STEVENS: We had two speakers at the dance, one of them was Wes who lost his voice box and used a machine to project his voice. Another one we had was Lola, and she lost her father to emphysema or lung cancer.

NATE POWERS: Some of the activities that we are trying to do, we are trying to have the towns build board parks or skate board parks. Also we have a very strange question. We have asked local officials why they are worried about giving two-dollar parking tickets instead of smoking underage tickets for $1.50 and why they are more worried about two-dollar tickets than students' lives. So we have come to—Blake and I and one of our other CAT members went to a job share a few days ago and we were asked to ask a couple questions about exactly—Blake asked why they were doing two dollar tickets instesd of $2.50 tickets. Mine was how many fires start with tobacco use, and there was a significant amount of fires and deaths the last two years that I have know. And that is about it.

BLAKE KINCAID: The activities we would like to do beside the skate park, we would also like to have bike paths and we would like to have better places for students to go because The Living Room is only open from one until five, so that does not give students much time to do what they have got to do because from five on they are out on the streets and they cannot do anything about that. It is just one to five without funding.

NATE POWERS: And around St. J. our local bike path is in Newport which transportation for these children is a big problem. These children say the reason that they are smoking is because there are not any activities for them to do. I have to agree with the clubs, drug-free clubs, yeah, I agree with that. But I think it is our officials that let that happen because I mean some children ruin it for other students.

We have had significant changes in Lyndonville's local restaurants. They have had a lot of business since the smokers had to be kicked out, and we just want to put out the smoking instead of the children, and I just think that the dance with Wes was talking to children, made a lot of children screaming because it was pretty horrible when they saw what happened to these children when they smoked, and Wes is a nice guy.

SAME SEX MARRIAGE

KELLI FREEMAN: I am here today to tell you about an issue that I have a strong opinion about. That issue is how Vermont gets dumped on because of the Civil Unions Bill. I think that for the safety of one's state the law should have been talked about more carefully. I have heard some pretty mean and nasty jokes that have been said about Vermont and I do not agree with it. Sometimes in different towns and states people spray painted signs, saying ''Vermont, the Gay State'' and ''Take a Fairy to Vermont'' and comments like that. Vermonters do not need to hear or see stuff like that because we are upset as it is. We are afraid to leave the state because we are embarrassed about our license plates because we are afraid of what other people are going to say. That is the main reason why I am talking about this today; we should not be afraid or threatened of what people are going to say about us and we should not be embarrassed because we are Vermonters.

The people who harass us about the law that was passed, they do not know what it is like to live in a state that everyone discusses in a negative way all the time. We are sick and tired being called the Gay and Lesbian State and if you care at all about the people in this state, then you would think they absolutely would hate what is going on. They are probably scared and just as upset as you are. So when you see a Vermont license plate or a Vermont sign before you say ''The Gay State,'' look at the other citizens and then ask yourself what are they going through because they have to live there and they do not like how they are being pictured either.

YOUTH ADVOCACY RIGHTS

STEVE HOFFMAN: We work in Burlington, that is where the majority of our work is with Club Speak Out around Chittenden County, and I am just going to read off our vision and our mission to give you an idea of what Club Speak Out is and our goals.

Our vision is Club Speak Out envisions the ability for youth to take the initiative without any constraints, being able to embody positive outcomes in our own lives with the feelings of being valued by the community through interests that arise in the area of youth development.

And our mission is, Club Youth Speak Out's mission has become a resource for all the youth in all aspects of their life, empowering youth to help themselves in creating healthy developmental programs and resources that will impact their lives positively, using businesses, legislators, schools, the community, and any other area where outcomes can be positive. And that is what this program was designed for, was to go out in Chittenden County and we worked in Burlington to build a model and to give children something to do, take them out of risky behavioral situations and put them where the outcomes can be positive.

And what we are here today is to ask a question: What can the government do or have in order to increase positive outcomes in the lives of youths? And some of the things that we came up with is provide less competitive monetary funds for programming, and give it to the state and local governments in order to give out to the organizations that are around for youth. What happens is that when you go to apply for a grant there is not that much money out there and there is a lot of competition, and when a new program does come in, a lot of people are scared and they try to stop it. And that is just not right because as long as the program has the right passion and it is designed to work functionally with other programs and positive outcomes can be made then they all have should be given a chance because every little bit helps and counts. If the federal government can provide more money that would be great, and they did just decrease the safe school money I believe, National Safe School money, that was just decreased by 17 percent which is tremendous. And a lot of the grants given out now the money has to be cut which is not too good when we are trying to build programs to build healthy communities.

Another thing is increase the ability for youth to utilize the resources that state and federal representatives offer; more awareness for youth to be able to come to your office or come to Senator Jeffords and Leahy's office and their local governments and be able to come up and say, This is an issue that we have, how can you help us, what steps do we have? And then form youth governmental boards that have the ability for youth to have a say in working and forming youth policies in accordance with adult policymakers, and we feel that that is real important.

One issue that did come up today was the dance club and that is something we are working on because we had a Speak Out and with other youth have come up and said we really need something to do, we need a dance club. 242 is a nice club but unfortunately it is not diverse enough and does not really fit the mission and the original reason why it

was in place. So we want to kind of start a dance club where all students can go with a game room without any drinking so if they didn't want to dance there is other stuff that they can do that is open until twelve o'clock at night every night. We hire youth, it is run by youth, the money goes right back to the youth, it is not in any business's hands.

So that would be nice to get definitely some money and support from the government for that too, because we can easily go out and get different companies to donate their services, but as far as the funds and stuff it does cost a lot of money to fundraise that, and it is just a lot, especially with the skateboard park where we had to raise $50,000 for that, and it adds up, and when you keep asking people they are like How much do we have to give? So we feel that is very important.

JONATHAN CUMMINGS: We would just really like to see youth be involved. When youth run their own organizations they accomplish a lot more and they are a lot more connected with what they are doing which is why our mission is both youth and not necessarily have adults run our programs. I am trying—like my group, I run myself now and I see that students that I work with are a lot more involved when it is youth leading them rather than an adult.

TRIBUTE TO DONALD BIEDERMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. BERMAN. Mr. Speaker, I rise today to honor an outstanding attorney and model citizen, Mr. Donald Biederman who will be saluted tonight by Southwestern University Law School on his appointment as the head of its Entertainment and Media Law Institute. I have been proud to call Don a friend for almost twenty years. He is a man of enormous energy, intellect and integrity, who is an outstanding choice for this position.

As a J.D. and LL.M. recipient from Harvard and New York University Law Schools respectively, Don has enjoyed an illustrious legal career in both the private sector and academia. He first began practicing entertainment law in 1972, when he became the chief legal officer at CBS Inc. From there, he moved to ABC Records Inc., where he served as the Vice President for Legal Affairs and Administration. Prior to starting his most recent position to the private sector, Executive Vice President and General Counsel at Warner/Chapell Music, Don was a partner at the law firm of Mitchell, Silberberg and Knupp.

Throughout his legal career, Don has been a vigilant and outspoken opponent of intellectual piracy. The Record Industry Association of America and Billboard are just two of the many organizations that have honored him for his efforts in this area.

Despite leading a distinguished career in the corporate world, Don has found the time for an equally outstanding tenure in academia. He has taught at such institutions of higher learning as: Peperdine University School of Law, USC Law Center, the UCLA School of Law, the Anderson School of Management, Vanderbilt, Harvard and Stanford. Prior to assuming his current position at Southwestern, Don was the director of USC's Entertainment Law Institute.

While in academia, Don co-authored Law and Business of Entertainment Industries, a widely-used textbook on Media Law. He also wrote articles for a variety of publications including: the Hastings Communication/Entertainment Law Journal, Entertainment and Sports Lawyer, and the Vanderbilt Journal of Entertainment Law and Practice.

I am proud to be a friend to such an accomplished individual, and it is my distinct pleasure to ask my colleagues to join with me in saluting Professor Donald E. Biederman on his new position as the Director of Southwestern Unversity Law School's Entertainment and Media Law Institute. Southwestern could not have chosen a finer individual.

THE HIGH COST OF PRESCRIPTION DRUGS AND THE IMPORTANCE OF GENERIC MEDICINES

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. ALLEN. Mr. Speaker, I rise to speak about the importance of generic drugs and competition in the pharmaceutical market. This year, as in the past, brand drug manufacturers are asking Congress to support legislation that will extend patents on their most profitable medicines. The most profitable industry in the world is asking Congress for permission to continue gouging consumers, especially seniors and the uninsured.

The most notable bills now before us are S. 1172 and H.R. 1598, commonly known as the ''Claritin'' bills. Claritin's manufacturer, Schering-Plough is pushing these bills to protect its popular allergy drug, Claritin, and six drugs commonly used by seniors from less costly generic competitors.

Researchers at the University of Minnesota School of Pharmacy estimate high consumer costs if the Claritin bills pass. Americans may be forced to pay an additional $11 billion for this medicine over the life of the patent extension because more affordable alternatives will be barred from the market. That is an enormous burden to place on consumers, seniors and taxpayers, especially at a time when health costs are escalating.

Fortunately, the Claritin bills are stalled. Unfortunately we expect Schering-Plough and other brand companies to continue to push patent extension bills in years to come, because patents are scheduled to expire on tens of billions of dollars worth of drugs.

For the sake of 15 million seniors who lack adequate prescription drug coverage, we must stop all patent extensions whether they are offered directly, or are couched in supposedly consumer friendly language. Consumer and senior groups throughout the nation oppose these bills. We must too.

INTRODUCTION OF THE COMPREHENSIVE IMMUNOSUPPRESSIVE DRUG COVERAGE FOR TRANSPLANT PATIENTS ACT OF 2000

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. CAMP. Mr. Speaker, today, I introduced the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2000 Act which will help Medicare beneficiaries who have had organ transplants. Every year, over 6,000 people die waiting for an organ transplant. Currently, over 67,000 Americans are waiting for a donor organ.

Given that organs are extremely scarce, Federal law should not compromise the success of organ transplantation. Yet that is exactly what current Medicare policy does, because Medicare denies certain transplant patients coverage for the drugs needed to prevent rejection. Medicare does this in three different ways.

First, Medicare has time limits on coverage of immunosuppressive drugs. Medicare law only provides immunosuppressive drug coverage for three years with expanded coverage totaling 3 years and 8 months between 2000 and 2004. However, 61 percent of patients receiving a kidney transplant after someone has died still have the graft intact five years after transplantation. Nearly 77 percent of patients receiving a kidney from a live donor still have their transplant intact after five years. For livers, the graft survival rate after five years is 62 percent. For hearts, the five year graft survival rate is nearly 68 percent. So many Medicare beneficiaries lose coverage of the essential drugs that are needed to maintain their transplant.

Second, Medicare does not pay for anti-rejection drugs of Medicare beneficiaries, who received their transplant prior to becoming a Medicare beneficiary. So for instance, if a person received a transplant at age 64 through their health insurance plan, when they retire and rely on Medicare for their health care they will no longer have immunosuppressive drug coverage.

Third, Medicare only pays for anti-rejection drugs for transplants performed in a Medicare approved transplant facility. However, many beneficiaries are completely unaware of this fact and how it can jeopardize their future coverage of immunosuppressive drugs. To receive an organ transplant, a person must be very ill and many are far too ill at the time of transplant to be researching the intricate nuances of Medicare coverage policy.

The bill that I am introducing today, the ''Comprehensive Immunosuppressive Drug Coverage for Transplant Patients of 2000 Act'' would remove these short-sighted limitations. The bill establishes a new, easy to follow policy: All Medicare beneficiaries who have had a transplant and need immunosuppressive drugs to prevent rejection of their transplant, would be covered as long as such anti-rejection drugs were needed.

As Congress considers further improvements to the Medicare program, I urge my colleagues to support this important effort to ensure patients waiting on the organ transplant have access to the anti-rejection drugs that are so needed.

HONORING ALBERTUS MAGNUS COLLEGE ON THEIR 75TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to congratulate Albertus Magnus College on its 75th anniversary. With the purchase of a New Haven mansion renamed Rosary Hall, the Dominican Sisters of Saint Mary of the Spring founded Albertus Magnus in 1925. Since then, the Albertus Magnus community has become a landmark in the city of New Haven.

Initially a women's college, Albertus Magnus has expanded its program base to meet the needs of a our changing community. Dr. Julia McNamara, President of Albertus Magnus, has served as the driving force behind these innovations. Her dedication to students, commitment to excellence, and creative energy have been the key to the renaissance at Albertus Magnus. The New Dimensions Program is an excellent example of how Albertus Magnus has created new and innovative programs to open the doors of education to a broad spectrum of students. Introduced only six years ago, the New Dimensions Program is an alternative education program that allows working adults to obtain their Associate's, Bachelor's, and Master's degrees in Management at an accelerated pace convenient to their schedule. This nontraditional program has allowed hundreds of working men and women to further their education while continuing in their careers.

In addition to its dedication to educational opportunity and academic excellence, Albertus Magnus is a tremendous resource to the New Haven community. Administrators, faculty and students are involved with service organizations throughout the city—demonstrating a deep commitment to enriching our neighborhoods and making a real difference in the community. As a host site for the 1995 World Special Olympics, Albertus opened its campus to thousands of children and families who traveled to New Haven to participate in the games, playing an instrumental role in the success of that extraordinary event.

Albertus Magnus College, though small in comparison to other local schools, is rich in history and committed to providing its students with the skills and confidence necessary for future success. Over its 75-year history, Albertus Magnus has continually dedicated itself to providing its students with an exceptional college experience. I was privileged to be asked to teach international politics in the 1970's at the college, and I thoroughly enjoyed this experience. Recently graduating the largest class in its history, Albertus Magnus has succeeded in fulfilling the dreams of the Dominican Sisters of Saint Mary of the Springs—creating a collegiate environment that successfully challenges students to realize their full potential as scholars and as human beings.

It is my great honor to join with the administrators, faculty, students, alumni, and community members who have gathered this evening to express my heartfelt congratulations on the 75th anniversary of Albertus Magnus College and extend my best wishes for continued success.

INTRODUCING MIDDLE EAST PEACE THROUGH NEGOTIATIONS ACT, H.R. 5272

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. GILMAN. Mr. Speaker, because many of my colleagues and I remain extremely concerned about the possibility that Yasser Arafat and the PLO will declare a Palestinian state unilaterally, I am introducing legislation today that would underscore the need for a negotiated settlement between the two parties.

The Peace Through Negotiations Act of 2000 recognizes that resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues of the Arab-Israeli conflict.

The Palestinian threat to declare an independent state unilaterally constitutes a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process. That threat continues unabated.

Accordingly, the bill I am introducing today would establish that it is the policy of the United States to oppose the unilateral declaration of a Palestinian state, and that diplomatic recognition should be withheld if one is unilaterally declared. The bill would also prohibit all U.S. assistance to the Palestinians except for humanitarian aid, and would downgrade the PLO office in Washington, D.C.

Additionally, the measure would encourage other countries and international organizations to join the United States in withholding diplomatic recognition, and would authorize the President of the United States to withhold payment of U.S. contributions to international organizations that recognize a unilaterally declared Palestinian state.

Mr. Speaker, over eighteen months ago, Congress spoke with one voice about the prospects of a unilateral declaration of statehood by the Palestinians. Non-binding legislation adopted by both houses stated that ''any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition.''

The Peace Through Negotiations Act is a measured, but legislatively binding response to that possibility. Accordingly, I urge my colleagues' cosponsorship and strong endorsement of this landmark legislation (H.R. 5272) and request that the text of the legislation be printed at this point in the CONGRESSIONAL RECORD.

H.R. 5272—A BILL TO PROVIDE FOR A UNITED STATES RESPONSE IN THE EVENT OF A UNILATERAL DECLARATION OF A PALESTINIAN STATE

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 ''Peace Though Negotiations Act of 2000''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Resolving the political status of the territory controlled by the Palestinian Authority is one of the central issues of the Arab-Israeli conflict.

(2) The Palestinian threat to declare an independent state unilaterally constitutes a fundamental violation of the underlying principles of the Oslo Accords and the Middle East peace process.

(3) On March 11, 1999, the Senate overwhelmingly adopted Senate Concurrent Resolution 5, and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24, both of which resolved that: ''any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition.''.

(4) On July 25, 2000, Palestinian Chairman Arafat and Israeli Prime Minister Barak issued a joint statement agreeing that the ''two sides understand the importance of avoiding unilateral actions that prejudice the outcome of negotiations and that their differences will be resolved in good-faith negotiations''.

SEC. 3. POLICY OF THE UNITED STATES

It shall be the policy of the United States to oppose the unilateral declaration of a Palestinian state, to withhold diplomatic recognition of any Palestinian state that is unilaterally declared, and to encourage other countries and international organizations to withhold diplomatic recognition of any Palestinian state that is unilaterally declared.

SEC. 4. MEASURES TO BE APPLIED IF A PALESTINIAN STATE IS UNILATERALLY DECLARED.

(a) MEASURES.—Notwithstanding any other provision of law, beginning on the date that a Palestinian state is unilaterally declared and ending on the date such unilateral declaration is rescinded or on the date of a signed negotiated agreement between Israel and the Palestinian Authority under the terms of which the establishment of a Palestinian state is mutually agreed upon, the following measures shall be applied:

(1) DOWNGRADE IN STATUS OF PALESTINIAN OFFICE IN THE UNITED STATES.—

(A) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204) as enacted on December 22, 1987, shall have the full force and effect of law, and shall apply notwithstanding any waiver or suspension of such section that was authorized or exercised subsequent to December 22, 1987.

(B) For purposes of such section, the term ''Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agent thereof'' shall include the Palestinian Authority and the government of any unilaterally declared Palestinian state.

(C) Nothing in this paragraph shall be construed to preclude—

(i) the establishment or maintenance of a Palestinian information office in the United States, operating under the same terms and conditions as the Palestinian information office that existed prior to the Oslo Accords; or

(ii) diplomatic contacts between Palestinian officials and United States counterparts.

(2) PROHIBITION ON UNITED STATES ASSISTANCE TO A UNILATERALLY DECLARED PALESTINIAN STATE.—United States assistance may not be provided, directly or indirectly, to the government of a unilaterally declared Palestinian state, the Palestinian Authority, or to any successor or related entity.

(3) PROHIBITION ON UNITED STATES ASSISTANCE TO THE WEST BANK AND GAZA.—United States assistance (except humanitarian assistance) may not be provided to programs or projects in the West Bank or Gaza.

(4) AUTHORITY TO WITHHOLD PAYMENT OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS THAT RECOGNIZE A UNILATERALLY DECLARED PALESTINIAN STATE.—The President is authorized to—

(A) withhold up to 10 percent of the United States assessed contribution to any international organization that recognizes a unilaterally declared Palestinian state; and

(B) reduce the United States voluntary contribution to any international organization that recognizes a unilaterally declared Palestinian state up to 10 percent below the level of the United States voluntary contribution to such organization in the fiscal year prior to the fiscal year in which such organization recognized a unilaterally declared Palestinian state.

(5) OPPOSITION TO LENDING BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) to use the voice, vote, and influence of the United States to oppose—

(A) membership for a unilaterally declared Palestinian state in such institution, or other recognition of a unilaterally declared Palestinian state by such institution; and

(B) the extension by such institution to a unilaterally declared Palestinian state of any loan or other financial or technical assistance.

(6) LIMITATION ON USE OF FUNDS TO EXTEND UNITED STATES RECOGNITION.—No funds available under any provision of law may be used to extend United States recognition to a unilaterally declared Palestinian state, including, but not limited to, funds for the payment of the salary of any ambassador, consul, or other diplomatic personnel to such a unilaterally declared state, or for the cost of establishing, operating, or maintaining an embassy, consulate, or other diplomatic facility in such a unilaterally declared state.

(b) DEFINITION.—For purposes of paragraphs (2) and (3) of subsection (a), the term ''United States assistance''—

(1) means—

(A) assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), except—

(i) assistance under chapter 8 of part I of such Act (relating to international narcotics control assistance);

(ii) assistance under chapter 9 of part I of such Act (relating to international disaster assistance); and

(iii) assistance under chapter 6 of part II of such Act (relating to assistance for peacekeeping operations);

(B) assistance under the Arms Export Control Act (22 U.S.C. 2751 et seq.) including the license or approval for export of defense articles and defense services under section 38 of that Act; and

(C) assistance under the Export-Import Bank Act of 1945; and

(2) does not include counter-terrorism assistance.

TO HONOR MR. JULIAN CLAUDIO NABOZNY—NATIONAL RESTAURANT ASSOCIATION HUMANITARIAN OF THE YEAR

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. PASTOR. Mr. Speaker, I rise to celebrate Julian Claudio Nabozny, a McDonald's owner/operator beloved and celebrated for his services to the Phoenix, Arizona community, which I proudly represent. For his tireless generosity, Mr. Nabozny has just been honored by the National Restaurant Association as Cornerstone Humanitarian of the Year.

Mr. Nabozny has made his South Phoenix restaurant a veritable community center for the Hispanic neighborhood. His beneficent acts are numerous and varied. These are some highlights.

For the past five years, Mr. Nabozny has hosted Thanksgiving Day celebrations for as many as 3,000 residents. He distributes free McDonald's food, gifts, turkeys, and fruit baskets and provides for entertainment, including the beloved Ronald McDonald.

Throughout the year, the restaurant sponsors fund-raising nights for a local school. Mr. Nabozny donates 10 percent of the evening's sales and tickets to popular events for the PTA to raffle off. He also provides a school reading program with over 8,000 hamburger certificates a year to use as learning incentives for children.

Two years ago, Mr. Nabozny brought a mobile mammograph unit to the restaurant to offer free cancer screening exams. Hundreds of economically disadvantaged women received these vital tests, many for the first time.

This spring, Mr. Nabozny initiated and sponsored a pioneering partnership to educate the community on current immigration laws and related government services. Through the program, over 1,200 individuals received free confidential consultations with attorneys and other qualified volunteers, and many others received assistance through a handout developed specifically to address common concerns and needs. These services will be again extended this fall.

For the past three years, Mr. Nabozny has served as chair of the Phoenix area Hispanic American College Education Resources (HACER) program, a partnership between the Ronald McDonald House Charities, its local affiliate, McDonald's owner/operators, and restaurants owned by the corporation. Mr. Nabozny has also personally donated scholarships to deserving minority high school students in the Phoenix area.

Mr. Nabozny comes from a family and belongs to a franchise system that believe in giving back. His dedication to this principle has justly earned him the Restaurant Association's award and a special place in the heart and history of the Phoenix community.

A TRIBUTE TO OLYMPIC MEDALIST CRISTINA TEUSCHER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mrs. LOWEY. Mr. Speaker, today I am proud to recognize Cristina Teuscher, a resident of the City of New Rochelle, NY and winner of a bronze medal at the 2000 Olympic Games in Sydney. No athletic contest provides a showcase for the world's talent like the Olympics, and no personal accomplishment is greater than medaling in an individual event. in 1996, still only a recent high school graduate, Cristina won gold in the 800 meter freestyle relay. This year, she added a bronze medal in the 200 meter individual medley to her list of Olympic achievements. Cristina's brave performance throughout the race and remarkable sprint in the final fifty meters were inspirational. Undisturbed when she fell behind early, Cristina perserved and reached the wall with her personal-best time.

Cristina's accomplishments, however, have extended beyond the reaches of a pool. Once an outstanding student at New Rochelle High School, Cristina recently graduated from Columbia University, assuring that her success in life will extend well into the future. It is my pleasure to congratulate Cristina and her family on this momentous occasion. Cristina is a credit not only to the City of New Rochelle, but to the entire United States, and to all great swimmers throughout the world.

INTRODUCTION OF THE MUSIC OWNERS' LISTENING RIGHTS ACT OF 2000

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. BOUCHER. Mr. Speaker, I am pleased to join my colleagues, Representatives BURR, LAHOOD and UPTON, in the introduction of legislation to reform our copyright laws so that individual consumers can store their own music on an Internet site and gain quick access to it anytime they choose, from anywhere they choose.

The introduction of this legislation is a necessary step in addressing the growing chasm between new technology and old laws. It is a matter of high importance to Internet users. A new poll found that 79 percent of frequent Internet users believe that ''copyright laws should not infringe on an individual's access to the music that they have legally purchased.'' Our legislation will ensure that this wholly legitimate public expectation is not thwarted.

Those same Internet users understand the responsibility that consumers have to pay legitimate royalties to the artists whose music they enjoy. Approximately the same majority of those surveyed (78 percent) said that the sharing and swapping of music which has not been purchased or without the consent of the artist or record company should not be permitted.

Our legislation, the Music Owners' Listening Rights Act of 2000, makes the Internet based transmission of a personal interactive performance (PIP) of a sound recording acceptable under copyright law. Simply stated, a consumer who lawfully owns a work of music, such as a CD, will be able to store it on the Internet and then downstream it for personal use at a time and place of his choosing.

This technology makes it possible for people to travel from one place to another without needing to carry their record collection with them. Instead, they will be able to turn on a computer or other Internet connection device and gain immediate access to their music through the services of an Internet music provider. After the consumer shows proof of ownership of the music, he will be able to listen to it streamed to him over the Internet from any place that he has Internet access. Consumers would not be able to transfer music to someone else or use the music for commercial purposes under the provisions of our legislation.

Since the only people who will be able to use the provision we are proposing have already purchased the music, the song writers, recording artists and record labels will lose not a penny in sales. The person who purchases music will, however, have a new opportunity to listen to his music from any place that he has Internet access.

The new Internet application that enables purchasers to listen to their music from a variety of locations is a major advance. It offers greater mobility and convenience to those who purchase music while not depriving music creators of sales. We believe that the technology which gives rise to this new convenience should be encouraged, and our legislation will remove legacy copyright restrictions which were written for a different era and that threaten to strangle the technology in its infancy.

It is our hope that other Members of the House will join us in recognizing the significant opportunities this new generation of technology holds and in recognizing the tremendous new consumer convenience this new Internet application makes possible.

The co-sponsorship of our measure by other Members is welcome.

IN RECOGNITION OF STATE SENATOR M. ADELA ''DELL'' EADS' OUTSTANDING SERVICE TO THE PEOPLE OF CONNECTICUT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today to mark the end of an era in the government of my home state of Connecticut. With the retirement of State of Senator M. Adela ''Dell'' Eads, the Connecticut Legislature is losing more than just a valued and respected member, it is losing a woman who represents the best that Connecticut has to offer, the epitome of the finest tradition of public service.

With over 24 years of service in the Connecticut State Legislature, Dell has left her mark on countless pieces of landmark legislation. From her work to establish the Connecticut Office of the Child Advocate to her leadership on welfare reform. Dell always championed the cause of Connecticut's children and families and acted to protect their interests.

But while Dell's legislature accomplishments are too numerous to mention, the one quality she will be remembered for is clear: Leadership. Whether it was as leader of the Republican caucus or as President Pro Tem of the Senate, Dell commanded the respect of adversaries and allies alike. Her career in the legislature is a testament to the fact that civility, intelligence, integrity and strength are qualities that can be found in one individual. Such a public servant is a gift to be treasured in a democracy.

Connecticut and our country are the beneficiaries of the outstanding service provided by M. Adela Eads. I have been privileged to serve with her and to enjoy her friendship as well. I wish her all the best for a happy, healthy and productive retirement.

A TRIBUTE TO MR. RAMON L. YARBOROUGH

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. McINTYRE. Mr. Speaker, I rise today to pay tribute and extend my most sincere best wishes to Mr. Ramon L. Yarborough, President of Fayetteville Publishing Company and publisher of The Fayetteville Observer, who will be retiring at the end of September after 35 years of service to the citizens of Fayetteville, North Carolina.

Mr. Yarborough, a native Fayetteville, began working at Fayetteville Publishing in September 1965 as its Vice President. Under his leadership, the company has expanded greatly and experienced large growth. Today, Fayetteville Publishing's properties include The Fayetteville Observer, the Fayetteville Online website, and the Carolina Trader. It also prints various other publications, including the Carolina Flyer at Pope Air Force Base and the Paraglide at Fort Bragg.

Throughout his entire career, Mr. Yarborough not only has worked hard to achieve enormous success within his company, but he also has generously shared his many talents to make this community a better place to live for all. As an active participant in civic and community affairs, Mr. Yarborough serves on various boards and foundations, including the Methodist College Board of Trustees, North Carolina Community College Foundation, Cumberland Community Foundation, the Museum of the Cape Fear Historical Complex, and the North Carolina Press Association. He is also a member of St. John's Episcopal Church and the Fayetteville Kiwanis Club.

Jim Rohn once said, ''whoever renders service to many puts himself in line for greatness . . . great return, great satisfaction, great reputation, and great joy.'' The life of Mr. Yarborough has indeed been one exemplified by greatness—a greatness defined by his service to others.

As he enters this next stage of his life, I am confident that Mr. Yarborough's talents and energies will continue to be of benefit to many. Through his commitment to his family, community, and church, Mr. Yarborough will forever be remembered and appreciated for his distinguished career and service. Now, it is his turn to enjoy the good life he has given to so many. May God's strength, peace, and joy be with Mr. Yarborough always.

TRIBUTE TO SAMUEL G. FREDMAN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mrs. LOWEY. Mr. Speaker, today I express my great admiration for Judge Samuel G. Fredman, a man of high principle, piercing intelligence, and boundless commitment to service.

Admitted to the Bar more than fifty years ago, Judge Fredman has always expressed a burning passion for the law and for the enduring principles upon which it is based. First in private practice, and then as a New York State Supreme Court Justice, Judge Fredman has been universally recognized for his integrity, decency, and legal acumen.

Judge Fredman's contributions to our community, however, extend far beyond his professional obligations. He has been among the great political leaders in Westchester's history, chairing the Westchester County Democratic Committee, helping to lead the New York State Democratic Committee, and inspiring countless men and women to seek public office.

At the same time, Judge Fredman has devoted considerable time and energy to a wide variety of community organizations. Whether raising funds for the White Plains Hospital, helping to shape the charters of White Plains and Westchester, building support for local libraries, or leading the Westchester Jewish Conference, Judge Fredman commands the trust and respect of all with whom he works.

It is entirely fitting that Judge Fredman should be recognized for a lifetime of remarkable service and for the high ideals he so clearly embodies. I am pleased to join the chorus of tribute for a good friend and outstanding human being.

ON THE OCCASION OF THE RENAMING OF THE DEPARTMENT OF STATE BUILDING IN MEMORY OF PRESIDENT HARRY S TRUMAN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today on the day of a ceremony to name the U.S. Department of State building in Washington, D.C. after Missouri's Favorite Son, Harry S Truman, the 33rd President of the United States of America. I am proud to represent the 5th Congressional District of Missouri where Harry Truman spent most of his life. He grew up in Independence, ran a haberdashery in Kansas City, and in his later years helped with the family farm in Grandview, Missouri. He was a soft spoken man from the Midwest whose vision and leadership led to lasting world accomplishments benefitting the citizens of our country as well and the world.

Renaming the Department of State Building in our nation's Capital for President Harry S Truman is an appropriate tribute to a great leader. President Truman called his first year in office 'a year of decisions,' in dealing with the end of World War II, the beginning of the Cold War, and the founding of the United Nations. He was able to ensure national security while at the same time impacting a worldwide stage of engagement through the Truman Doctrine and the Marshall Plan to resist communist threats and revive the ailing economies of Europe after World War II. President Truman is credited as a leading force in the creation of the North Atlantic Treaty Organization (NATO), an organization that has guaranteed peace throughout the Cold War and remains crucial to our nation's efforts to support democracies throughout the world.

A leader in so many aspects, President Truman's vision and accomplishment on a worldwide level are reflected in the relative tranquility we experience throughout all regions today. His willingness to confront difficult and complex issues and find solutions to questions facing our nation during the most difficult time of his presidency is an inspiration to me. When I look at his picture hanging in my office, I draw strength from his courage and determination to take responsibility for the tough choices he had to make for our country. I am confident this public symbol of renaming the

Department of State Building for President Truman will similarly inspire world leaders of today to continue to shoulder the responsibilities of public office and rise to the challenges before each of them to benefit our world.

President Truman's legacy is appropriately captured in the Truman presidential Library located in the heart of my congressional district in Independence, Missouri. Last year I joined Secretary of State Madeleine Albright to commemorate the 50th anniversary of NATO and the accession of the Czech Republic, Hungary, and Poland to the North Atlantic Treaty Organization. This momentous occasion brought home to the heartland the reality of the vision and leadership which President Truman demonstrated in foreign policy which the Clinton Administration continues today. The reflections of this century will duly note the uncompromising spirit of President Truman and his bold implementation of foreign policy initiatives which unquestionably changed the course of history. Whether it be through humanitarian efforts or demonstration of strength or consummation of alliances, Harry Truman fought for the common man both in our nation and abroad.

Mr. Speaker, I am honored to pay tribute to President Harry S Truman by remaining the Department of State Building in Washington, D.C. in his memory. I, along with my colleagues from Missouri who cosponsored the enabling legislation, pay this tribute to President Truman to publicly acknowledge the Truman legacy. President Truman, we thank you for your service to our the United States and the world, and I say thank you Mr. President for giving them hell!

JUDE THADDEUS CATHOLIC WAR VETERANS POST 1975 ON THEIR 50TH ANNIVERSARY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Ms. KAPTUR. Mr. Speaker, I am pleased to recognize the 50th anniversary of the Jude Thaddeus Catholic War Veterans Post 1675 in Toledo, Ohio. The post celebrates its anniversary this month. On June 12, 1950, a charter was granted to the Jude Thaddeus Post by the National Department of the Catholic War Veterans. Those first meetings were conducted in the loft of the St. Francis de Sales Parish near downtown Toledo. After traveling from parish to parish for a time, the Post sought a permanent home. Those original members got to work in rehabilitating a small building on Stickney Avenue in North Toledo, which became the organization's first headquarters. As the membership expanded the Post moved again, establishing a hall and canteen on North Toledo's vibrant Lagrange Street. Tragedy struck, however, when a fire destroyed the building in 1965. Nonetheless with the help of the Ladies Auxiliary and every single other veterans organization in the neighborhood as well as many in the greater Toledo area, the Jude Thaddeus Post was able to regroup, raise funds, and rebuild at its present location.

The Post strives to maintain its mission to serve veterans. Residents of the Ohio Veterans Home are regularly brought to the post home for meals and games. The Auxiliary helps out every month at the Toledo VA Outpatient Clinic. The Post makes all kinds of donations to veterans hospitals in Ohio, and it lends equipment such as wheelchairs, canes and walkers to area veterans in need.

Saint Jude Thaddeus is the patron saint of impossible tasks. Through all the Post's trials and hardships, its namesake stood as a beacon and reminder that anything could be accomplished with prayer, cooperation, and effort. All members of the Jude Thaddeus Post of the Catholic War Veterans are proud to say, ''I belong'' and put that strength of belonging into practice to achieve their loftiest goals.

As the members of the Post and Auxiliary take time to celebrate and reflect on fifty years of growth and change, remembering friends and families who may no longer be with them, reliving old glories and hardships, yet still looking forward to the future and its possibilities. I am pleased to represent our community as a part of the celebration. May I offer my own, our community's, and our nation's everlasting thanks to the members of the Jude Thaddeus Post and Auxiliary for their sacrifice in battle, and equally important, for their accomplishments in peace.

TRIBUTE TO LILLIAN L. ADAMS AND PETER J. MACERONI

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. LEVIN. Mr. Speaker, I rise to honor four outstanding individuals for their exceptional and distinguished service in Macomb County: Lillian L. Adams, Executive Director of Sterling Heights Area Chamber of Commerce, the Honorable Peter J. Maceroni of the Macomb County Circuit Court, who are the year 2000 honorees for the 17th annual March of Dimes ''Alexander Macomb citizens of the Year'' award dinner and, Donna Greco Issa and Philip E. Greco of the Philip F. Greco Title Company who will receive the eighth annual ''Family of the Year'' award.

Lillian L. Adams has served 8 years as Executive Director of the St. Clair Shores Chamber of Commerce and 24 years in the same position at the Sterling Heights Area Chamber of Commerce. Her participation with the Macomb County Community Growth Alliance and the St. Joseph Mercy Community foundation has contributed to the growth of the county. Lillian is also a loyal supporter of the March of Dimes and the Kiwanis Club, along with serving on the boards of the Otsikita Girl Scouts and Macomb Symphony Orchestra. She is also a founding member of the Sterling Heights and Shelby Township Community Foundations, and is past president of the Utica Community Schools Foundation for Educational Excellence. I have been privileged to personally work with Lil Adams on a variety of community projects including the massive improvement to M–59 in Macomb County, the anti-drug program of the Utica Community Action Team and the widening of Van Dyke Avenue.

Judge Peter J. Maceroni, who was elected to the new Ninth Circuit Court Judgeship in 1990 and re-elected in 1996, was appointed to the Michigan Trial Court Assessment Commission by Governor John Engler. Judge Maceroni, as Chief Judge, is responsible for the supervision and operation of the entire Ninth District Court and instituted special programs for the video transmission of prisoner arraignment hearings. This video program has increased security by having fewer prisoners transported over public roads. He has also served as president of the Macomb County Circuit Court, the Italian-American Bar Association and director of the Macomb County Bar Association.

Philip E. Greco and Donna Greco Issa, hold the positions of President and Treasurer, respectively at the Philip F. Greco Title Company. Working alongside their father, Philip and Donna learned the business and are extremely active in the Macomb community. They are indeed deserving of the ''Family of the Year'' award.

Philip is a leader in many community groups and organizations. He was President of the advisory board for St. John's North Shore Hospital and is a serving member of many charitable committees.

Donna Greco Issa volunteers at St. Joseph's Hospital, the Italian-American Cultural Center, the Macomb Medical Society Toys for Tots and various area women's Councils of Realtors. Donna plays an important role with the March of Dimes, and has been involved with the March of Dimes WalkAmerica since 1986. She now serves as a proud member of the Southeast Michigan chapter board of directors.

Mr. Speaker, I ask my colleagues to join me in honoring and recognizing Lillian L. Adams, The Honorable Peter J. Maceroni, Philip E. Greco, and Donna Greco Issa for their outstanding contributions to society. I wish them success as they continue to make their community a better place.

TIME TO HOLD OPEC NATIONS ACCOUNTABLE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. GILMAN. Mr. Speaker, while our nation is suffering from a severe energy crisis, the American people are losing the battle on two fronts—they are being held hostage by OPEC and its policies, and they are the victims of the current Administration's inability to formulate a coherent, strategic, prospective, short and long term energy policy. With oil prices at record levels and rising towards 40 dollars per barrel, the time for ''quiet diplomacy,'' as Energy Secretary Richardson refers to the Administration's dealings with OPEC, is over! This crisis comes at a time when total U.S. reserves are at a 24-year low of 1.53 million barrels from 1.63 million barrels a year ago, according to the Energy Information Agency.

With the recent decision by the Administration to release 30 million barrels in the Nation's Strategic Petroleum Reserve it is hopeful that we are at long last beginning to take the first steps needed to achieve this much-needed policy overhaul.

It is imperative that the Administration more effectively address these issues. Our hard working people are being strangled, not only by oil prices, but by overall energy prices. There is not a person or a business in our

country that is not affected, or is going to be affected, by the outrageous, prohibitive costs of energy in the coming months.

In its ''Short Term Energy Outlook for September'', The Energy Information Agency reports, ''Unless the winter in the Northeast is unusually mild and/or world crude oil prices collapse, substantial price gains for heating oil and diesel fuel are highly likely.'' What the Agency is saying to the American people is we should hope that oil prices, that are at 10 year record levels will collapse, which is highly unlikely, and wish for a mild winter—and that is absurd!

Once again, it appears that mother nature dictates the Administration's energy policy, rather than the Administration being pro-active, creating and implementing both a short and long term energy policy that takes and plans for winter weather rather than hoping for mild weather. Our nation deserves better!

The United States imports 55 percent of its crude oil. OPEC produces 40 percent of the world's oil supply. In 1999, more than 50 percent of the crude oil imports into the United States came from OPEC members. This places the United States in the precarious position of relying on foreign powers to fulfill our crude oil requirements. Many of the oil producing nations are ''states of concern,'' whose national interests run counter to our own. In a recent publication of the Clean Fuels Development Coalition, former director of the Central Intelligence Agency R. James Woolsey believes that our dependence on foreign oil is one of the three major threats to the national security of the United States. The American people must find this as troubling as my colleagues in the Congress do.

Ten years ago, our nation, sacrificing American blood and resources, intervened in the Persian Gulf to quell the invasion of Kuwait by Saddam Hussein's Iraqi forces. At that time the price of oil rose to the record levels we see today!

Today, our nation is under attack from OPEC. While the cartel promised to increase oil production by 800,000 barrels per day commencing on October 1st, there is no way we can verify what they are actually producing. There must be more transparency and accountability in OPEC's dealings with the United States.

Furthermore, with all the saber rattling over the latest dispute over oil between Iraq and Kuwait, the next time we are asked to intervene in the Persian Gulf, perhaps we may not act with the same timing or speed as we did ten years ago to prevent that aggression!

OPEC is aware of the gravity of the situation as evidenced by OPEC President, Venezuela's Oil Minister, Ali Rodriguez' statement, [that] ''we are approaching a crisis of great proportion because oil production capacity is reaching its limit.'' The cartel is fully aware that an increase by 800,000 barrels is not enough—by half—to bring down the price of crude oil to a reasonable level for both consumers and producers alike. It is regrettable that by the time additional measures are taken by OPEC, it will be too late to bring down the price of oil for this winter when the cost of heating oil, a distillate of crude oil, is already 51 percent higher than the average cost for last fall and winter, (The New York Times (9/12/00).

While we are under attack from OPEC, and with the Administration standing by, I introduced two bills that hold the OPEC nations liable and accountable. My foreign Trust Busting Act (H.R. 4731), will allow lawsuits to be brought against foreign energy cartels, where previously, courts threw out these lawsuits because such suits would impede the carrying out of the President's foreign policy program, and would embarrass the administration. My International Energy Fair Pricing Act (H.R. 4732), directs the President to make a systematic review of its policies and those of all international organizations and international financial institutions, such as the IMF and the World Bank, to ensure that they are not directly or indirectly promoting the oil price fixing activities, policies and programs of OPEC. If they are, the U.S. representative would not support any loan, support of a project or program, or to any financial support. Furthermore, along with my colleagues I co-sponsored the following legislation: H. Con. Res. 273, urging President Clinton to release the Strategic Petroleum Reserve (SPR) to mitigate the high heating oil and gas prices; H.R. 3608, the Home Heating Oil Price Stability Act; H.R. 2884, Energy Policy and Conservation Act, which authorizes the Department of Energy to establish, maintain, and operate a Northeast home heating oil reserve; and to the Sanders-Shays-Markey-LoBiondo-Strickland Amendment to the Interior Appropriations to establish a home heating oil reserve.

As a direct result of the work and hearings on the oil/gas crisis that the Congress undertook this past winter, the Secretary of Energy at the direction of the President, announced on July 10, 2000, that a heating oil component of the Strategic Petroleum Reserve (SPR) is to be established in the Northeast to protect the American people from the possibility of fuel shortages in the upcoming winter.

In addition, I have called upon the President, the Secretary of Energy and the Secretary of State, urging them to intervene and put an end to this crisis, now! I have been pursuing this point in meetings with representatives of the OPEC nations in the United States. I intend to continue to pursue a strategic, coherent energy policy by this Administration that makes sense for the American people.

We need a pro-active Administration rather than a reactive one. Since the beginning of the Clinton-Gore Administration domestic oil production is down 17%, while the U.S. dependency on foreign oil is at an all time high. We need to be exploring alternative energy sources, the use of coal, the use of hydroelectric power, of biomass, geothermal, photovoltaic, solar thermal and wind, utilizing ethanol, creating a system of electric reliability, increasing the exploration and supply of natural gas, and retrofitting or building cost efficient oil refineries. In addition, we need to utilize government land for responsible oil and natural gas exploration. The API advocates that an effective national energy policy, must at a minimum allow for all of the above.

For their part, the American people must harness their creative spirit by car pooling, using mass transportation where available, contacting their local utilities to find out how to become more energy efficient, and by demanding that the Administration develop and implement a coherent, strategic, and prospective, short and long term energy policy. Such a policy in the short term must include taking heed to bi-partisan calls for a release of the Strategic Petroleum Reserve to mitigate the outrageous and prohibitive cost of oil. Additionally, the Administration must meet bi-laterally with representatives of OPEC member nations, and tell them to end this crisis—and to do it now!

Mr. Speaker, I submit into the RECORD the two recent letters that I sent to President Clinton regarding OPEC and the oil crisis:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 2000.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Our country is suffering from a severe energy crisis, and the American people are being held hostage by OPEC. The price of crude oil contracts at $34.90 per barrel are now the highest they have been in a decade. As reported on the front page of the Washington Post (9/7/00), the Department of Energy's Energy Information Administration (EIA) reports that total U.S. crude oil reserves are at a 24-year low, while there is a 30 percent projected rise in home heating oil prices this winter over last year's high prices. This will further strangle our hard-working American families already suffering from exorbitant fuel and oil prices.

The United States imports 55 percent of its crude oil. OPEC produces 40 percent of the world's oil supply, placing the United States in a precarious position of relying on foreign powers to fulfill our crude oil requirements. Many of these oil producing nations are ''states of concern'' and have national interests that run counter to our own. In a recent publication of the Clean Fuels Development Coalition, former director of the Central Intelligence Agency, R. James Woolsey believes that our dependence of foreign oil is one of the three major threats to the national security of the United States.

By September 8, 2000, it will be 20 days that oil prices are above $28 per barrel and will trigger OPEC's price band mechanism. This mechanism mandates that OPEC produce an additional 500,000 barrels per day. Regrettably, this additional production will do little to reduce, and contribute to stabilizing crude oil prices. In fact, in its Short-Term Energy Outlook, the EIA projects that imported crude oil will remain above $28 per barrel for the remainder of the year. Even if OPEC agrees to increase its production at its meeting on September 10th, the EIA reports that ''only Saudi Arabia, Kuwait, and, to a lesser degree, the United Arab Emirates will have significant capacity to expand production.'' Analysts report that if OPEC increases total production by one-million barrels per day, the oil would not be available to consumers until mid-November, 2000, and will do little to prevent further spikes in imported oil prices this year.

Mr. President, while you have expressed concern and encouraged OPEC to raise output at the United Nations Millennium Summit, I urge you to use the full powers and resources of your office to mitigate this crisis with the OPEC 10 before its meeting on September 10, 2000. Thank you for your urgent attention to this matter of grave concern to the people of our country and to the national security of the United States.

Sincerely,

BENJAMIN A. GILMAN,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2000.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Following OPEC's meeting on September 10th, the cartel announced that it would increase production of

crude oil by an additional 800,000 barrels per day. This increase in production was to reduce the price of crude oil which has been at near record prices of $34 dollars per barrel, which OPEC members freely admits is too high. This raise constitutes an increase of 3 percent. Regrettably, this increase is simply not enough to bring down the price of crude oil. OPEC needs to undertake aggressive measures to bring down the price of oil, and an increase in production of 3 percent is not enough—not enough by half!

OPEC is aware of the gravity of the situation, as evidenced by OPEC President and Venezuela's oil minister Ali Rodriguez' statement, ''[that] we are approaching a crisis of great proportions because oil production capacity is reaching its limit.'' In the midst of this crisis, OPEC's increase will not even go into effect until October 1st. OPEC agreed to meet again on November 12th to reassess ''market conditions,'' with full knowledge that its increase was a trivial gesture towards reducing prices of imported crude oil. As reported in The New York Times (9/12/00), heating oil is at record levels, its highest price in a decade—now 51 percent higher than the average for last fall and winter. Some analysts believe that imported crude oil may further spike at $40 dollars per barrel. Conservatively, it will take a minimum of 6 weeks to ship the increased oil to the United States and another week to 10 days to refine it. Mr. President, we are looking at early December before the oil (and its by-products) will be available to consumers. In real terms, OPEC's increase is too little, too late to alleviate the astronomical and nearly prohibitive cost of home heating oil that confronts the hard working people of our country.

Parts of Europe are in a state of paralysis over this crisis, and in England, Prime Minister Blair authorized the use of the military to quell protesters. In our own country Mr. President, this crisis is grave enough that there are calls to release oil from the Strategic Petroleum Reserve (SPR) which is maintained for use during wartime and national emergencies. This crisis comes at a time when total U.S. reserves are at a 24-year low of 1.53 million barrels from 1.63 a year ago according to the Department of Energy's Energy Information Agency (EIA).

Mr. President, this grave crisis calls for strong measures in dealing with OPEC, and therefore it is imperative that you use the full powers and resources of your office in showing OPEC that its good faith gesture, is not good enough for the people of our country. Mr. President, I will welcome any plans that the Administration is developing to resolve this oil crisis, and I thank you for your urgent attention to this matter.

Sincerely,

BENJAMIN A. GILMAN,
Member of Congress.

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

SPEECH OF

HON. NYDIA M. VELAZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 19, 2000

Ms. VELAZQUEZ. Mr. Speaker, I rise today in tribute to the great senior Senator from New York, DANIEL PATRICK MOYNIHAN. Although words can not do justice to his many contributions over his decades of public service, I wish to offer my thanks for everything he has done on behalf of the people of New York State and the entire nation.

Senator MOYNIHAN gave truth to the cliche of being a gentleman and a scholar. After receiving his bachelor's degree (cum laude) from Tufts University, he studied as a Fulbright Scholar at the London School of Economics. He then returned to the states and completed his studies at Tufts University's Fletcher School of Law and Diplomacy, where he received his M.A. and Ph.D. Before coming to the Senate, he served as a valued member of four consecutive administrations, starting with the Kennedy Administration and serving through the Johnson, Nixon, and Ford Administrations, holding various positions within the Department of Labor. His lifelong dedication to public service was only enhanced by his time in the private sector when he was a Professor of Government at Harvard University in the mid sixties. He served the Nixon and Ford Administrations as U.S. Ambassador to India from 1973 to 1975 and U.S. Representative to the United Nations from 1975 to 1976.

Born and raised in New York City, Senator MOYNIHAN decided to pursue elected office. Upon leaving his position at the United Nations, he was elected U.S. Senator from New York in 1976. His many accomplishments in that office have been well documented. He has served as a strong advocate for welfare reform by promoting the creation of opportunities to increase self-sufficiency, while also maintaining a strong safety net. He has fought to preserve social security and modernize our nation's transportation system, just to name a few.

However, a listing of his legislative accomplishments can not do justice to many of the crucial and intangible qualities he brought to the Congress. Throughout his career, Senator MOYNIHAN's high ideals and great dignity have served as an exemplary model for his colleagues, constituents, neighbors and friends. In a time of increasing partisanship, his wisdom is recognized and sought across party lines. He stands firm for what is right, despite the ever changing political winds. His graciousness and his steadfast reliance on his principals have been an inspiration to all of us who are lucky enough to know him.

New York State, and the entire nation, are better because of his public service. He will be greatly missed, but I hope that he will continue to serve as a voice for the people of the country and a conscience for those of us who represent them.

THE CONSUMER ASSURANCE OF RADIOLOGIC EXCELLENCE ACT (CARE)

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. LAZIO. Mr. Speaker, CARE is legislation aimed at patient safety that would ensure technologists administering medical imaging and radiation therapy procedures have sufficient training and expertise. Medical imaging and radiation therapy involve the application of potentially dangerous articles like x-rays, nuclear isotopes, and powerful magnetic fields. Medical imaging provides radiologists and other physicians the vital imagery to diagnose illness and prescribe appropriate treatment. Radiation is the application of radiation to cancers as prescribed by oncologists. Currently, over 250,000 individuals work in thirteen disciplines in this field.

CARE would provide incentives for states to license or register persons who perform medical imaging and radiation therapy. Currently 15 states have no regulations governing the education or competence of individuals administering x rays and 29 states have failed to regulate individuals administering nuclear medicine tests. This legislation seeks to redress the deficiencies in the Consumer-Patient Radiation Health and Safety Act of 1981, by encouraging states to put in place minimal standards for the education and certification of practitioners in the field.

CARE is endorsed by the Alliance for Quality Medical Imaging and Radiation Therapy. The Alliance consists of the following organizations: American Association of Physicists in Medicine, American Registry of Radiologic Technologists, American Society of Radiologic Technologists, Association of Educators in Radiologic Sciences, Association of Vascular and Interventional Radiographers, Joint Review Committee on Education in Radiologic Technology, Joint Review Committee on Education in Nuclear Medicine Technology, Nuclear Medicine Technology Certification Board, Section for Magnetic Resonance Technologists of ISMRM, Society of Nuclear Medicine-Technologist Section, and Society for Radiation Oncology Administrators.

CARE is also endorsed by the Following organizations: American College of Radiology, American Organization of Nurse Executives, Cancer Research Foundation of America, National Coalition for Cancer Survivorship, the American Cancer Society, Conference of Radiation Control Program Directors, Inc., Help Disabled War Veterans, Help Hospitalized War Veterans, International Society of Radiographers and Radiologic Technologists, National Coalition for Quality Diagnostic Imaging Services and Philips Medical Systems, Inc.

TRIBUTE TO ALAN EMORY

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 25, 2000

Mr. MCHUGH. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Alan Emory, a veteran writer for the Watertown Daily Times who is battling pancreatic cancer.

June 7 marked Alan's 51st year with the Times, 47 years of which he spent covering the Capital, earning him the title of Times Senior Washington correspondent. As a reporter, Alan has always held himself up to the highest standards of journalistic integrity. His readers have come to expect objective, accurate and intelligent reporting of events, both big and small.

Alan's readers have also come to expect from him a thoughtful understanding of the issues and events that affect our everyday lives. Through his weekly Sunday column, Alan has touched the lives of many by relating his own experiences, which enlighten and inspire, motivate and comfort. One such experience is his battle with cancer. In his weekly column, he recounts this very personal ordeal with his usual candor, and never before have his sense of humor, his courage, and his humanity been more clearly demonstrated to all

those who have come to know him personally and through his articles.

This is not Alan's first brush with cancer. in 1991, he had been diagnosed and treated for prostate cancer. Experience, however, has not made the second time any easier. There were weeks of tests. There were unforeseen health complications that delayed surgery. There were innumerable pills to take, complicated doctors' orders to follow, and long trips back and forth to the hospital.

Yet—through all this—Alan's spirit, optimism, and courage are undiminished. He is gracious and humble as ever and, in his weekly articles, he has thanked his friends, family, and his readers for their support and prayers.

Alan's account of his battle with cancer offers hope to all those who find themselves in similar circumstances. Fighting a deadly disease can be a lonely experience, even with the support of loved ones.

Alan's articles over the last several months have been important for another reason. They were among the first to bring public attention to the Health Care Financing Administration's proposed regulation to implement severe cutbacks on reimbursement costs to physicians for vital outpatient chemotherapy treatment for senior patients. The attention that Alan's articles brought to the issue, and the subsequent pressure that his readers brought to bear upon public officials, were crucial in bringing the Clinton administration to put off plans to reduce payments for cancer drugs. I joined with my colleagues in writing the Clinton administration objecting to the proposed cutbacks, which I felt would put Medicare beneficiaries with cancer unnecessarily at risk by denying adequate reimbursement for essential drug therapy. Thankfully, the Administration reconsidered its position and ultimately decided not to reduce payments to doctors.

In sharing his experience, Alan not only shares his optimism and his spirit, he has helped prevent a potentially devastating regulation from coming into effect. Because of their significance in this regard, I ask that copies of Alan's stories, those on his own battle with cancer, as well as those on the Medicare cancer cutbacks, be printed in their entirety in the RECORD.

Mr. Speaker, I rise today to pay tribute to a great journalist, and more importantly, a good friend, Alan Emory. He has touched the lives of thousands—many of whom will never get the opportunity to thank him for all he has done in the course of his career. From all of us, I say thank you, Alan.

[From the Watertown Daily Times, July 2, 2000]

PAYMENT CHANGE MAY SPELL END OF OUTPATIENT CHEMOTHERAPY

(By Alan Emory)

The Clinton Administration giveth and it taketh away.

The president makes a big deal of wanting the federal Medicare program to cover the cost of many prescription drugs for senior citizens who cannot afford them. He has pressed Congress to pass legislation providing for that help.

He says nothing, however, about a regulation issued by Health and Human Services Secretary Donna Shalala that runs flatly contrary to what he is asking from Congress.

That rule, by the Health Care Finance Administration which would take effect Oct. 1 unless scrapped by her department or blocked by lawmakers—would effectively end vital outpatient chemotherapy treatment of senior cancer patients in the offices of oncologists and, perhaps later, in hospitals.

It would be achieved by cutting back severely on reimbursement costs to physicians. In other words, at a time of huge budget surpluses likely over the next decade, the folks with green eyeshades and blue pencils would come out on top at the expense of patients.

From all appearances, analyses by experts have found that by swallowing 5 percent of chemotherapy drug costs, oncologists and hospitals get a fair reimbursement. But the new HCFA regulation would increase that shortfall to as much as 13 percent, effectively pressuring physicians to discontinue their chemotherapy office procedures, dismiss nurses and send patients to long lines at hospitals, assuming the hospital can continue to treat them.

There is a very good chance the hospitals might decide to close down their outpatient treatment services, too, in which case the patients would have no idea where to obtain their drugs.

About 60 percent of chemotherapy is now delivered in doctors' offices, a more comfortable environment for patients and a setting where they and their doctors and nurses can have a satisfactory relationship.

The compensation doctors receive would, on Oct. 1, be determined by an average wholesale price of the drugs set by a Justice Department ''red book'' for 20 drugs to treat cancer, and the pressure is on to lower that figure even more.

Letters to Congress have stressed that oncologists deserve an increase above that price, not a reduction, and they point out that many hospitals and doctors cannot obtain the needed drugs at those prices.

This is not the story of greedy drug manufacturers boosting prices to the point where some Americans travel to Canada to obtain medication at reasonable prices. It is not a story of doctors and hospitals pocketing huge markups. It is one about a reduction in compensation for doctors that may be cut even more to a point where the welfare of senior citizen cancer patients is endangered.

Basically, some surveys find, chemotherapy administration is essentially a break-even proposition in hospitals. More losses could persuade them to shut down their outpatient cancer programs.

This obviously is not Congress's intent in moving on prescription drugs, but lawmakers appear to have been influenced by the stories of profiteering on non-cancer drugs. It is highly likely, according to local medical groups, that many oncology offices will close down or reduce size and staff.

The oncologists have a compelling argument. They cite the large cost of providing chemotherapy in a setting that is not adequately reimbursed under Medicare. Shutting down their operation would force patients to shift to hospitals, where costs would be greater and timely treatment imperiled.

Furthermore, hospital bureaucracy is a far cry from the convenience and comfort involved in office chemotherapy.

This does not contradict the need to strike a balance between providing adequate cancer care and controlling the cost of that care. However, substantial reduction in reimbursement cannot but damage quality care.

Many government experts—though, apparently, not Ms. Shalala—understand oncologists do not receive adequate reimbursement for cancer drugs and administering chemotherapy. It is repugnant to force cancer patients into hospitals because Medicare rules threaten the financial viability of treatment in a doctor's office.

The losers, says one medical organization, will be cancer patients who may lose access to quality cancer care in the setting that is most convenient and appropriate for them.

Oncologists argue that Medicare's payment for chemotherapy administration ''is only a fraction of what is necessary to cover expenses.'' They cite requirements for specially trained nurses, special equipment and considerable time, entirely aside from the strong preference Medicare patients have for the office treatment.

Sen. Daniel Patrick Moynihan, D–N.Y., as the ranking minority member of the Senate Finance Committee, which supervises Medicare, is in a position to help solve the problem.

Either Congress or the White House can halt this devastating move on Medicare cancer treatment, but the Oct. 1 deadline is looming ever larger.

[From the Watertown Daily Times, Sept. 9, 2000]

MOYNIHAN APPLAUDS AS MEDICARE ''BACKS OFF'' PAYMENT REDUCTIONS

(By Alan Emory)

WASHINGTON.—Sen Daniel Patrick Moynihan late Friday hailed a Medicare decision not to reduce payments to doctors that would have threatened treatments for up to 750,000 senior citizens with cancer.

The New York Democrat, senior minority member of the Senate Finance Committee, which has jurisdiction over Medicare, said, in a statement to the Times, that he was ''pleased to learn that the Health Care Financing Administration will not be interfering with the ability of cancer patients to receive chemotherapy in their own doctors' offices.''

Although Health and Human Services Secretary Donna E. Shalala had proposed a severe cut in Medicare reimbursement for outpatient cancer care, HCFA told members of Congress it has decided not to implement the cuts for 14 oncology drugs and three clotting factors.

The move, which confirmed what HCFA officials had hinted was in the works, in interviews with the Watertown Daily Times, would protect treatment with drugs ''furnished incident to a physician's services'' and oral anti-cancer drugs.

HCFA uses figures published by the Justice Department on which to base reimbursement.

The agency detailed its decision in letters to Chairman Thomas Bliley, R-Va., of the House Commerce Committee and Rep. Fortney Stark, D-Calif., the ranking minority members.

The first word was contained in a telephone call to the Times from Dr. Robert Berenson, director of the HCFA division in charge of Medicare reimbursement policy.

The Watertown Times broke the news about the proposed cutback July 2 and reported the possible reversal of policy shortly after that following interviews with HCFA and Senate Finance Committee officials.

Rep. John M. McHugh, R-Pierrepont Manor, had signed a letter, with colleagues from both parties, to Ms. Shalala, objecting to the cutbacks, according to his deputy chief of staff, Dana Johnson.

HCFA has told insurance companies and drug companies it had ''concern about access to care related to . . . wholesale prices for 14 chemotherapy drugs'' because of other Medicare payment policies associated with treatment of cancer and hemophilia.

They were instructed not to consider using current Justice Department data for the drugs to establish Medicare allowances until HCFA had reviewed those concerns and developed alternative policies.

Dr. Berenson said his agency would consult with oncologist groups on a substitute policy of payments for nursing help and other office facilities in the application of chemotherapy.

''We plan to adjust Medicare allowances under the outpatient prospective system'' for drugs subject to government reimbursement rules, HCFA said, in a statement. Congressional offices expressed satisfaction with what they said was the government's ''backing off'' of the cutbacks.

Sen. John Ashcroft, R–Mo., has introduced legislation that would bar such cuts until after full congressional hearings and that would require an investigation by the General Accounting Office into the possible impact of a reduction of government aid.

Physician, patient and other citizen groups had described the original proposal, which could have taken effect Oct. 1, as a severe threat to cancer care.

No new reimbursement changes are now expected for at least the next four months, during which time HCFA will be redrafting its cancer reimbursement policies.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 26, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 27

9:30 a.m.
Armed Services
To hold hearings to examine the status of U.S. military readiness.
SH–216

Governmental Affairs
Business meeting to consider pending calendar business.
SD–342

Agriculture, Nutrition, and Forestry
Research, Nutrition, and General Legislation Subcommittee
To hold hearings on Department of Agriculture financial management issues.
SR–328A

Indian Affairs
To hold hearings on S. 2052, to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities; to be followed by a businees meeting to consider pending calendar business.
SR–485

Commerce, Science, and Transportation
To hold hearings to examine the marketing of violence to children.
SR–253

Judiciary
Criminal Justice Oversight Subcommittee
To hold oversight hearings to examine the Wen Ho Lee case.
SD–226

10 a.m.
Finance
Business meeting to mark up H.R. 4844, to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.
SD–215

Joint Economic Committee
To hold hearings on strategic petroleum reserve.
2360 Rayburn Building

2:15 p.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Clean Air Act.
SD–406

2:30 p.m.
Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

Foreign Relations
Business meeting to consider pending calendar business.
S–116 Capitol

SEPTEMBER 28

9:30 a.m.
Armed Services
To resume hearings on United States policy towards Iraq.
SH–216

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on H.R. 809, to amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service.
SD–406

Commerce, Science, and Transportation
To hold hearings to examine the Department of Commerce trade missions and political activities.
SR–253

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on the proposal by the Securities and Exchange Commission to promulgate agency regulations that would restrict the types of non-audit services that independent public accountants may provide to their audit clients.
SD–538

Aging
To hold hearings to examine nursing home initiatives.
SD–562

10 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

Energy and Natural Resources
To hold oversight hearings to examine the impacts of the recent United States Federal Circuit Court of Appeals decisions regarding the Federal Government's breach of contract for failure to accept high level nuclear waste by January 1998.
SD–366

10:30 a.m.
Foreign Relations
To hold hearings to examine slavery throughout the world.
SD–419

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine agricultural competition.
SD–226

3 p.m.
Energy and Natural Resources
Foreign Relations
To hold joint hearings to examine the status of the Kyoto protocol after three years.
SD–419

OCTOBER 4

9:30 a.m.
Small Business
To hold hearings on U.S. Forest Service issues relating to small business.
SR–428A

Daily Digest

HIGHLIGHTS

Senate passed the Water Resources Development Act.

Senate

Chamber Action

Routine Proceedings, pages S9123–S9213

Measures Introduced: Seven bills were introduced, as follows: S. 3100–3106. **Page S9195**

Measures Reported:

S. 1331, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county, with an amendment in the nature of a substitute. (S. Rept. No. 106–417)

S. 2950, to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado, with amendments. (S. Rept. No. 106–418)

H.R. 3084, to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln, with an amendment. (S. Rept. No. 106–419) **Page S9195**

Measures Passed:

Water Resources Development Act: By 85 yeas to 1 nay (Vote No. 255), Senate passed S. 2796, to provide for the conservation and development of water and related resources, and to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, after agreeing to the following amendment proposed thereto: **Pages S9142–81**

Smith (of N.H.) (for Abraham) Amendment No. 4188, to express the sense of the Congress with respect to U.S.-Canadian cooperation on development of conservation standards embodying the principles of water conservation and resource improvement for making decisions concerning the withdrawal and use of water from the Great Lakes Basin. **Page S9151**

National Veterans Awareness Week: Senate agreed to S. Res. 304, expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week of November 5, 2000, as "National Veterans Awareness Week" for the presentation of such educational programs. **Page S9208**

Veterans Claims Assistance Act: Committee on Veterans' Affairs was discharged from further consideration of 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 the bill was then passed, after agreeing to the following amendment proposed thereto: **Pages S9211–13**

Brownback (for Specter/Rockefeller) Amendment No. 4189, in the nature of a substitute. **Pages S9211–12**

National Energy Security Act: Senate resumed consideration of the motion to proceed to consideration of S. 2557, to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly. **Page S9137**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the periodic report on the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs. (PM–130) **Pages S9192–94**

Transmitting, pursuant to law, the report on the national emergency with respect to National Union for the Total Independence of Angola (UNITA); to the Committee on Banking, Housing, and Urban Affairs. (PM–131) **Pages S9194–95**

Nominations Received: Senate received the following nominations:

Donald L. Fixico, of Kansas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Paulette H. Holahan, of Louisiana, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2004.

Marilyn Gell Mason, of Florida, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2003.

John J. Wilson, of Maryland, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention. **Page S9213**

Messages From the President: **Pages S9192–95**

Messages From the House: **Page S9195**

Communications: **Page S9195**

Statements on Introduced Bills: **Pages S9196–S9201**

Additional Cosponsors: **Pages S9201–02**

Amendments Submitted: **Pages S9202–06**

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Additional Statements: **Pages S9189–92**

Text of S. 2511, as Previously Passed: **Pages S9206–08**

Enrolled Bills Signed: **Page S9195**

Record Votes: One record vote was taken today. (Total—255) **Page S9152**

Recess: Senate convened at 12 noon, and recessed at 6:53 p.m., until 9:30 a.m., on Tuesday, September 26, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9208.)

Committee Meetings

(Committees not listed did not meet)

TRADE INJURY COMPENSATION

Committee on Agriculture, Nutrition, and Forestry: Subcommittee on Forestry, Conservation, and Rural Revitalization concluded hearings on S. 2709, to establish a Beef Industry Compensation Trust Fund with the duties imposed on products of countries that fail to comply with certain WTO dispute resolution decisions, after receiving testimony from Timothy J. Galvin, Administrator, Foreign Agricultural Service, Department of Agriculture; and Dale Moore, National Cattlemen's Beef Association, and Peter L. Scher, Mayer, Brown & Platt, Washington, D.C., former United States Trade Representative Special Agricultural Trade Negotiator.

ANTI-COMPETITIVE LIVESTOCK MARKET

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded oversight hearings to examine the General Accounting Office report on the enforcement efforts of the Grain Inspection, Packers and Stockyards Administration of the Department of Agriculture with respect to anti-competitive activity in the livestock market, after receiving testimony from Michael V. Dunn, Under Secretary of Agriculture for Marketing and Regulatory Affairs; and Lawrence J. Dyckman, Director, Food and Agriculture Issues, Resources, Community, and Economic Development Division, General Accounting Office.

House of Representatives

Chamber Action

Bills Introduced: 18 public bills, H.R. 5271–5288; 2 private bills, H.R. 5289–5290; and 5 resolutions, H.J. Res. 109; H. Con. Res. 407-408, and H. Res. 590, 593, were introduced. **Page H8061**

Reports Filed: Reports were filed today as follows.

H.R. 2641, to make technical corrections to title X of the Energy Policy Act of 1992, amended (H. Rept. 106–886);

H. Res. 591, providing for consideration of H.J. Res. 109, making continuing appropriations for the fiscal year 2001 (H. Rept. 106–887); and

H. Res. 592, waiving a requirement of clause 6(a) of rule XIII with respect to the same day consideration of certain resolutions reported from the Committee on Rules (H. Rept. 106–888). **Page H8060**

Speaker pro tempore: Read a letter from the Speaker wherein he designated Representative LaHood to act as Speaker pro tempore for today. **Page H7999**

Recess: The House recessed at 12:31 p.m. and reconvened at 2 p.m. **Page H7999**

Recess: The House recessed at 2:55 p.m. and reconvened at 2:58 p.m. **Page H8008**

Recess: The House recessed at 3:18 p.m. and reconvened at 5:05 p.m. **Page H8019**

Presidential Messages: Read the following messages from the President:

National Emergency Re Angola: Message wherein he transmitted his report on the National Emergency with respect to the National Union for the total Independence of Angola—referred to the Committee on International Relations and ordered printed (H. Doc. 106–294); **Page H8000**

National Emergency Re Angola: Message wherein he transmitted his 6 month periodic report on the National Emergency with respect to the National Union for the total Independence of Angola—referred to the Committee on International Relations and ordered printed (H. Doc. 106–296); and **Page H8036**

National Emergency Re Iran: Message wherein he transmitted his report on the National Emergency with respect to Iran—referred to the Committee on International Relations and ordered printed (H. Doc. 106–297). **Page H8036**

Suspensions: The House agreed to suspend the rules and pass the following measures:

25th Anniversary of IDEA: H. Con. Res. 399, recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (agreed to by a yea and nay vote of 359 yeas to 2 nays, Roll No. 487); **Pages H8000–05, H8031–32**

College Scholarship Fraud Prevention Act: S. 1455, to enhance protections against fraud in the offering of financial assistance for college education—clearing the measure for the President. Subsequently, the House agreed to H. Con. Res. 407, to direct the Secretary of the Senate to correct technical errors in the enrollment of the bill; **Pages H8005–06**

Hmong Veterans' Naturalization Act Amendments: H.R. 5234, to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans; **Pages H8006–08**

Small Business Innovation Research Program Reauthorization: H. Res. 590, providing for the concurrence by the House with an amendment in the amendment of the Senate to H.R. 2392, to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program; **Pages H8008–18**

Frederick L. Dewberry, Jr. Post Office Building, Baltimore, Maryland: H.R. 4451, to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building"; **Pages H8018–19**

International Food Relief Partnership Act: H.R. 5244, amended, to amend the Agriculture Trade Development and Assistance Act of 1954 to authorize assistance for the stockpiling and rapid transportation, delivery, and distribution of shelf stable prepackaged foods to needy individuals in foreign countries; **Pages H8019–21**

Penalties for Export Administration Act Violations: H.R. 5239, amended, to provide for increased penalties for violations of the Export Administration Act of 1979; **Pages H8021–22**

Serbia and Montenegro Democracy Act: H.R. 1064, amended, to authorize a coordinated program to promote the development of democracy in Serbia and Montenegro; **Pages H8022–29**

Asian Pacific Charter Commission Act: H.R. 4899, amended, to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets, Agreed to amend the title; and **Pages H8029–31**

Suspension Vote Postponed on 25th Anniversary of the Helsinki Final Act: The House completed debate on the motion to suspend the rules and pass H.J. Res. 100, calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act. Further proceedings were postponed until Tuesday, September 26. **Pages H8032–36**

Senate Message: Message received from the Senate appears on page H7999.

Referrals: S. 2511, was referred to the committee on Resources. **Page H8059**

Quorum Calls—Votes: One yea and nay vote developed during the proceedings of the House today and appears on pages H8031–32. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:09.

Committee Meetings

ETHNIC MINORITY DISPARITIES IN CANCER TREATMENT

Committee on Government Reform: Held a hearing on Ethnic Minority Disparities in Cancer Treatment: Why the Unequal Burden? Testimony was heard from Representatives Jackson of Illinois and Thompson of Mississippi; Harold P. Freeman, M.S., Associate Director, Racial Disparities, National Cancer Institute, Department of Health and Human Services; and public witnesses.

CONTINUING APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a closed rule providing one hour of debate in the House on H.J. Res. 109, making continuing appropriations for the fiscal year 2001, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. The rule provides one motion to recommit. Testimony was heard from Chairman Young of Florida.

THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to a special rule reported on the legislative day of September 26, 2000, providing for consideration or disposition of a conference report to accompany the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, or any amendment reported in disagreement from a conference thereon. Finally, the rule lays H. Res. 586 on the table.

COMMITTEE MEETINGS FOR TUESDAY, SEPTEMBER 26, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation, to hold hearings to examine HUD's performance management, 10:30 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold oversight hearings on the activities of the National Railroad Passenger Corporation (AMTRAK), 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to hold oversight hearings to examine the current outlook for supply of heating and transportation fuels this winter, 9:30 a.m., SD–366.

Subcommittee on Forests and Public Land Management, to hold hearings on S. 3044, to establish the Las Cienegas National Conservation Area in the State of Arizona; S. 3052, to designate wilderness areas and a cooperative management and protection area in the vicinity of Steens Mountain in Harney County, Oregon; and S. 3039, to authorize the Secretary of Agriculture to sell a Forest Service administrative site occupied by the Rocky Mountain Research Station located in Boise, Idaho, and use the proceeds derived from the sale to purchase interests in a multiagency research and education facility to be constructed by the University of Idaho, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings on S. 1763, to amend the Solid Waste Disposal Act to reauthorize the Office of Ombudsman of the Environmental Protection Agency; S. 1915, to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations; S. 2296, to provide grants for special environmental assistance for the regulation of communities and habitat (SEARCH) to small communities; and S. 2800, to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system, 9:30 a.m., SD–406.

Full Committee, business meeting to consider pending calendar business, 10:30 a.m., S–216, Capitol.

Committee on Finance: Subcommittee on Social Security and Family Policy, to hold hearings to examine IRS collection of child support payments, 2:30 p.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine U.S. foreign policy at the end of the current administration, 10:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine biotechnology and consumer confidence of food, 9:30 a.m., SD–430.

Select Committee on Intelligence: with the Committee on the Judiciary, to hold joint oversight hearings to examine the Wen Ho Lee case, 9:30 a.m., SH–216.

Full Committee, to hold closed hearings on pending intelligence matters, 2:30 p.m., SH–219.

Committee on the Judiciary: with the Select Committee on Intelligence, to hold joint oversight hearings to examine the Wen Ho Lee case, 9:30 a.m., SH–216.

Subcommittee on Criminal Justice Oversight, to hold oversight hearings to examine the United States Sentencing Commission, 2:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion, 9:30 a.m., 345, Cannon Building.

House

Committee on Agriculture, Subcommittee on Livestock and Horticulture, hearing on H.R. 1144, Country-of-Origin Meat Labeling Act of 1999, 11 a.m., 1300 Longworth.

Committee on Commerce, to mark up the following measures: H.R. 2441, Fairness in Securities Transactions Act; H.R. 1798, Clinical Research Enhancement Act of 1999; H.R. 762, Lupus Research and Care Amendments of 1999; and the Beneficiary Improvement and Protection Act of 2000, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, hearing on the Importance of Literacy, 9:30 a.m., 2175 Rayburn

Subcommittee on Oversight and Investigations, hearing on Federal Prison Industries (FPI): Diverting Federal Property from the Computers for Learning and Other Programs to Expand FPI's Commercial Sales, 1 p.m., 2175 Rayburn.

Committee on Government Reform, hearing on "Contacts Between Northrup Grumman Corporation and the White House Regarding Missing White House E-Mails," 2 p.m., 2154 Rayburn.

Subcommittee on Civil Service, hearing on Wildland Firefighters Pay: Are There Inequities? 10 a.m., 2203 Rayburn.

Committee on International Relations, hearing on U.N. Inspections of Iraq's Weapons of Mass Destruction Program: Has Saddam Won? and to consider the Peace Through Negotiations Act of 2000, 10 a.m., 2200 Rayburn.

Committee on the Judiciary, to continue markup of H.R. 5018, Electronic Communications Privacy Act of 2000 and to mark up the following: H.R. 2121, Secret Evidence Repeal Act of 1999; and private relief bills, 10 a.m., 2141 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, hearing on the Tax Code and the New Economy, 1 p.m., 1100 Longworth.

Subcommittee on Social Security, hearing on Social Security Notices, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Update on DOE/NNSA, 3 p.m., and, executive, hearing on Status of Counterespionage Investigations, 4 p.m., H–405 Capitol.

Joint Meetings

Joint Meetings: Senate Committee on Veterans' Affairs, to hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion, 9:30 a.m., 345, Cannon Building.

Next Meeting of the **SENATE**

9:30 a.m., Tuesday, September 26

Senate Chamber

Program for Tuesday: Senate will resume consideration of S. 2045, H–1B Nonimmigrant Visa, with a vote on the motion to close further debate on Lott Amendment No. 4178 (to Amendment No. 4177), to occur at 10:15 a.m. (If cloture is not invoked, Senate expects to resume consideration of the motion to proceed to the consideration of S. 2557, National Energy Security Act.)

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Tuesday, September 26

House Chamber

Program for Tuesday: Consideration of H.J. Res 109, Making further continuing appropriations for the fiscal year 2001, and for other purposes. (closed rule, one hour of debate)

Consideration of H.R. 3100, Know Your Caller Act of 2000 (corrections calendar);

Consideration of Suspensions:

1. H.R. 5117—Missing Children Tax Fairness Act of 2000;
2. H.R. 4519—Baylee's Law;
3. H.R. 2572—Apollo Exploration Award;
4. H.R. 4429—Electronic Commerce Enhancement Act of 2000;
5. H.R. 4946—National Small Business Regulatory Assistance Act of 2000;
6. H.R. 4944—Export Working Capital Loan Improvement Act of 2000;
7. H.R. 4613—National Historic Lighthouse Preservation Act of 2000 ;
8. H.R. 3745—Effigy Mounds National Monument Additions;
9. H.R. 2752—Lincoln County Lands Act;
10. H.R. 2267—Willing Seller Amendments of 2000 to the National Trails System Act;
11. S. 1324—Gettysburg Park Expansion;
12. H.R. 4835—George Washington Memorial Parkway Land Exchange;
13. H.R. 5036—Dayton Aviation Heritage Preservation Amendments Act;
14. H.R. 4904—United States relationship with Native Hawaiians;
15. H.Res. 578—Congratulating home educators and home schooled students;
16. H.R. 4292—Born-Alive Infants Protection Act;
17. H.R. 4259—National Museum of the American Indian Commemorative Coin Act;
18. H.R. ____—United States Mint Numismatic Coin Clarification Act;
19. S. 1295—Lance Corporal Harold Gomez Post Office Designation;
20. H.Res. 547—Peace process in Northern Ireland;
21. H.R. 1248—Violence Against Women Act;
22. H.R. 999—Beaches Environmental Awareness, Cleanup, and Health;
23. H.R. 5175—Relief to Small Businesses from Liability under the Comprehensive Environmental Response, Compensation, and Liability Act;
24. H.R. 1795—National Institute of Biomedical Imaging and Engineering Establishment;
25. H.R. 2641—Technical Corrections to Title X of the Energy Policy Act of 1992;
26. H.R. 2346—Enforcement of FCC regulations regarding use of citizens band radio equipment;
27. H.R. 4365—Children's Health Act of 2000.

Extensions of Remarks, as inserted in this issue

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